

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARSHFIELD JOINT SCHOOL DISTRICT NO. 1

No. 14575-A

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION FOR RECONSIDERATION

The election herein was conducted on May 18, 1976 and the results were certified by the Commission on May 28, 1976. Five of the seven clerical employees who work in the Municipal Employer's central office were found eligible to vote and four of said employees actually voted in the election.

On June 30, 1976, Arnold A. Bluemke, Assistant Superintendent for the District, wrote the Commission and indicated that certain employees in the District were excluded from the bargaining unit and that "it has now become apparent that the matter of which secretaries shall be included or excluded from the unit needs to be reviewed." When asked for a more specific statement as to why the Municipal Employer felt such a review was appropriate at this time, Bluemke responded as follows:

"This is in response to your letter of July 1 requesting more specific information as to the position of the District in regard to which secretaries should be included or excluded from the unit.

The concern of the district is only with the secretaries employed in the Central Office. We concede that secretaries employed in the various individual schools should logically belong to the unit.

Following is a listing of secretaries employed in the Central Office of the District:

Andrew, Catherine	Secretary of Elementary
Butterbrodt, Judith	Bookkeeper
*Fischer, Constance	Ass't. Superintendent's Secretary
Holland, Dinah	Payroll Secretary
Michalski, Jean	Purchasing Secretary
*Sochan, Constance	Superintendent's Secretary
Voll, Eleanor	General Secretary (part time)

*Excluded at present

At the time we received notice of the February 13 hearing, it was indicated that only teacher aides and food service workers would be involved in the unit. During the course of the hearing, Mr. Schmidt of the Uniserv Council stated that he had decided to request addition of the secretaries to the unit. Consequently, the district representatives at the hearing were not instantly aware of all the implications involved in having only two Central Office persons excluded from the unit.

Following are the reasons why a unit clarification is being requested:

1. The Central Office in our district may be unique in certain respects. While each employee has certain duties, as stated in the hearing testimony, we have a high degree of cooperation between the various individuals. When a secretary is caught up with her work, she volunteers to help out others having an excess of work at that particular time.
2. Many duties in a school district Central Office are inter-related, requiring consultation between secretaries. For example, when employee negotiations are in progress, the Superintendent's secretary needs to involve persons responsible for budget, payroll, and bookkeeping in order to gather pertinent information.

3. During periods of absence or vacation it is necessary for secretaries to switch duties in order to have work done promptly and effectively.
4. All secretaries, except one, work in one undivided office in close proximity to each other.
5. Harmonious working conditions are important in an office such as ours. In effect, we have created two classes of workers in our office. Some of the secretaries may look at this as the establishment of a hierarchy."

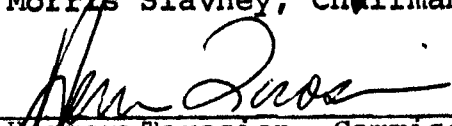
The petition was amended on the day of the hearing to include secretaries, and the District raised no objection to that amendment and participated fully in the hearing insofar as it dealt with clerical employees. Furthermore, the facts and arguments cited by the District would not alter the Commission's determination. It is clear that an employer cannot be allowed to exclude an inordinately large number of employees by spreading the work of a confidential nature among such employees or giving them occasional tasks of a confidential nature. To do so would be to allow the employer to deprive said employees of their status as "employees" under the law. 2/ Finally, the physical proximity of confidential and non-confidential employees or the effect of a finding a confidential status or non-confidential status on the sociometry of the work place are not appropriate considerations in making a determination of whether employees are confidential employees.

Dated at Madison, Wisconsin this 28th day of July, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Charles D. Hoornstra, Commissioner

2/ Menomonee Falls Jt. School Dist. No. 1 (11669) 3/73; Cudahy Bd. of Education (12087) 8/73.

