

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

CENTRAL WISCONSIN UNISERV COUNCIL-
WEST

Involving Certain Employees of

MARSHFIELD JOINT SCHOOL DISTRICT #1

Case III

No. 20002 ME-1275

Decision No. 14575

Appearances:

Mr. Richard W. Schmidt, Executive Director, appearing on behalf
of the Petitioner.

Mr. Arnold Blacmke, Assistant Superintendent, appearing on behalf
of the Municipal Employer.

DIRECTION OF ELECTION

Central Wisconsin UniServ Council - West, hereinafter referred to as the Petitioner, having, on January 7, 1976, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election, pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act, among certain employees of Marshfield Joint School District No. 1 to determine whether said employees desire to be represented by said Petitioner for the purposes of collective bargaining; and a hearing on such petition having been held at Marshfield, Wisconsin, on February 13, 1976, Sherwood Malamud, Hearing Officer, being present; and the Commission having considered the evidence and being fully advised in the premises, and being satisfied that a question has arisen concerning representation of certain employees of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all regular full-time and regular part-time employees of the Marshfield Joint School District including food service employees, laundry employees, teacher aides, audio-visual technician, and clerical and secretarial employees, but excluding members of the teacher bargaining unit and members of the custodial unit and all supervisory, managerial and confidential employees, who were employed by Marshfield Joint School District #1 on April 30, 1976, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether such employees desire to be represented by Central Wisconsin UniServ Council-West for the purposes of collective bargaining with Marshfield Joint School District #1.

Given under our hands and seal at the
City of Madison, Wisconsin this 30th
day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

No. 14575

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition, the Petitioner requested that an election be directed in a unit described as:

"All non-teaching, non-certificated personnel, excluding custodians, bus drivers, and secretaries."

The non-teaching and non-certificated personnel employed by the School District include the classifications of food service employes, teacher aides-instructional; teacher aides-supervisory; 1/ teacher aides-language arts/remedial reading; teacher aides-clerical; an employe who is employed in the laundry 5½ hours daily; and an audio-visual technician. The employes described as secretaries include various secretarial personnel and bookkeepers. During the course of the hearing the Petitioner amended its petition to include the "secretarial employes" in the unit. The Municipal Employer took no position as to the inclusion or exclusion of the secretaries and bookkeepers in the unit. However, the Municipal Employer indicated that, should the "secretarial employes" be excluded from the unit, the Municipal Employer would also exclude the teacher aides-clerical from the unit. Since the teacher aides, who have teaching certificates, are not engaged in teaching, they are not performing "professional" duties and are, therefore, properly included in the unit desired herein.

In addition to certificated teaching personnel, which are represented by the Petitioner in a separate unit, custodial employes are represented by another labor organization in a separate unit. The Municipal Employer does not employ bus drivers. The busing service is subcontracted to a private employer.

The Municipal Employer would exclude the laundry employe from the desired unit, contending that the responsibilities and duties of the laundry worker, Dorothy Faust, are more closely aligned with those individuals in the custodial unit. It should be noted that the laundry worker position has not been included in the custodial unit, and that the wages, hours and working conditions of the laundry worker have not been included in the collective bargaining agreement existing between the organization representing the custodial employes and the Municipal Employer. The primary duties of the laundry worker consists of laundering all towels and uniforms for the physical education and athletic departments, as well as aprons and towels used by the food service employes. The pay level of the position approximates that of a food service worker. We see no compelling reason to exclude the laundry worker from the unit involved herein.

Eva Bender works three hours per day as a food service employe and three and one-half hours per day as a custodian. Her wages, hours and working conditions as a custodian are covered in the collective bargaining agreement covering custodial employes, and therefore, the Municipal Employer would exclude said employe from the desired unit. The Petitioner contends that Bender should be placed by the Commission in either of the units, since Bender performs work as a food service worker and a custodian on a regular part-time basis. Should the Commission place the position in the custodial unit, the bargaining representative thereof could possibly bargain for her wages, hours and working conditions as a food service employe. Since Bender is a regular part-time food service employe, she should be included in the unit involved herein, and therefore eligible to vote. Should the employes select the

1/ The occupants of such positions supervise students in the cafeteria and bus loading areas.

Petitioner as their bargaining representative, its right to represent Bender is limited to wages, hours and working conditions as a part-time food service worker. Since she is also a regular part-time custodial employe, the organization representing custodial employes has a right to bargain for her wages, hours and working conditions as a custodial employe.

Both the Municipal Employer and the Petitioner offered to exclude the audio-visual technician from the unit. The incumbent, Michael Enger, works eight hours per day, 52 weeks per year. He repairs and services the Municipal Employer's audio-visual equipment including television cameras and monitors, movie projectors, etc. By excluding Enger, the Commission would be establishing another potential bargaining unit. The Commission is directed by the Municipal Employment Relations Act to avoid undue fragmentation of units. The Commission concludes that rather than create the potential for a separate technical unit, the audio-visual technician is more appropriately included in the unit described in the Direction.

Based on the above, the Commission finds the appropriate unit to be that as described in the Direction of Election.

The parties agreed that the District Director of the food service program, namely, Anita Reeths, is a supervisor, and further, that Constance Fischer, secretary to the Assistant Superintendent, and Constance Sochan, secretary to the Superintendent, should be excluded from the eligibles on the basis of confidentiality. It should be further noted that the eligibles in the unit consist of secretarial and clerical employes. While there are no positions classified as clerical, as such, there are three bookkeepers in the employ of the Municipal Employer. Said classifications are included in the unit as "secretarial and clerical" employes.

Dated at Madison, Wisconsin this 30th day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner