

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
In the Matter of the Petition of  
PALMYRA CLERICAL & AIDES ASSOCIATION  
Involving Certain Employees of  
PALMYRA AREA SCHOOLS JOINT SCHOOL  
DISTRICT NO. 1  
-----

Case VII  
No. 19128 ME-1192  
Decision No. 13730

Appearances:

Ms. Cathie Boglitsch, President, and Mr. M. Edward Tridle,  
Executive Director, appearing on behalf of the Petitioner.  
Mr. Harry Hayes, District Administrator, appearing on behalf of  
the Municipal Employer.

DIRECTION OF ELECTION

Palmyra Clerical and Aides Association, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of Palmyra Area Schools Joint School District No. 1; and hearing on said petition having been conducted at Palmyra, Wisconsin, on May 28, 1975, Hearing Officer, Kay Hutchison being present; and the Commission having considered the evidence <sup>1/</sup> and being satisfied that a question of representation has arisen concerning certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time secretaries and aides but excluding the administrative secretary employed by Palmyra Area Schools Joint School District No. 1, on June 19, 1975, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented

---

<sup>1/</sup> The hearing was stenographically recorded. However, the parties waived the provisions of Section 227.12 of the Wisconsin Statutes, thereby permitting the Commission to issue its Direction of Election without resort to the transcribed record, or the submission of the Hearing Officer's recommendations to the parties.

by Palmyra Clerical and Aides Association for the purposes of collective bargaining with the above Municipal Employer.

Given under our hands and seal at the City of Madison, Wisconsin, this 19<sup>th</sup> day of June, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

Herman Torosian  
Herman Torosian, Commissioner

No. 13730

PALMYRA AREA SCHOOLS JOINT SCHOOL DISTRICT NO. 1, VII,  
Decision No. 13730

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, issues arose with regard to the appropriate inclusion or exclusion of the payroll aide position and the federally funded aide positions in the collective bargaining unit. The Municipal Employer, contrary to the Union, avers that the payroll aide and five federally funded positions should be appropriately excluded from the collective bargaining unit.

Ms. Cathie Boglitsch is employed as a payroll aide for 35 hours a week during ten months of a calendar year. Ms. Boglitsch works along side Ms. Mary Ann McNally, the Administrative Secretary and bookkeeper. Ms. McNally serves as secretary to the Board of Education and the District Administrator. The Administrative Secretary attends and records board meetings during which negotiation matters may be dealt with. On several occasions, Ms. Boglitsch has gathered or prepared financial information relating to salary schedules and health benefits for the District Administrator's use in contract negotiations with the professional teaching staff. Such duties appear to be infrequent and, according to the District Administrator, susceptible of transfer to Ms. McNally. In conjunction with her payroll duties, Ms. Boglitsch has access to the personnel files of the District's employees. She may be required to type the District Administrator's response to an employee grievance. Based upon the foregoing the District asserts that Ms. Boglitsch is a confidential employee and should accordingly be excluded from the collective bargaining unit. The association argues that the confidential matters which Ms. Boglitsch has access to or participates in constitute the de minimus portion of her working time and relate to employees in a collective bargaining unit separate and apart from the unit petitioned for herein.

The Commission determines a given employee's confidential status on the basis of access to or participation in confidential matters relating to labor relations. 2/ Accordingly, the Commission has found that an employee who had access to payroll and personnel records but who was not privy to decisions of the employer with respect to personnel and labor relations policies or bargaining strategy was not a confidential employee. 3/ Similarly, an individual who worked on the budget but who was not a member of the Municipal Employer's negotiating team and was not involved in the negotiating process except on a de minimus basis was held not to be confidential. 4/ The Commission has held that the fact that an employee may occasionally be assigned confidential duties is not a basis for exclusion from the unit. 5/

In the instant proceeding the Commission is satisfied that the incumbent payroll aide spends a de minimus amount of time on matters relating to labor relations and that there is a confidential employee, namely the Administrative Secretary, who could assume those limited functions. Therefore, the Commission concludes that the payroll aide

---

2/ City of Milwaukee (11971) 7/73.

3/ Juneau County (12814) 5/74.

4/ City of Superior (10758) 4/73.

5/ Outagamie County (11923) 6/73, Watertown Unified School District No. 1, (12166-A) 3/74.

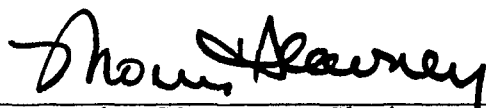
position, presently occupied by Cathie Boglitsch, is appropriately included in the collective bargaining unit herein.

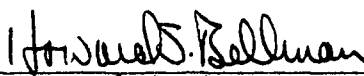
The Municipal Employer also raised an issue with respect to the appropriate inclusion or exclusion of five federally funded aide positions occupied by Palmera Breidenbach, Carol Calkins, Patricia Rabay, Mary Lou Moran and Arlene Williams. The federally funded aides are compensated and supervised on the same basis as the locally funded aides. The District argues that the nature of the positions' funding creates uncertainty with regard to the continuation of such positions. The District asserts that the federally funded positions could be eliminated at any time due to discontinuation of federal funds.

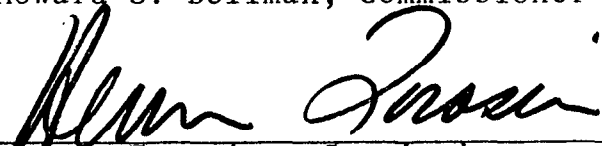
The Commission has held the fact that salaries of certain employees that are funded by another unit of government does not provide a basis for the exclusion of such employees from a collective bargaining unit, where said employees perform unit work and are employed under the same conditions applied to unit employees. 6/ Accordingly, the Commission finds the five federally funded positions to be appropriately included in the collective bargaining unit.

Dated at Madison, Wisconsin, this 19th day of June, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Howard S. Bellman, Commissioner

  
Herman Torosian, Commissioner

---

6/ Tomah School District No. 1 (8209-C) 3/72, Adams-Friendship Area Schools (11881) 5/73, Blackhawk Technical Institute (11726-A) 7/73, Janesville Joint School District No. 1 (13617) 5/75, Burlington Area School District (13702) 6/75.