

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 In the matter of the Petition of
 DISTRICT COUNCIL 48 AND LOCAL 1486,
 AFSCME, AFL-CIO
 Involving Certain Employees of
 SCHOOL DISTRICT NO. 1, VILLAGE OF
 WHITEFISH BAY 1/

Case VII
 No. 20090 ME-1282
 Decision No. 14666

Appearances.

By Mr. Lrv Morak, Business Representative, for the Petitioner.
Mulcahy & Wherry, Attorneys at Law, by Mr. John Coughlin, for
 the Municipal Employer.

DIRECTION OF ELECTION

District Council 48 and Local 1486, AFSCME, AFL-CIO, herein referred to as Petitioner, having on January 28, 1976, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election among certain employes of School District No. 1, Village of Whitefish Bay, herein referred to as the Municipal Employer, to determine whether such employes desired to be represented for purposes of collective bargaining; and hearing in the matter having been held at Whitefish Bay, Wisconsin on March 15, 1976, Stanley H. Michelstetter II, hearing Officer being present, and the Commission having considered the evidence and arguments of the parties and being satisfied that a question has arisen concerning representation for certain employes 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 thirty (30) days from the date of this directive in the collective bargaining unit consisting of all regular full-time and regular part-time clerical employes employed by School District No. 1, Village of Whitefish Bay, excluding supervisory, managerial and confidential employes, who were employed by the Municipal Employer on date of this Direction, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether such employes desire to be represented by District Council 48 and Local 1486, AFSCME, AFL-CIO, for the purposes of collective bargaining with the Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
 City of Madison, Wisconsin this 28th
 day of May, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

by Morris Slavney
 Morris Slavney, Chairman
Herman Torosian
 Herman Torosian, Commissioner

1/ During the hearing the parties stipulated to the Employer's correct name.

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing issues arose as to whether the occupants of certain positions should be included or excluded from the unit. 2/

The Municipal Employer, contrary to the Petitioner, contends that the Executive Secretary to the Superintendent of Schools, Bernadine Queener; Head Bookkeeper, Lois Anderson; Secretary to the Director of Instruction and Personnel, Ruth Schmidt; and Secretary to the Superintendent of Building and Grounds, Lileen Bessett, are all confidential employees and that Lois Anderson is also a supervisor.

EXECUTIVE SECRETARY TO THE SUPERINTENDENT OF SCHOOLS

Queener is responsible for the typing of second level responses to teacher grievances for the superintendent. She is present during the Municipal Employer's deliberations with respect to third level teacher and custodial grievances. After those deliberations she types a tentative response which is not intended to be made immediately available to the grievants. If the Municipal Employer finally adopts the response, it is forwarded; if not, it is never made available to the Union. She also types the Municipal Employer's proposals for teacher collective bargaining. She also apparently is present during management strategy and planning sessions and types minutes thereof which are never revealed outside management circles. As part of her regular responsibility she types teacher reprimands and maintains confidential personnel files in the Superintendent's office. On the basis of the foregoing, we find that Queener is a confidential employee.

SECRETARY TO THE DIRECTOR OF INSTRUCTION AND PERSONNEL

Schmidt performs all the personnel typing for the Director of Instruction and Personnel. She types preliminary notices of teacher nonrenewals, the Director's supervision reports for teachers, the Municipal Employer's personnel report, all of which contain sensitive disciplinary information. Only the supervision report and preliminary notice of nonrenewal are available to the employee involved and none of the foregoing is available to any employee organization. Schmidt does not have access to confidential personnel files nor other matters concerning the custodial bargaining unit.

Smith will be privy to the development of collective bargaining policy with the instant unit should it select a collective bargaining representative. Schmidt will then be present at confidential planning sessions, type minutes thereof and prepare tentative collective bargaining proposals. We are thus satisfied that Schmidt is a confidential employee.

HEAD BOOKKEEPER

While Gland, the Director of Business Services, is responsible for the costing of the Municipal Employer's tentative proposals and those received from labor organizations, Anderson is responsible for, and has

2/ The parties stipulated that the Secretary to the Director of Business Services, Edith Dingman, is a confidential employee.

considerable knowledge of, the municipal employer's bookkeeping system. Anderson uses this knowledge to assist Gland in devising systems for costing out possible collective bargaining proposals from management and to develop reliable data therefor. In addition Anderson also costs out Union proposals. Because Anderson is privy to and participates in the development of the proposals of the Municipal Employer, we find that Anderson is a confidential employe and therefore excluded from the unit. 3/

SECRETARY TO THE DIRECTOR OF BUILDINGS AND GROUNDS

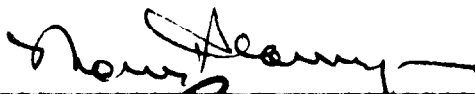
The Superintendent of Buildings and Grounds, A. Bostad, is the supervisor of the custodial unit represented by Petitioner. Bostad is a close advisor to Gland in matters of negotiations with respect to that unit and is responsible for the first level of the grievance procedure. Bostad's offices are located away from all other management offices.

Bessette, Bostad's secretary is not involved in the negotiating process, except when Bostad assigns her to retrieve information for those portions of the costing process Gland has assigned him. Bessette's costing work product is available to Petitioner. 4/ Written grievances are filed with Bostad at the first step of the grievance procedure. Bostad meets with the grievant and the Petitioner and answers the grievance orally, after which Bessette types up his answer. The written answer is immediately available to the Petitioner. When Bostad intends to issue a written reprimand to an employe, he meets with the employe and a representative of the Petitioner, reprimands him orally and thereafter has Bessette type a written reprimand. Petitioner is aware of the contents of the written reprimand. Bessette types Bostad's evaluations of custodial employes which are not available to the Petitioner. Bessette has access to custodial employes' personnel files, but does not have responsibility for maintaining them. Her functions require access only to the nonconfidential portions thereof. In view of the minimal nature of the evaluation typing function and personnel file access, we are satisfied that Bessette is not a confidential employe, and therefore eligible to vote.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BY


Morris Slavney, Chairman


Herman Torosian, Commissioner

3/ Since we have excluded the head bookkeeper as confidential, we deem it unnecessary to determine whether the position is supervisory.

4/ Article VI at p. 5 of Custodial Agreement, tr. p. 11.