

**From:** [Carl A.](#)  
**To:** [All Alders](#)  
**Subject:** item resolution 87486  
**Date:** Tuesday, March 25, 2025 8:08:21 AM

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I ask you to vote to defeat this union busting item.  
I also ask they you admonish our city administration for choosing to take this action,  
and request that whoever thought this was how the city admin. should serve our city,  
they are wrong, and need to focus their work on advancing our city.  
Warm regards,  
Carl Aniel  
2625 Union Street

**From:** [Michael Billeaux-Martinez](#)  
**To:** [All Alders](#)  
**Subject:** Oppose agenda item 87486  
**Date:** Monday, March 24, 2025 10:58:05 AM

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To all alders --

I attempted to register my opposition to agenda item 87486 at tomorrow's meeting to reclassify the union-represented Metro Transit Transit Accounting Technician 3 position as a non-union-represented Transit Employee Relations Assistant position.

The City has already attempted to move this position out of the Teamsters 695 bargaining unit, and it was determined by the Wisconsin Employment Relations Commission that this position, and the others which the City attempted to make non-union, was appropriately placed in the Teamsters bargaining unit.

This attempt now reads as an attempt to circumvent the decision by WERC in a context where there will be less scrutiny. This decision for an end-run around the state authority on employment relations is disappointing in itself. Worse still is the substance of the policy: to deny some employees the right of collective bargaining by a bureaucratic reclassification procedure, and to divide and weaken the body of Metro employees.

I urge you to vote no on this resolution.

Best regards,  
Michael Billeaux  
District 6

**From:** [Michelle Fisher](#)  
**To:** [All Alders](#)  
**Subject:** Cannot register online regarding 3/25 Common Council agenda item 87486  
**Date:** Monday, March 24, 2025 1:00:24 PM

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Some people who received this message don't often get email from shirah.devorah@gmail.com. [Learn why this is important](#)

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Hello,

I am trying to register my opinion regarding 3/25 Common Council agenda item 87486, but the online registration site (<https://www.cityofmadison.com/city-hall/committees/meeting-schedule/register?meeting=64951>) is not recognizing the agenda item number as valid, even though I have copied it directly from the agenda.

Please update the site as soon as possible so that constituents are able to register their opinions regarding the common council meeting business.

Please consider this as my registration:

Meeting:  
Common Council: 03/25/2025 6:30pm

Agenda Item #:  
87486

Do you support or oppose the agenda item?  
Oppose

Do you want to speak?  
No, I do not want to speak.

Are you representing an organization or person other than yourself at this meeting?  
No

Full Name  
Michelle Fisher

Street Address  
953 Williamson Street

Unit  
1

City  
Madison

State  
Wisconsin

ZIP Code  
53703

**From:** [victoria.gutierrez](mailto:victoria.gutierrez)  
**To:** [All Alders](#)  
**Subject:** NO to agenda item #87486  
**Date:** Monday, March 24, 2025 2:22:46 PM

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Some people who received this message don't often get email from victoriavng@yahoo.com. [Learn why this is important](#)

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Dear Alder Tag Evers and City of Madison Alders,  
My name is Victoria Gutiérrez, and I reside in District 13. I see the City of Madison Common Council is considering item 87486 to reclassify the position *Transit Accounting Technician III* as "non-represented confidential," out of the Teamsters Local 695 union represented bargaining unit. I'm writing to urge you to **vote NO against agenda item # 87486**. As I understand, the City of Madison previously already attempted to move this position out of the Teamster Local 695 bargaining unit in January 2022. This action led to a unit clarification before the Wisconsin Employment Relations Commission (WERC). The WERC determined that the positions, including the **Transit Accounting Technician III, was properly placed in the Teamsters bargaining unit**. I see now, despite this previous ruling, the City of Madison is attempting this reclassification again. It is extremely disappointing to see that, having failed to remove union positions just a few years ago through the WERC, the City of Madison is persisting to again attempt the same action, but now through the Common Council instead, where, presumably, there is not the same attention to the facts of the position and its functions as the WERC was able to investigate. **Again, I urge you to vote against this resolution 87486.**

In addition to residing in District 13, I also work in District 13, at the only private union hospital in Madison. I am a proud union nurse represented by SEIU WI. As a survivor and witness of Scott Walker's union busting ACT 10 legislation that decimated Wisconsin's public sector unions' collective bargaining rights, preserving positions within a union bargaining unit, such as the Transit Accounting Technician III within Teamsters Local 695, is imperative to workplace justice for all workers.

Vote NO against item #87486.

Victoria Gutiérrez  
resident, District 13

**From:** [Adrienne Pagac](#)  
**To:** [All Alders](#)  
**Subject:** Re: File No. 87486 (Agenda Item 59)  
**Date:** Tuesday, March 25, 2025 8:08:23 AM  
**Attachments:** [image.png](#)

You don't often get email from [adrienne.pagac@gmail.com](mailto:adrienne.pagac@gmail.com). [Learn why this is important](#)

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Good afternoon, Common Council members. My name is Adrienne Pagac, and I am a resident of District 12 (Alder: Amani Latimer Burriss).

Legistar seems unable to register to my OPPOSITION to the proposal identified in the subject line and captured below, hence this email.

This is an end-run around a decision issued by the Wisconsin Employment Relations Commission (WERC) to re-classify this position and remove it from the bargaining unit. It is deeply disappointing to see the City attempt to strip the collective bargaining rights from future workers that will hold this position. ALL workers should have the protections afforded by union membership, which include but are not limited to "just cause" whereby an employer - even our purportedly progressive City - is prevented from firing employees without evidence of poor job performance, malfeasance, etc.

If Madison truly is a "union town" - and by gods, it should be, as unions are one of the only means by which radical democracy is exercised and enforced - you should VOTE NO on this proposal. Union busting is disgusting, and it is especially so when led by a government agency.

All the best,  
Adrienne Pagac

59. [87486](#) Recreate vacant position #3052 of Transit Accounting Technician 3, a represented position, as a Transit Employee Relations Assistant, a non-represented confidential position.

**Sponsors:** Dina Nina Martinez-Rutherford

**Legislative History**

3/5/25 Metro Transit Referred for Introduction  
Finance Committee (4/7/25), Common Council (4/15/25)

**From:** [andrew.sernatinger@gmail.com](mailto:andrew.sernatinger@gmail.com)  
**To:** [Latimer Burris, Amani](#)  
**Cc:** [All Alders](#)  
**Subject:** Vote against 87486 - reclassify teamster job  
**Date:** Monday, March 24, 2025 9:09:10 AM  
**Attachments:** [Office arbitration award 2021.pdf](#)

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Some people who received this message don't often get email from [andrew.sernatinger@gmail.com](mailto:andrew.sernatinger@gmail.com). [Learn why this is important](#)

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Dear Alder Latimer Burris and City Alders,

My name is Andrew Sernatinger, I'm a City of Madison resident living in District 12. I worked for the City of Madison from 2017-2023, where I was in the role of Transit Accounting Technician III. I was represented by Teamsters Local 695 at the time, where I was a proud member and steward of the Union.

I see now that the City is considering item 87486 to reclassify the position as "non-represented confidential". You should vote against this motion.

The City attempted to move my position and other Finance positions out of the Teamster bargaining unit in January 2022, which led to a unit clarification before the Wisconsin Employment Relations Commission (WERC). The WERC determined that the positions, including the Transit Accounting Technician III, was properly placed in the Teamsters bargaining unit. I have attached a PDF of that decision for your review.

It is extremely disappointing to see that, having failed to remove union positions just a few years ago through the WERC, the City is now attempting the same move through Council instead, where, presumably, there is not the same attention to the facts of the position and its functions as the WERC was able to investigate. Again, I urge you to vote against this resolution 87486.

Tomorrow's meeting will be during spring break, where I'm planning to be on vacation with my children, otherwise I would attend the meeting. I am, however, available by phone if anyone would care to discuss this in more detail.

Andrew Sernatinger  
2602 Dahle St.  
Madison, WI 53704  
608-772-9107

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

CITY OF MADISON

Involving Certain Employees of

CITY OF MADISON

Case ID: 256.0023

Case Type: UC\_ME

DECISION NO. 39476

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**Appearances:**

Greg Leifer, Employee and Labor Relations Manager, City of Madison, 215 Martin Luther King Boulevard, Room 261, Madison, Wisconsin, appearing on behalf of the City of Madison.

Kyle A. McCoy, Attorney, Soldon McCoy LLC, 5502 Upland Trail, Middleton, Wisconsin, appearing on behalf of the International Brotherhood of Teamsters, Local 695.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
**CLARIFYING BARGAINING UNIT**

On January 11, 2022, the City of Madison filed a petition with the Wisconsin Employment Relations Commission requesting that a collective bargaining unit of City employees represented by the International Brotherhood of Teamsters, Local 695 be clarified by removal of four positions allegedly held by confidential employees.

A hearing was held in the matter on March 23, 2022 in Madison, Wisconsin before Examiner Peter G. Davis, a member of the Commission's staff. The parties filed briefs by April 29, 2022.

The Commission, having reviewed the evidence and arguments and being fully advised in the premises, makes and issues the following:

**FINDINGS OF FACT**

1. The City of Madison, herein the City, is a municipal employer whose offices are located at 215 Martin Luther King Boulevard, Madison, Wisconsin



2. The International Brotherhood of Teamsters Local 695, herein Teamsters, is a labor organization that serves as the collective bargaining representative of certain employees of the City.

3. On January 11, 2022, the City filed a unit clarification petition with the Commission wherein it sought the exclusion of the positions of Transit Office Coordinator, Account Technician III, Account Clerk III, and Account Clerk II, as allegedly held by confidential employees.

4. Riva McFarland holds the position of Transit Office Coordinator. She does have sufficient access to, knowledge of or participation in confidential matters relating to labor relations to be a confidential employee.

5. Andrew Sernatinger holds the position of Account Technician III. He does not have sufficient access to, knowledge of or participation in confidential matters relating to labor relations to be a confidential employee.

6. Lisa Gehrke holds the position of Account Clerk III. She does not have sufficient access to, knowledge of or participation in confidential matters relating to labor relations to be a confidential employee.

7. Trina Protz holds the position of Account Clerk II. She does not have sufficient access to, knowledge of or participation in confidential matters relating to labor relations to be a confidential employee.

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

#### **CONCLUSIONS OF LAW**

1. The Transit Office Coordinator is a confidential employee within the meaning of Wis. Stat. § 111.70(1)(i), and, therefore, is not a municipal employee within the meaning of Wis. Stat. § 111.70(1)(i).

2. The Account Technician III, Account Clerk III, and Account Clerk II are not confidential employees within the meaning of Wis. Stat. § 111.70(1)(i), and, therefore, are municipal employee within the meaning of Wis. Stat. § 111.70(1)(i).

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following:

#### **ORDER CLARIFYING BARGAINING UNIT**

1. The position of Transit Office Coordinator shall be excluded from the bargaining unit represented by the International Brotherhood of Teamsters, Local 695.

2. The positions of Account Technician III, Account Clerk III, and Account Clerk II shall remain in the bargaining unit represented by the International Brotherhood of Teamsters, Local 695.

Issued at the City of Madison, Wisconsin this 25<sup>th</sup> day of August, 2022.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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

Wisconsin Stat. § 111.70(1)(i) defines a municipal employee as “any individual employed by a municipal employer other than an independent contractor, supervisor, or confidential, managerial or executive employee.”

As the City correctly points out, the Commission held in *Eau Claire School District*, Dec. No. 17124-B (WERC, 6/95), p. 15-16, that:

[T]he confidential exclusion protects a municipal employer's right to conduct its labor relations through employees whose interests are aligned with those of management, rather than risk having confidential information handled by people with conflicting loyalties who may be subjected to pressure from fellow bargaining unit members.

The term “confidential employee” is not statutorily defined. However, in *Mineral Point School District v. WERC*, 251 Wis. 2d 325, 337-338 (Ct. App. 2002), the Court affirmed and applied the following definition the Commission had long used.

We have held that for an employee to be held confidential, the employee must have sufficient access to, knowledge of or participation in confidential matters relating to labor relations. For information to be confidential in the labor relations context, it must: (a) deal 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 (b) be information which is not available to the bargaining representative or its agents.

While a de minimis exposure to confidential matters is generally insufficient grounds for exclusion of an employee from a bargaining unit, we have also sought to protect an employer's right to conduct its labor relations through employees whose interests are aligned with those of management. Thus, notwithstanding the actual amount of confidential work conducted, but assuming good faith on the part of the employer, an employee may be found to be confidential where the person in question is the only one available to perform legitimate confidential work, and similarly, where a management employee has significant labor relations responsibility, the clerical employee assigned as his or her secretary may be found to be confidential, even if the actual amount of confidential work is not significant, where the confidential work cannot be assigned to another employee without undue disruption of the employer's organization.

### **Transit Operations Office Coordinator**

The record supports a finding that Transit Operations Office Coordinator Riva McFarland is a confidential employee. She is privy to discussions amongst supervisors/managers about how to conduct investigations into possible employee misconduct, how to reply to grievances, and whether and to what extent discipline may be imposed. Because her knowledge of such matters is derived from her role as the “note taker” in those discussions, there is a strong argument to be made that this confidential labor relations function is not essential or could be performed by others in the meeting. Thus, if that were her only responsibility related to confidential labor relations matters, she would not be found to be a confidential employee. However, the record reflects that she is also responsible for gathering documents used by the City in various types of employment-related litigation. While the Teamsters correctly argue that these documents are ultimately available to the impacted employee and/or Teamsters, her knowledge of what is being sought by the City in the first instance makes her potentially privy to strategic information the City is entitled to keep confidential. On balance, the combination of her two confidential labor relations duties is sufficient to warrant her exclusion from the unit.

### **Account Technician III, Account Clerk III and Account Clerk II**

Each of the three employees holding these positions has substantial responsibility entering data into a computer system as to payroll, employee absences, Worker’s Compensation and/or the Family Medical Leave Act. The record satisfies the Commission that none of them exercise any meaningful labor relations discretion when doing so. All discretionary judgments are made by other employees who are not in the bargaining unit. None of the employees in dispute play any role on the collective bargaining process.

Given the foregoing, the City’s contention that they are confidential employees rests on the concern that they may modify, fail to enter, or delete data to the detriment of the City and to the advantage of bargaining unit employees. There is no evidence that any of the three employees have done so. As Teamsters notes, if they did so, they would presumably be discharged. While the City has a legitimate interest in maintaining the integrity of its personnel systems, the Commission has held and now continues to hold that the potential for employee misconduct is not a basis for finding an employee to be confidential employee. *See Waukesha County*, Dec. No. 26020-A (WERC, 9/89); *Elcho School District*, Dec. No. 27640-C, (WERC, 4/97). Therefore, the Commission concludes that these three employees are not confidential employees.<sup>1</sup>

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<sup>1</sup> The City also points to employee access to HIPPA-protected information. While such information is “confidential” in a general sense, it is not confidential labor relations information as it has no utility as to or bearing on the City’s conduct of confidential labor relations matters. The City’s concern about unnecessary exposure to such information (which appears to be infrequent) is certainly valid, and the record suggests it can be remedied by a change in procedure.

Issued at the City of Madison, Wisconsin this 25<sup>th</sup> day of August, 2022.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman