

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
WONEWOC SCHOOL EMPLOYEES	:	
ASSOCIATION	:	Case 12
Involving Certain Employes of	:	No. 34166 ME-3405
WONEWOC-UNION CENTER	:	Decision No. 22684
SCHOOL DISTRICT	:	
	:	

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Appearances:

- Mr. Gerald Roethel, Executive Director, Coulee Region United Educators, P.O. Box 684, LaCrosse, Wisconsin 54602-0684, for the Association.
- Mr. Oscar Pynnonen, District Administrator, Wonewoc-Union Center School District, Wonewoc, Wisconsin 53968, for the School District.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DIRECTION OF ELECTION

Wonewoc School Employees Association having, on November 26, 1984, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among certain employes of Wonewoc-Union Center School District, to determine whether said employes desire to be represented for the purpose of collective bargaining by said Association; and hearing in the matter having been conducted in Wonewoc, Wisconsin on January 22, 1985, by Daniel L. Bernstone, an Examiner on the staff of the Commission; and a transcript of the proceedings having been prepared; and the parties having completed their briefing schedule by February 25, 1985; and the Commission having considered the evidence and the arguments of the parties and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. That Wonewoc School Employees Association, hereinafter the Association, is a labor organization having its principal offices located at Box 684, LaCrosse, Wisconsin 54602.

2. That the Wonewoc-Union Center School District, hereinafter the District, is a municipal employer engaged in the operation of a public school system having its principal offices located at Wonewoc, Wisconsin 53968.

3. That on November 26, 1984, the Association filed a petition requesting the Commission to conduct an election among the District's employes in the following unit:

All regular full-time and regular part-time janitorial, food service, secretarial employees, aides and bus drivers, excluding school administrators, teaching faculty, and substitute teachers.

4. That at the hearing the parties stipulated that the following employes occupying the following positions should be included in the bargaining unit:

<u>Title</u>	<u>Incumbent</u>
Custodian	Clarence Feldman
Custodian	Ambrose Gavin
Custodian	Bob Brown
Cook	Yvonne Feldman
Cook	Wanda Field
Cook	Marion Pagel
Cook	Helen Christopherson
Teacher Aide	Julie Lankey
Teacher Aide	Donna Greeley

5. That at the hearing, the parties stipulated that the sole dispute herein is whether the position of Secretary/Bookkeeper, presently occupied by June Bowers, and the position of Bookkeeper/Secretary, presently occupied by Harriet Zinke, should be excluded from the bargaining unit on the basis that they are confidential in nature; and that the Association contends that neither position is confidential, while the District contends that both positions are confidential.

6. That June Bowers, the Secretary/Bookkeeper for the District, acts as secretary to the District Administrator; that in said position, she does much more secretarial work than bookkeeping, although she is responsible for taking care of all the internal accounting of the school including the bookkeeping for the various organizations and clubs within the high school; that she handles all correspondence with the Board of Education and types all communications emanating from the office of the District Administrator, particularly with respect to teacher union negotiations; that some of that correspondence concerns strategy for collective bargaining with the teachers' union which has been developed by the District Administrator and Board members at meetings; that she types the proposals of the Board of Education; that Bowers is the only one who handles such correspondence except, in her absence, when Harriet Zinke fills in for her; that Bowers also prepares memos, charts and graphs pertaining to collective bargaining negotiations concerning the Wonewoc-Union Center School District; that Bowers works in the high school office; that Bowers has access to Board files pertaining strictly to negotiations; that neither Bowers nor Zinke have attended Board meetings or executive sessions, although there has been discussion about having one of them attend Board meetings in the future; and that evaluations of teachers and members of the proposed bargaining unit herein are written out longhand by the District Administrator and then given to Bowers for typing.

7. That Harriet Zinke occupies the position of Bookkeeper/Secretary; that except for three months in the summer--when she, Bowers and the District Administrator work in the high school office--Zinke works in the elementary school, where she performs her tasks of District bookkeeper and elementary secretary; that Zinke does more bookkeeping work than she does secretarial work; that Zinke handles the District's books and acts as secretary to the District Administrator when Bowers is on vacation, ill or when there is an overload as far as secretarial work is concerned, which is the case at times of negotiations; Zinke does not do as much secretarial work as does Bowers, but has access to all of the records in the school; that probably less than five percent of Zinke's time is devoted to work related to negotiations; that Zinke does not attend Board meetings or executive sessions, although there has been discussion concerning the possibility of having either Bowers or Zinke attend Board meetings in the future; that Zinke handles all the hot lunch money collections, deals with students and answers the telephone; that there have not been meetings on the part of management with respect to strategies and/or policy with regard to labor relations that Zinke has attended; and that Zinke's responsibilities do not include the area of labor relations except to the extent that such may be the case when she fills in for Bowers. Upon the basis of the above Findings of Fact, the Commission makes and issues the following

#### CONCLUSIONS OF LAW

1. That all regular full-time and regular part-time employes of the Wonewoc-Union Center School District, excluding supervisory, managerial, confidential and professional employes, school administrators, teaching faculty and substitute teachers constitute an appropriate collective bargaining unit within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act.

2. That the position of Secretary/Bookkeeper is confidential in nature and, therefore the employe occupying said position, June Bowers, is a confidential employe and is excluded from the collective bargaining unit set forth in Conclusion of Law 1 above.

3. That the position of Bookkeeper/Secretary, occupied by Harriet Zinke, is not confidential in nature and, therefore, Zinke is a municipal employe within the meaning of Sec. 111.70(1)(i), of the Municipal Employment Relations Act and appropriately included in the bargaining unit described in Conclusion of Law 1 above.

4. That a question of representation within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act has arisen among the municipal employes in the collective bargaining unit set forth in Conclusion of Law 1 above.

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

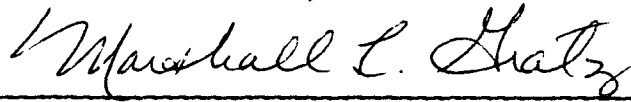
DIRECTION OF ELECTION

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within 45 days from the date of this direction in the collective bargaining unit consisting of all regular full-time and regular part-time employees of the Wonewoc-Union Center School District, excluding supervisory, managerial, confidential and professional employees, school administrators, teaching faculty and substitute teachers who were employed on May 28, 1985, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of said employees voting desire to be represented by the Wonewoc School Employees Association for the purpose of collective bargaining with Wonewoc-Union Center School District on wages, hours and conditions of employment, or whether such employees desire not to be so represented by said labor organization.

Given under our hands and seal at the City of Madison, Wisconsin this 28th day of May, 1985.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Herman Torosian, Chairman

  
Marshall L. Gratz, Commissioner

  
Danae Davis Gordon, Commissioner

WONEWOC-UNION CENTER SCHOOL DISTRICT

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

BACKGROUND

At the hearing, the parties stipulated that the unit described in Finding of Fact 3, above, is an appropriate bargaining unit. The sole dispute concerns whether the position of Bookkeeper/Secretary, which is presently occupied by Harriet Zinke, and the position of Secretary/Bookkeeper, which is presently occupied by June Bowers should be excluded from said unit on the basis of the positions' alleged confidential nature.

POSITIONS OF THE PARTIES

The District argues that both positions are confidential, and should therefore be excluded from the unit. The District maintains that the School District is small, and that employes must therefore be available to perform more than one job. It points out that Bowers and Zinke handle all of the bookkeeping and secretarial responsibilities of the District and have direct access to all school records and files. It argues that Bowers is responsible for almost all of the typing and correspondence originating in the District office and that matters of an extremely confidential nature, pertaining to contract negotiations and bargaining strategy, originating from said office, are handled by her. It points out that Zinke fills in for Bowers when the latter is on vacation or ill, and that Bowers does the same for Zinke. It therefore concludes that both positions are confidential and should be excluded from the bargaining unit.

The Association argues that neither the position of Secretary/Bookkeeper nor the position of Bookkeeper/Secretary is confidential and that both positions should be included in the bargaining unit. It maintains that Zinke's position is that of District bookkeeper and building secretary, and that her daily responsibilities are not related to any confidential matters. Since the Association asserts that Bowers is not a confidential employe, it argues that Zinke's occasional filling in for Bowers cannot justify a conclusion that Zinke's position is confidential. As to Bowers, the Association contends her involvement with confidential matters relating to labor relations is de minimus at best because of the number of other job functions she performs in her position as Secretary/Bookkeeper for the District. It therefore argues that the positions of Secretary/Bookkeeper and Bookkeeper/Secretary should be included in the bargaining unit.

BOOKKEEPER/SECRETARY

The Commission has held that in order for an employe to be considered a confidential employe, such an employe must have access to, have knowledge of, or participate in confidential matters relating to labor relations. In order for information to be confidential for such purposes it must be the type of information which:

- 1) deals with the employer's strategy or position in collective bargaining, contract administration, litigation, or other similar matters pertaining to labor relations and grievance handling between the bargaining representative and the employer; and
- 2) is not information which is available to the bargaining

and answers the telephone. While Zinke does, on occasion, serve as secretary to the District Administrator, that only occurs when June Bowers is on vacation, is ill or when there is an overload of secretarial work during contract negotiations. Zinke has not attended Board meetings or executive sessions. There is no evidence that she has attended any meetings called by management for the purpose of dealing with the District's strategy or position in collective bargaining. Furthermore, with respect to the District's argument that Zinke has access to all school record and files, we have consistently held that accessibility to personnel files is not in itself a sufficient basis for exclusion of an individual as a confidential employe. 2/ Additionally, we have held that an employe who occasionally fills in for a confidential employe is not confidential. 3/ A de minimus exposure to confidential labor relations material generally is insufficient ground for excluding an employe from a bargaining unit. 4/ Here, less than five percent of Zinke's time is spent on matters pertaining to labor relations. Her access to, knowledge of and participation in confidential matter relating to labor relations is therefore minimal. We conclude she is a municipal employe within the meaning of the Municipal Employment Relations Act and is included in the bargaining unit.


#### SECRETARY/BOOKKEEPER

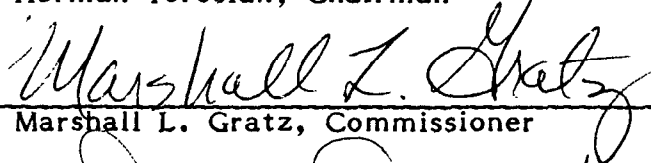
June Bowers, the District's Secretary/Bookkeeper, works in the high school office and serves as the District Administrator's secretary. Although she is responsible for taking care of all the internal accounting of the high school, including the bookkeeping for various organizations and clubs within the high school, she functions primarily as a secretary. Evaluations of teachers and members of the proposed bargaining unit herein are written out longhand by the District Administrator and then given to her to be typed. She types all communications emanating from the District Administrator's office. She has access to Board files which pertain strictly to negotiations with the teachers' union. She is responsible for handling the correspondence with the Board of Education concerning teacher union negotiations. Some of that correspondence concerns the District's strategy for collective bargaining with the teachers' union which has been developed by the District Administrator and Board members at meetings. Bowers also types the Board of Education's contract proposals and prepares memos, charts and graphs pertaining to contract negotiations with the teachers' union. While she has not attended Board meetings or executive sessions, she has access to and knowledge of confidential matters relating to labor relations. Additionally, it should be noted that except for Harriet Zinke, the District's Bookkeeper/Secretary who fills in for Bowers when the latter is ill or on vacation, the District does not have another employe to handle confidential matters pertaining to labor relations. 5/ For these reasons we are satisfied that June Bowers is a confidential employe and should be excluded from the bargaining unit.

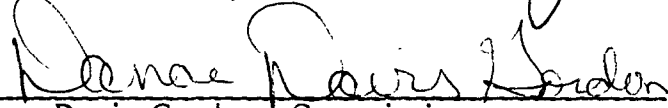
Dated at Madison, Wisconsin this 28th day of May, 1985.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Herman Torosian, Chairman

  
Marshall L. Gratz, Commissioner

  
Danae Davis Gordon, Commissioner

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- 2/ Kenosha County, Dec. No. 21909 (WERC, 8/84); City of Menasha, Dec. No. 14523 (WERC, 4/76); Juneau County, Dec. No. 12814 (WERC, 5/74); Menominee Falls Joint School District #1, Dec. No. 11669 (WERC, 7/73).
  - 3/ Adams-Friendship Area Schools, Dec. No. 11881 (WERC, 5/73).
  - 4/ Wisconsin Heights School District, Dec. No. 17182 (WERC, 8/79); Kenosha VTAE District No. 6, Dec. No. 14993 (WERC, 10/76).
  - 5/ City of Kaukauna (Utility Commission), Dec. No. 17149 (WERC, 1/80).