

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

PORTAGE COUNTY

For Clarification of a Bargaining
Unit Consisting of Certain Employees of

PORTAGE COUNTY

Case XX

No. 20620 ME-1343

Decision No. 14946

Appearances:

Mr. Malcolm H. Einerson, District Representative - WCCME, appearing
on behalf of Portage County Employees, Local 348, AFSCME,
AFL-CIO.

Mr. Daniel G. Golden, District Attorney, appearing on behalf of
Portage County.

ORDER CLARIFYING BARGAINING UNIT

Portage County having, on June 30, 1976, filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that the Commission determine whether a legal secretary position in the District Attorney's office should be included or excluded from an existing voluntarily recognized collective bargaining unit consisting of all regular full-time employees employed in the County Courthouse and the County Home of Portage County, excluding elected officials, County Home administrator, supervisor of nurses, public health nurse, registered nurses, licensed practical nurses, food service supervisor, social worker, director of office services, certified occupational therapist assistant, purchasing agent, maintenance engineer at courthouse, farm agent, home agent, 4-H agent, summer employes, seasonal employes, temporary employes, part-time employes, all supervisory, managerial or confidential employes and employes included in other bargaining units; and a hearing ^{1/} having been held in the matter at Stevens Point, Wisconsin, on August 19, 1976, Douglas V. Knudson, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties, and being fully advised in the premises, and being satisfied that the legal secretary position in question is a confidential position makes and issues the following

ORDER

That the position of Legal Secretary in the District Attorney's office shall be, and hereby is, excluded from the collective bargaining unit described above.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Charles D. Hoonstra
Charles D. Hoonstra, Commissioner

1/ The parties waived, in writing, the preparation of a transcript of the proceeding and the provisions of Section 227.12 of the Wisconsin Statutes.

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

The Municipal Employer, contrary to the Union, asserts that the position of Legal Secretary, in the District Attorney's office, is confidential, and thereby, should appropriately be excluded from the collective bargaining unit represented by the Union.

Currently, a Personnel Technician, is the only position excluded from the bargaining unit as a confidential position. The Personnel Technician is responsible for maintaining the personnel files for all of the Municipal Employer's employees, for establishing and supervising the maintenance of employee records on fringe benefits such as sick leave, vacation, etc, and, for providing various clerical services, such as typing possible proposals and preparing cost studies of proposals for the Municipal Employer's Personnel Committee in matters relating to its contract negotiations with the various Unions which represent its employees in four collective bargaining units.

The incumbent Legal Secretary, Arlene Huff, has held that position since September 1, 1966. 2/ The District Attorney does not represent the County in contract negotiations, but is involved in the processing of grievances and other labor relations matters. The District Attorney regularly dictates memoranda and letters to Huff, which she subsequently types, wherein he provides the Personnel Committee with opinions and advice regarding the possibility of successfully defending said Committee's denial of employee grievances, possible grievance settlements, the relative desirability of alternative courses of action, and, interpretations of contract language. Said materials are not furnished to the unions involved. Huff also prepares various materials for possible use in grievance or interest arbitration, proceedings.

The Personnel Technician, who performs confidential work for the Personnel Committee relating to contract negotiations with the various unions, does not take dictation. Further, the record does not clearly establish that the Personnel Technician would have sufficient time available to perform the confidential work now performed by Huff.

Although some of Huff's work concerns collective bargaining units other than the one from which the Municipal Employer seeks to have her position excluded, the Commission previously has ruled that the confidential status of a position is determined by the incumbent's relationship to the Municipal Employer rather than by the incumbent's relationship to the various collective bargaining units. 3/

On the basis of the foregoing the Commission concludes that the position of Legal Secretary in the District Attorney's office is privy to confidential matters relating to labor relations and, thereby, is properly excluded from the collective bargaining unit.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Charles D. Hoornstra, Commissioner

2/ No evidence was adduced as to the basis for the past inclusion of the position in question.

3/ County of Columbia (12218) 10/73.