

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petitions of

WEST ALLIS-WEST MILWAUKEE TEACHERS ASSOCIATION, affiliated with the WISCONSIN EDUCATION ASSOCIATION

and WEST MILWAUKEE-WEST ALLIS FEDERATION OF TEACHERS, LOCAL 1067, affiliated with the AMERICAN FEDERATION OF TEACHERS, AFL-CIO

Involving Employees of

JOINT CITY SCHOOL DISTRICT NO. 1 of the CITY OF WEST ALLIS, VILLAGE OF WEST MILWAUKEE AND CITY OF GREENFIELD IN MILWAUKEE COUNTY AND CITY OF NEW BERLIN IN WAUKESHA COUNTY

Case II
No. 9546 ME-131
Decision No. 6677

Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Richard M. Goldberg, for the Union.

Quarles, Herriott & Clemons, Attorneys at Law, by Mr. James Urdan, for the Association.

Mr. William T. Schmid, City Attorney, for the Municipal Employer.

DIRECTION OF ELECTION

The above named Petitioners having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the above named Municipal Employer; and a hearing on such petitions having been conducted at West Allis, Wisconsin, on February 21, 1964, the full Board being present; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer named above;

NOW, THEREFORE, it is

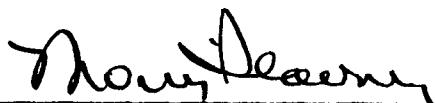
DIRECTED


That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective

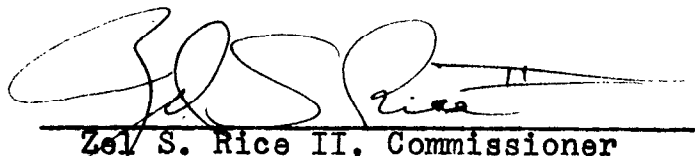
bargaining unit consisting of all regular certificated teachers (including helping and reading teachers, physical and occupational therapists, and teachers on leaves of absence), psychologists, social worker and counselor, and guidance counselors (including girl advisors) in the employ of Joint City School District No. 1 of the City of West Allis, Village of West Milwaukee and the City of Greenfield in Milwaukee County and City of New Berlin in Waukesha County, excluding substitute teachers, recreation supervisors, vice principals, principals, supervisors, elementary consultant, director of instruction, director of business services, superintendent of schools and all other employes and administrators, who were employed by the Municipal Employer on March 20, 1964, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employes desire to be represented for the purposes of conferences and negotiations with the Municipal Employer on questions of wages, hours and conditions of employment by West Allis-West Milwaukee Teachers Association, affiliated with the Wisconsin Education Association, or by West Milwaukee-West Allis Federation of Teachers, Local 1067, affiliated with the American Federation of Teachers, AFL-CIO, or by neither of said organizations.

Given under our hands and seal at the City of Madison, Wisconsin, this 20th day of March, 1964.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petitions of	:	
WEST ALLIS-WEST MILWAUKEE TEACHERS	:	
ASSOCIATION, affiliated with the	:	
WISCONSIN EDUCATION ASSOCIATION	:	
and WEST MILWAUKEE-WEST ALLIS FEDERA-	:	
TION OF TEACHERS, LOCAL 1067, affiliated	:	Case II
with the AMERICAN FEDERATION OF TEACHERS,	:	No. 9546 ME-131
AFL-CIO	:	Decision No. 6677
Involving Employes of	:	
JOINT CITY SCHOOL DISTRICT NO. 1 of the	:	
CITY OF WEST ALLIS, VILLAGE OF WEST	:	
MILWAUKEE AND CITY OF GREENFIELD IN	:	
MILWAUKEE COUNTY AND CITY OF NEW BERLIN	:	
IN WAUKESHA COUNTY	:	

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing the West Milwaukee-West Allis Federation of Teachers contended that psychologists, social worker and counselor, guidance counselors, including girl advisors, helping teachers, reading teachers, physical and occupational therapists and recreation supervisors should be excluded from the bargaining unit. The West Allis-West Milwaukee Teachers Association argued that the employes occupying such classifications should be included in the unit. The Municipal Employer took no position with respect to said issues.

In a companion case issued today, Janesville Board of Education (Dec. No. 6678), we stated:

"Where there are issues with respect to the eligibles in an appropriate collective bargaining unit, the Board will usually include as eligible in a unit consisting of regular full-time certificated teaching personnel those certificated teachers who are regularly employed on a part-time basis and those who, although not directly engaged in normal classroom teaching, work directly with students or with teachers, other than in a supervisory capacity, in support of the educational program."

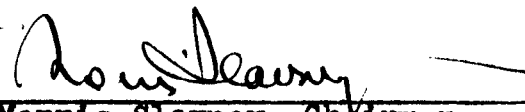
In the instant case, all of the classifications in question require teachers certificates and all of the incumbents possess such certificates. So far as this record indicates, psychologists test and counsel students working with teachers and parents to insure the best development of the student. The social worker and counselor, sometimes known as the truant officer, counsels students who absent themselves from school in an effort to affect regular attendance. The guidance personnel, including girl advisors, are concerned primarily with counseling students with their academic and personal problems. The helping teacher is a classroom teacher of high caliber who assists new, inexperienced teachers in classroom methods. The reading teachers, as the name indicates, are concerned exclusively with students reading proficiency, test students abilities in this area and prescribe what the teacher should do to increase reading skills. The physical and occupational therapists work in the School District's orthopedic department together with other teachers and through therapy assist physically handicapped students participate more fully in the educational program. The Board concludes that all of the above mentioned positions require teacher training, and, in some instances, professional training in other fields, and work directly with students and teachers in support of the educational program and therefore, should be included in a collective bargaining unit consisting of teachers.

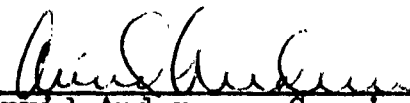
The recreational supervisors, although they teach some classes, for the most part supervise non-certificated teachers after normal school hours in a community recreational program. We exclude recreational supervisors from the eligibles in the appropriate collective bargaining unit for we deem that they do not work directly with either students or certificated teachers in support of the normal educational program but rather in a primarily adult recreational program. Substitute teachers are

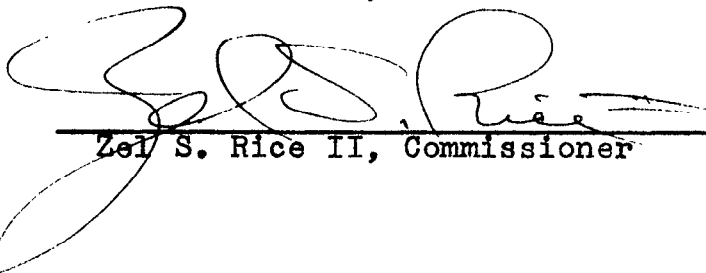
excluded from the eligibles since they have insufficient interest in the conditions of employment because of the irregularity of their employment. Individuals holding the classifications of vice principals, principals, supervisors, elementary consultants, director of instruction, director of business services, and the superintendent are either in a supervisory or administrative capacity, and therefore are also excluded from the eligibles in the bargaining unit.

Dated at Madison, Wisconsin, this 20th day of March, 1964.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner