

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
THE RIVERDALE SCHOOL DISTRICT	:	Case III
Involving Certain Employes of	:	No. 24276 ME-1647
RIVERDALE SCHOOL DISTRICT represented	:	Decision No. 16968-A
by the SOUTH WEST TEACHERS UNITED	:	

Appearances:

Mr. Karl Monson, Consultant, Wisconsin Association of School Boards, appearing on behalf of the Petitioner, the District.
Mr. Paul Bierbrauer, Executive Director, appearing on behalf of South West Teachers United.

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

Riverdale School District, having filed a petition on May 29, 1980, requesting the Wisconsin Employment Relations Commission to clarify an existing collective bargaining unit consisting of certain of its employes who are represented by the South West Teachers United; and hearing on said petition having been conducted on August 28, 1980 at Muscoda, Wisconsin, Sherwood Malamud, Examiner being present; the parties having presented testimony and oral argument at the hearing, and a transcriptual record of the hearing having been prepared; and the Commission having considered the evidence and argument of the parties, and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. That the Riverdale School District, hereinafter referred to as the District is a K-12 public school district and it maintains its offices in Muscoda, Wisconsin.
2. That South West Teachers United, hereinafter referred to as the Union is a labor organization, and it maintains its offices in Fennimore, Wisconsin.
3. That following an election conducted pursuant to a stipulation entered into by the parties herein, the Wisconsin Employment Relations Commission in May, 1979, certified the SWTU as the exclusive collective bargaining representative of all regular full-time and regular part-time auxiliary personnel employed by the District, but excluding supervisory, managerial and confidential employes.
4. That in its petition, the District seeks the exclusion of the only bookkeeper position in its employ which it contends was improperly included within the bargaining unit and should have been excluded therefrom on the claim that it is a confidential position.
5. That the Bookkeeper is located in the District Administrator's suite of offices in the primary school in Muscoda; that the District Administrator, and the latter's Secretary, who is a confidential employe and excluded from the collective bargaining unit, are the only other individuals who occupy said suite of offices; that the Bookkeeper maintains the District's financial records, compiles monthly and quarterly payroll reports, prepares the payroll for computer processing, and maintains records of employe participation in benefit programs such as health and life insurance; that the Bookkeeper also provides information to the District's Administrator and Board of Education as to the amounts expended in various budget categories to permit construction of a budget; and that at year end, the Bookkeeper identifies budget items having a surplus in the event that the District's Board may determine to expend

additional funds; and that the bookkeeper is not privy to any matters relating to labor relations or collective bargaining involving any of the employes of the District.

Based upon the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSION OF LAW

1. That the occupant of the position of Bookkeeper is a municipal employe within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act.


Based upon 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 Bookkeeper is properly included in the collective bargaining unit consisting of all regular full-time and regular part-time auxiliary personnel in the employ of Riverdale School District, but excluding supervisory, managerial and confidential employes.

Given under our hands and seal at the
City of Madison, Wisconsin this 25th
day of June, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Gary L. Covelli, Chairman


Morris Slavney, Commissioner


Herman Torosian, Commissioner

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

Prior to the election leading to the certification of the Union as the exclusive collective bargaining representative of the auxiliary personnel in the employ of the District, the parties stipulated to the eligibles to be included in the bargaining unit. The Secretary was agreed upon as being a confidential employe and therefore excluded from the unit. The parties included the Bookkeeper among those positions deemed in the bargaining unit. The Union was certified as the bargaining representative in May, 1979.

The District, in the instant proceeding, seeks to exclude the Bookkeeper from the unit on the claim that the incumbent of the position is a confidential employe and that the District's agreement to include the position in the unit at the time of the original election was erroneous, and thereby it has not waived its right to now object thereto. The Union contends that the occupant of the position is not privy to, nor participates in, confidential matters relating to labor relations and/or collective bargaining matters, and that therefore the Bookkeeper position should remain in the collective bargaining unit represented by it.

Discussion

The record evidence clearly demonstrates that the position of District Bookkeeper and its incumbent for over twenty years, Mrs. Chitwood, is responsible for keeping the District's financial records, preparing the District's payroll for data processing, and maintaining records of employe participation in benefit programs such as health and life insurance. During the spring of 1980, prior to Dr. Hard's assumption of the position of District Administrator, the Bookkeeper worked with the budget committee of the District's board in building a budget. Chitwood, provided the District with information with regard to the level of expenditures in various budget categories. She advised them of those areas where a surplus remained to be expended prior to the end of the fiscal year. However, she did not recommend any proposals to be made in collective bargaining relating to either the auxiliary or professional units.

In Wisconsin Heights School District 1/ the Commission repeated the criteria it employs in determining the confidential status of a job or position. The Commission stated that:

. . . in order for an employe to be considered a confidential employe, and thereby excluded from the bargaining unit, such an employe must have knowledge of, or participate in confidential matters relating to labor relations.

. . .

In order for information to be confidential for such purpose it must be the type of information that deals with (1) the employer's strategy or position in collective bargaining, contract administration, litigation or other similiar matters pertaining to labor relations between the bargaining representative and the employer and (2) is not available to the bargaining representative or its agents.

1/ Dec. No. (17182) 8/79

Here Chitwood does not participate, nor has she in the past ever participated, in the formulation of the District's strategy in collective bargaining or contract administration. In addition, the records she maintains are either public documents or information readily available to individual employees or the Union. In fact, in preparation for bargaining for the 1980-1981 contract, Chitwood prepared financial statements for use by both the District and the Union. Chitwood's access to files or information as a result of the location of her work station in the Administrator's suite of offices does not provide a basis for her exclusion from the unit. 2/ Accordingly, the Commission concludes that the occupant of the position of Bookkeeper is not a confidential employee, 3/ and therefore, the position shall remain in the collective bargaining unit.

Dated at Madison, Wisconsin this 25th day of June, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Gary L. Covelli*
Gary L. Covelli, Chairman

Morris Slavney
Morris Slavney, Commissioner

Herman Torosian
Herman Torosian, Commissioner

2/ Wisconsin Heights School District, supra.

3/ See Cooperative Educational Service Agency No. 4 (14177-A) 7/80 wherein the Commission found the Bookkeeper position did not perform confidential duties.