
MOSINEE SCHOOL DISTRICT,

Decision No. 20479-G

Petitioner,

Case No. 02CV592

vs.

[NOTE: This document was re-keyed by
WERC. Original pagination has been
retained.]WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

MEMORANDUM DECISION

Respondent.

The petitioner, Mosinee School District, seeks reversal of respondent's ruling that the Payroll Accounting/Human Resources Specialist is not a confidential employee and, therefore, should be included in the Mosinee Educational Support Personnel Association bargaining unit.

The record indicates that the respondent reviewed the evidence as to whether or not the Payroll Accounting/Human Resources Specialist position met the criteria for confidential status within the meaning of Sec. 111.70(1)(i) Wis. Stats. After hearing, the respondent made extensive findings of fact including a finding that the Payroll Accounting/Human Resources Specialist position does not have sufficient access to, knowledge of, or participation in confidential labor relations matters to be a confidential employee. This Court finds that the findings of the respondent are supported by substantial evidence in the record. The Court hereby accepts the findings of the respondent as conclusive.

The respondent argues that the respondent's decision as to whether an employee is a confidential employee is entitled to great weight deference. Mineral Point Unified School District v. WERC, 251 Wis.2d 325, 334-340, 641 N.W.2d 701 (Ct. App. 2002). Generally, the

Court is to give great weight deference when four factors have been met:

1. The agency was charged by the legislature with the duty of administering the statutes; and
2. The interpretation of the agency is long standing; and
3. The agency employed its expertise or specialized knowledge in forming the interpretation; and
4. The agency's interpretation will provide uniformity and consistency in the application of the statute.

In this case, the petitioner has conceded the first three factors of the "great weight" standard of review. The respondent argues, however, that the fourth factor is at issue in that the respondent's interpretation will not provide uniformity and consistency in the application of the statute because its decision in this case is inconsistent with prior rulings.

Under the "great weight" standard of review, this Court must uphold an agency's reasonable interpretation that is not contrary to the clear meaning of the statute, even if the Court feels that an alternative interpretation is more reasonable. The Court must affirm the respondent's decision if there is any rational basis to support it.

This Court has taken judicial notice of the prior decisions of the respondent cited in its Memorandum Decision and in its Brief. The respondent has long held that a de minimis exposure to confidential labor relations matters as generally insufficient grounds for exclusion of an employee from a bargaining unit. The respondent's conclusion that the combination of the various job duties of the Payroll Accounting/Human Resources Specialist position is not

sufficient to warrant her exclusion from the bargaining unit as a confidential employee is consistent with the respondent's interpretation of the "confidential employee" exemption in the long line of cases cited by the respondent. The Court is persuaded that the respondent has addressed the claimed inconsistencies cited by the petitioner and distinguished them. The Court finds that the respondent's decision is reasonable and rationally supported.

CONCLUSION

The decision of the Wisconsin Employment Relations Commission in this case is affirmed in all respects. The counsel for the respondent is directed to provide a proposed judgment for review and execution by this Court

Executed at Wausau, Wisconsin, this 11th day of June, 2003.

BY THE COURT

Patrick Brady /s/
Patrick Brady
Circuit Court Judge