

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Decision No. 14814-D

No. 14814-D

5. That Roland Terracina, the Lead Offset Press Operator, exercises supervisory authority with respect to the employees in the District's print shop in sufficient combination and degree to warrant the conclusion that his is a supervisory position.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes and files the following

CONCLUSION OF LAW

That the position of Lead Offset Press Operator, is a supervisory position within the meaning of Section 111.70(1)(o) of the Municipal Employment Relations Act.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issues the following

ORDER CLARIFYING BARGAINING UNIT


That the position of Lead Offset Press Operator shall be, and hereby is, excluded from the unit described above in Finding of Fact No. 3.

Given under our hands and seal at the
City of Madison, Wisconsin this 18th
day of May, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER CLARIFYING BARGAINING UNIT

The Employer petitioned for the Lead Offset Press Operator in the Employer's Printing Services Department to be excluded from the unit of clerical and support employees represented by MTI on the basis of its claim that it is a supervisory position. The parties stipulated in the original election case in this matter that the position of Lead Offset Press Operator (Roland Terracina) be included in the clerical and support staff unit; the Employer bases its petition now on changes that have occurred in the Printing Services Department since then. In June of 1977 that department was reorganized and Terracina assumed additional responsibilities; further functions were added to his job over the ensuing six months, and there is no dispute that a job description prepared by Terracina in February, 1978 remains accurate. According to that description, Terracina's time is allocated as follows:

TIME	WORK
25%	1. Supervises and coordinates the flow of work between the printing, composition, and graphic art functions.
15%	2. Supervises the 8 employees who make up Printing Services.
15%	3. Provides guidance and technical advice to users pertaining to printing processes and procedures.
5%	4. Helps develop and establish operational procedures for the Department of Printing Services.
5%	5. Responsible for maintaining all inventories for the Department of Printing Services.
5%	6. Assists the Manager of Instruction Support Services in both short and long-range planning.
5%	7. Responsible for quality control of all printed, composed and graphic arts materials.
5%	8. Responsible for pricing and billing all printing requests.
5%	9. Maintains all records of pertinent information necessary for day-to-day operation.
2%	10. Assists in hiring and evaluation of new Printing Services Department personnel.
2%	11. Does all job estimating for the Department of Printing Services.
1%	12. Maintains and provides for the repair and replacement of printing and related equipment.
10%	13. Operates all equipment in Printing Services.

The Printing Services Department is a print shop which does a wide variety of printing jobs for in-house "customers". The shop's eight employees operate various kinds of presses, and though each employee can operate most if not all of the equipment in the shop, each customarily works at a specific machine. Most of the jobs are scheduled well in advance, sometimes as much as a year ahead of time. Terracina schedules jobs by placing them in a book to which an employee refers when he needs to know what job to do next, but the jobs are assigned on the basis of the appropriate machine rather than to a particular employee as such. Terracina testified that he exercises quality control functions and has authority to have work redone.

Terracina has never been told he has authority to discipline or discharge employees or to resolve grievances, and since the change in his job function no occasion has arisen in which a shop employee has been disciplined, discharged or transferred, or has filed a grievance. Terracina testified, however, that if an employee had a grievance he would expect that employee to come to him first. Terracina is the person to whom print shop employees call in sick, and he can and does grant time off at his own discretion. He also schedules vacations, though these

are, apparently, largely controlled by seniority preference. Terracina has been the highest-ranking employee in the Printing Services Department since the June, 1977 reorganization dispensed with the position of Printing Services Manager, and a February, 1978 memorandum from Terracina's superior, Richard Berens, to his supervisor, Michael Burie, notes that "Roland was assigned the responsibilities of the Manager of Printing Services in June, 1977...."

This memorandum was part of a small campaign aimed at securing for Terracina a jump in pay from range 10 to range 14; the Employer argues that this is appropriate because Terracina has allegedly assumed supervisory responsibilities, while the Union agrees that the raise is appropriate, but on the ground that Terracina has assumed additional non-supervisory responsibilities. (The apparent result of this "agreement" is that Terracina has received no pay range increase at all.)

Berens' office is next door to the print shop, he keeps the same hours as the print shop employees and indeed his office has a window which overlooks the print shop. These factors might suggest a close supervisory relationship, but that is belied by the record, which indicates that Berens, who as Manager of Instructional Support Services is responsible for several other departments, has little day-to-day contact with the print shop employees. Since June, 1977, in fact, Terracina has been the sole person to evaluate the print shop employees and Berens takes no part in that process. There has been only one instance since June 1977 when an employee was hired into the department; on that occasion the District's personnel office sent Terracina two applicants, whom he interviewed. Terracina then chose one and recommended (in writing) his hire to the personnel department, but that department sent the papers back for Berens to counter-sign and the employee was not hired until Berens had signed the forms. The Union argues that this proves Terracina did not have the authority to hire the employee or effectively recommend the hiring, but Terracina testified without contradiction that Berens never interviewed either applicant; the explanation of Berens' involvement at all may lie in a note written by Berens on Terracina's February, 1978 job description, (quoted above) which states: "Item #10 states assist 1/ in hiring due to present placement in the bargaining unit." It is obvious, in any case, that Terracina had effective authority to choose from the admittedly limited field of two pre-screened candidates.

In order to determine whether a disputed position is or is not supervisory within the statute's meaning, we consider these factors: 2/

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees;
2. The authority to direct and assign the work force;
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees;

1/ Emphasis added.

2/ St. Croix County (Health Care Center), Decision No. 14518, 4/76;
Amory Joint School District No. 5, Decision No. 15793-A, 4/78.

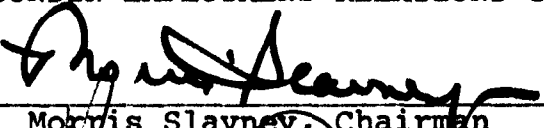
4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or his supervision of employees;
5. Whether the supervisor is primarily supervising an activity or primarily supervising employees;
6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees; and
7. The amount of independent judgment and discretion exercised in the supervision of employees.

In a case which in which any one of these factors taken alone is less than clear-cut, we also consider whether, taken together, they are "sufficient in combination and degree" ^{3/} to warrant a conclusion that the position is, on balance, supervisory. In this case the Lead Offset Press Operator spends only 10% of his time doing production work, has complete autonomy in evaluating 8 employees and can effectively recommend hiring of a specific individual. Even assuming that his job-assignment and quality-control functions are routine, and in the absence of any need for some of the other indicia of supervisory authority, these powers and practices show that Terracina has a sufficient combination and degree of the determining factors to justify a finding that he is a supervisor, and we so find.


Dated at Madison, Wisconsin this 18th day of May, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Marshall L. Gratz, Commissioner

^{3/} Amery Joint School District No. 5, supra.