

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SCHOOL DISTRICT OF DRUMMOND

Case VIII
No. 23234 ME-1561
Decision No. 16614

Mr. Barry Delaney, UniServ Director, appearing on behalf of the
Petitioner.
Pray, Pray & Clark, Attorneys at Law; Mr. Dale R. Clark and
Mr. Scott W. Clark, appearing on behalf of the Municipal
Employer.

School District of Drummond Employee's Association having, on June 30, 1978, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election among certain employees of the School District of Drummond, to determine whether such employees desire to be represented for purposes of collective bargaining; and a hearing on said petition having been held at Drummond, Wisconsin, on August 21, 1978, before James D. Lynch, a member of the Commission's staff; and a transcript having been prepared and a brief in said matter having been filed by September 14, 1978; and the Commission, having considered the evidence and arguments of the parties, issues the following Findings of Fact, Conclusions of Law and Direction of Election.

1. That School District of Drummond Employee's Association, hereinafter referred to as the Association, is a labor organization, with offices at Hayward, Wisconsin.

2. That School District of Drummond, hereinafter referred to as the District, has its offices at Drummond, Wisconsin, and operates schools in Drummond, Wisconsin.

3. That in its petition initiating the instant proceeding the Association contended that the unit appropriate for collective bargaining should consist of "all non-supervisory, non-certified staff regularly employed by the District."

4. That the non-certified staff of the District consists of the following individuals, in the classifications noted, and at the schools noted:

Head Cooks

Helen Clark - Drummond
Joanne Bjork - Grand View
Mary Ellen Andersen - Cable

Office Staff At Drummond

Delores Meschievitz - Administrative Secretary
Juanita Unseth - Secretary
Gerry Hoiby - Secretary
Chris Jackson - Bookkeeper
(Financial Secretary)

Office Staff at Cable

Velia Crane - Secretary

Janitors

James Lee - Drummond
Herb Pacholke - Drummond
Vic Harvey - Cable
Francis Sabin - Grand View

Cooks

Francis DeLauderantaye - Drummond
Gertrude Kneeland - Grand View
Dorothy Nelson - Cable

Assistant Cooks

Kathryn Fredericks - Drummond
Doris Eglseider - Drummond

Bus Drivers

Bev Amundson
Paul Andersen
Jean Gray
George Robertson
Eldon Kravick
Paul Marehchin
Gene Miller
Paul Kneeland

Bus Mechanic

Paul Jenkins

5. That during the course of the hearing herein the District, contrary to the Association, contended that the individuals occupying the positions of Bookkeeper (Financial Secretary), Chris Jackson, and Administrative Secretary, Delores Meschievitz, perform confidential duties and therefore should be excluded from the unit involved, and, further that Head Cooks, Helen Clark, Mary Ellen Andersen, and Joanne Bjork, should also be excluded from said unit, contending, contrary to the Association, that said individuals perform supervisory and/or managerial duties.

6. That the individual occupying the position of Bookkeeper (Financial Secretary) has access to, knowledge of, and participates in confidential matters relating to labor relations; that the position of Administrative Secretary does not have access to, knowledge of, or participate in confidential matters relating to labor relations; that the individuals occupying the positions of Head Cooks perform duties of "lead workers" and do not possess, or exercise, supervisory and/or managerial authority in sufficient combination or degree to be deemed supervisory or managerial employees.

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

CONCLUSIONS OF LAW

1. That all non-certified staff regularly employed by the School District of Drummond, excluding managerial, supervisory and confidential employees, constitute an appropriate collective bargaining unit within the meaning of Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act.

2. That the occupants of the positions of Administrative Secretary, and Head Cook are municipal employees within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act; and therefore, the occupants of said positions are appropriately included in the bargaining unit described above, and are eligible to participate in the election directed herein.

3. That the position of Bookkeeper (Financial Secretary) is a confidential position and therefore the occupant of said position is not

a municipal employe within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act; and therefore the occupant of such position is excluded from the bargaining unit described above, and is not eligible to participate in the election directed herein.

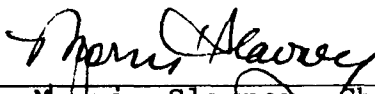
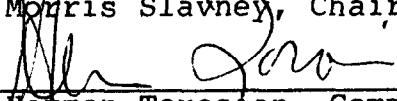
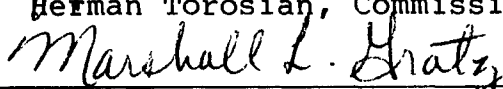
Upon the basis of the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

DIRECTION OF ELECTION

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days of the date of this directive in the appropriate collective bargaining unit consisting of all non-certified staff regularly employed by the School District of Drummond, excluding managerial, supervisory and confidential employes, who were employed by the District on October 17, 1978, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes casting valid ballots desire to be represented by School District of Drummond Employee's Association for the purposes of collective bargaining with respect to wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin this 17th
day of October, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman

Herman Torosian, Commissioner

Marshall L. Gratz, Commissioner

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.

The District, contrary to the Association, contends that the Bookkeeper (Financial Secretary), Chris Jackson, and the Administrative Secretary, Delores Meschievitz, are confidential employees and that three Head Cooks, Mary Ellen Andersen, Joanne Bjork, and Helen Clark, are managerial and/or supervisory employees.

Bookkeeper:

The Bookkeeper, 1/ Chris Jackson, works in the District Administrator's office. She is responsible for payroll and record keeping, and reporting on the District's financial condition for utilization in planning the District's budget, and evaluating the condition of finances during the budget period. Part of Jackson's duties--aggregating to approximately three weeks' per year--consist of preparation of figures and materials utilized in negotiations by the District Administrator and the District's other bargaining representatives. In addition to calculating the costs and individual increases to teachers that would result from various possible modifications in the base salary (she ran ten different salary schedule calculations last year), Jackson also prepares cost comparisons of the District's position as compared with that of other Districts from information gathered by the District Administrator. Jackson performs such negotiation-related duties both prior to the initiation of bargaining and at other times periodically throughout the year.

Because Jackson is the only financial resource person available to the District Administrator, and because she is involved both in budget analysis and bargaining-data preparation for the advising of, and utilization by, the District's bargainiers, 2/ and because there is no other confidential employee in the District, we conclude that Jackson is properly excluded from the unit as a confidential employee, 3/ and therefore she is not eligible to vote.

Secretary to the Administrator:

Meschievitz, the Secretary to the Administrator, performs a wide variety of general clerical functions including maintaining the Administrator's calendar and typing reports and correspondence of various types, including teacher evaluations, copies of which are given to each teacher and are placed in the teacher's personnel file, to which the teacher has access. There is no record evidence to establish that Meschievitz is privy to confidential matters relating to collective bargaining or the administration of any collective bargaining agreements. We conclude she is not a confidential employee, and therefore included in the unit and eligible to vote.

Head Cooks:

The Head Cooks are responsible for preparing and serving food in the School's lunch program. They work side by side with the other cooks and

1/ Referred to as "Financial Secretary" by the Administrator.

2/ Board of Area, Vocational, Technical and Adult Education, District No. 7, (9188), 8/69; Menasha Joint School District No. 1, (11256), 8/72.

3/ Village of Brown Deer, (8915), 2/69.

are responsible for laying out the work of the others. Mr. Bjork testified that to his knowledge none of the Head Cooks has ever hired, fired or disciplined another employee. Accordingly, they perform the duties of "lead workers" and do not exercise supervisory authority. The Head Cooks are responsible for planning menus and purchasing supplies but they do so only after consultation with District Administrator Bjork. Accordingly, the Head Cooks do not participate in the formulation of management policy. They do not have the authority to commit the District's resources in a manner sufficient to warrant their exclusion from the unit as managerial employees. 4/ Therefore the Head Cooks are included in the unit and are eligible to vote.

Dated at Madison, Wisconsin this 17th day of October, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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4/ See Shawano County Sheriff's Department, (15257), 3/77, wherein the Commission held that the authority to make expenditures from an account is ministerial and does not confer managerial status. See also Winter Joint School District, (16467), 7/78.