

STATE OF CALIFORNIA
 DECISION OF THE EDUCATIONAL
 EMPLOYMENT RELATIONS BOARD

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)	
GREENFIELD UNION SCHOOL DISTRICT,)	
)	
Employer,)	
	}	Case No. LA-R-21
and)	
)	
CALIFORNIA SCHOOL EMPLOYEES)	EERB Decision No. 35
ASSOCIATION DEL KERN, CHAPTER 496,)	
)	October 25, 1977
Employee Organization,)	
)	
and)	
)	
KERN COUNTY EMPLOYEES ASSOCIATION,)	
SEIU, LOCAL 700, AFL-CIO,)	
)	
Employee Organization.)	

Appearances: Richard Anthony, Attorney, for Greenfield Union School District; Mary Ruth Gross, Attorney, for California School Employee Association Del Kern, Chapter 496; A.G. Logsdon, for Kern County Employees Association, SEIU Local 700, AFL-CIO.

Before Alleyne, Chairman; Gonzales and Cossack, Members.

OPINION

The Board has considered the record and the attached decision in light of the exceptions and briefs of the parties and has decided to affirm the findings of the hearing officer. Accordingly, the decision as modified herein and the recommended order are adopted.

We note that the number of employees (however small) is not, alone, a basis for concluding that a wall-to-wall unit is appropriate. However, the number of employees in a district may

be so small that a district, as a consequence, may have assigned to employees interchangeable functions and parallel working conditions that are consistent with the community of interest required to find appropriate a wall-to-wall unit under the Act's unit criteria. Additionally, there may be a situation where the number of employees is so small that to find other than a wall-to-wall unit may adversely affect the efficient operations of the school district. While future cases reaching the Board may present facts of the kind noted herein, this case does not.

By/ Raymond J. Gonzales, Member Reginald Alleyne, Chairman

Jerilou H. Cossack, Member, concurring:

In prior cases we have sought to balance the criteria enunciated by Section 3545(a).¹ We have thus established presumptively appropriate units in the classified service. The District argues in this case that the small number of classified employees, alone, warrants departure from our established precedent. However, the District has not demonstrated that the small number of employees has in any way resulted in a different

•"Gov. Code Sec. 3545(a) states:

In each case where the appropriateness of the unit is an issue, the board shall decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which such employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district. (Emphasis added.)

administrative structure or otherwise had any effect on its operations.

While some small school districts may have fewer management and supervisory employees with broader responsibility than that found in larger districts, the record in this case is silent. Nor is there any evidence that the small number of employees has caused the District to utilize other public entities, such as county bookkeeping services, to perform functions normally performed by district employees in larger districts. Further, it is entirely possible that in a district with a small number of employees the employees perform interchangeable functions, have common supervision or regularly transfer between classifications; however, the District did not establish that any of these conditions were met here.

I am reluctant, in the absence of any evidence of the effect of the small number of employees on the District's operations, to find that an arbitrary number mandates a wall-to-wall unit when in all other respects this District is not distinguishable from others in which we have found multiple units to be presumptively appropriate. Accordingly, I affirm the order of the hearing officer,

 Jerilou H. Cossack, Member

EDUCATIONAL EMPLOYMENT RELATIONS BOARD
OF THE STATE OF CALIFORNIA

In the Matter of:)
)
GREENFIELD UNION SCHOOL DISTRICT,)
)
Employer,) Case No. LA-R-21
)
and)
)
CALIFORNIA SCHOOL EMPLOYEES)
ASSOCIATION DEL KERN, Chapter 496,) PROPOSED DECISION
) June 1, 1977
)
Employee Organization,)
)
and)
)
KERN COUNTY EMPLOYEES ASSOCIATION,)
SEIU, Local 700, AFL-CIO,)
)
Employee Organization)

Appearances: Richard Anthony, Attorney, for Greenfield Union School District; Mary Ruth Gross, Attorney, for California School Employee Association Del Kern, Chapter 496; A. G. Logsdon, for Kern County Employees Association, SEIU Local 700, AFL-CIO.

Before Silvia M. Diaz, Hearing Officer.

OPINION

PROCEDURAL HISTORY

On April 1, 1976, Kern County Employees Association, SEIU Local 700, AFL-CIO (S.E.I.U.) filed a request for recognition with the Greenfield Union School District (School District) for a unit of approximately 28 employees.¹ On April 21, 1976, California School Employees Association Del Kern, Chapter 496 (CSEA) filed a request for recognition for all classified employees excluding noon duty

1. SEIU sought recognition for bus driver, custodian, head custodian, head mechanic, groundsman, junior groundsman, junior maintenance man, senior maintenance man and junior mechanic.

supervisors, management, supervisory and confidential employees,² a unit of approximately 74 employees.

On May 3, 1976, the School District filed its response indicating that they doubted the appropriateness of the unit sought by SEIU. A hearing was held on September 2 and 27, 1976. At the start of the hearing, SEIU sought to amend its petition to add food services employees including cafeteria manager and cafeteria helper. The School District objected but later withdrew its objection. This amended unit consists of approximately 48 employees.

The parties stipulated that the following positions are confidential: Administrative secretary, financial secretary, secretary-bookkeeper, secretary-receptionist and secretary to the principal who will be designated on the management bargaining team to bargain with classified employees. That stipulation is accepted without inquiry.

ISSUE

What is the appropriate unit or units for bargaining?

DISCUSSION

Greenfield Union School District has an average daily attendance of 2,924 attending four kindergarten through sixth grade elementary schools and a junior high covering grades seven and eight. The administration building is on a separate site from the schools. The bus garage and maintenance yard are located at the same site as the administration building. Large equipment is stored at this site.

² CSEA's request included job groupings of transportation, food services, clerical and secretarial, maintenance and operations including custodians, maintenance and grounds.

Custodians and head custodians report to the building where they are employed. Groundsmen and maintenance employees report to the maintenance yard for equipment and then to school sites. The head and junior mechanics report to the maintenance yard and remain there for the workday. Bus drivers report to the maintenance yard. For 3 1/2 to 4 hours per day, they drive a bus; the balance of the day, they clean, haul, paint, and work with grounds, maintenance or mechanics as do custodians when school is not in session. There are no educational requirements for these positions. These positions are all supervised by the director of maintenance, operations and transportation. These employees work year round.

The director of food services supervises the cafeteria helpers and cafeteria managers. There are approximately 3 to 3 1/2 food services employees who report to each school site. These employees prepare and service food and clean and do inventory. They work 1 to 2 days before school starts and one day after school ends and are paid hourly for 4, 6 or 8 hours per day.

Teacher aides and library aides are supervised by a school principal and assigned to work with certificated personnel. They generally work the days school is in session. There is no educational requirement. Estimates are that 75-90% have graduated from high school, and some have attended or graduated from college.

Clerical employees are generally ten month employees who are employed at a school site or the administration building and supervised by a principal or administrator.

In Sweetwater,³ the Board established presumptively appropriate units for classified employees. An operations-support services unit including transportation, custodial, gardening, maintenance and cafeteria employees was found appropriate based on community of interest under Government Code Section 3545 (a). Criteria for determining community of interest include work functions, supervision, compensation and work hours.

As in Sweetwater, the primary work functions of the operations-support services employees herein all involve providing a proper physical environment and support services for students. The employees in the unit sought by SEIU drive and repair buses, prepare and serve meals, and perform janitorial, grounds and general maintenance work at district facilities.

Supervision for operations-support services employees is by the director of maintenance, operations and transportation and the director of food services. While there is crossover in the functions of the two assistant superintendents, generally, the superintendent for administration and business services supervises the director of maintenance, operations and transportation and the director of food services. By contract, teacher aides, library aides and secretaries are supervised by principals or administrators who generally report to the superintendent for instructional programs.

Compensation is based on an hourly rate for all classified employees. Most classified employees work eight hours per day. Some cafeteria workers work four or six. Nearly all clerical employees, teacher aides, library aides and cafeteria employees work the school

³ Sweetwater Union High School District, EERB Decision No. 4, November 23, 1976.

year or ten months. Thus compensation and hours are not determinative of community of interest.

Based on work functions and supervision, the operations-support services unit is found to be appropriate.

The extent to which employees belong to the same organization is not determinative. While a substantial number of food services employees belong to CSEA, the record does not reflect how many of SEIU's members are employees in food services. Further, no organization has ever represented classified employees in this School District in its employer-employee relations. Thus, membership does not evidence established practices in this case.

This School District argues that because it is a small district, a wall to wall unit is appropriate. There are 110 classified employees in this School District. The operations-support services unit contains 48 employees. This is not a case where the number of employees is so minute as to render the negotiations and administration of more than one agreement a serious impediment to efficient operation of the School District.

The remaining classified employees in Greenfield Union School District constitute a second negotiating unit. No party presented evidence indicating that the residual unit was inappropriate. Therefore, it is not found inappropriate.

PROPOSED DECISION

It is the proposed decision that:

1. The following units are appropriate for purposes of meeting and negotiating, providing an employee organization becomes the exclusive representative of the unit:

Unit A: Operations-support services unit including the following classifications: custodian, head custodian, head mechanic, junior mechanic, senior maintenance man, junior maintenance man, bus driver, groundsman, junior groundsman, cafeteria manager, cafeteria helper, excluding all other employees including noon duty supervisors, management, supervisory and confidential employees.

Unit B: All classified employees not included in Unit A, excluding all employees in Unit A, noon duty supervisors, management, supervisory and confidential employees.

The parties have seven calendar days from receipt of this proposed decision in which to file exceptions in accordance with Section 33380 of 8 California Administrative Code. If no party files timely exceptions, this proposed decision will become a final order of the Board on June 13, 1977 and a Notice of Decision will issue from the Board.

Within ten workdays after the employer posts the Notice of Decision the employee organizations shall demonstrate to the Regional Director at least 30 percent support in the above unit. The Regional Director shall conduct an election at the end of the posting period if: (1) more than one employee organization qualifies for the ballot, or (2) only one employee organization qualifies for the ballot and the employer does not grant voluntary recognition.

The date used to establish the number of employees in the above units shall be the date of this decision unless another date is deemed appropriate by the Regional Director and noticed . . .

to the parties. In the event another date is selected, the Regional Director may extend the time for employee organizations to demonstrate at least 30 percent support in the units.

Dated: June 1, 1977.

/ Sharrel J. Wyatt 7 0
Hearing Officer