

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of

JOINT SCHOOL DISTRICT NO. 8,
CITY OF MADISON, ET AL.

Involving Employees of

JOINT SCHOOL DISTRICT NO. 8,
CITY OF MADISON, ET AL.

Case I
No. 9691 MG-150
Decision No. 678

Appearances:

Mr. Edwin C. Conrad, City Attorney, for the Municipal Employer.

Mr. Omar Kussow, President, Madison Education Association and Miss Muriel DeMars, Immediate Past President, Madison Education Association, for the Madison Education Association. Lawton & Cates, Attorneys, by Mr. John A. Lawton and Mr. James L. Fitzpatrick, Representative, for the Wisconsin Federation of Teachers.

DIRECTION OF ELECTION

The above named Municipal Employer 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 the Wisconsin Employment Relations Board having conducted a hearing on such petition at Madison, Wisconsin, on May 13, 1964, the entire 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 full-time and regular part-time certificated teaching personnel employed by Joint School District No. 8, City of Madison, et al, including psychologists, psychometrists, social workers, attendants and visitation workers, work experience coordinator, remedial reading, University Hospital teacher, trainable group, librarians, guidance counsellors, teaching assistant principals (except at Sunnyside School), teachers on

leave of absence, but excluding on-call substitute teachers, interns, and all other employees, principals, supervisors and administrators,) who were employed by the Municipal Employer on May 1, 1964, except such employees as may prior to the election quit their employment or be discharged for cause and also except those teachers whose teaching contracts are to be terminated at the end of the current school year, for the purpose of determining whether or not a majority of such employees desire to be represented by the Madison Education Association for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 15th
day of May, 1964.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By

Morris Slavney

Morris Slavney, Chairman

Arvid Anderson

Arvid Anderson, Commissioner

Zel S. Rice II

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Case I
No. 9691 ME-150
Decision No. 6746

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing the Wisconsin Federation of Teachers, who was permitted to intervene in the proceeding, moved that the Board conduct the election in a manner so as to permit the eligible employees in each of the thirty-eight schools within the school system operated by the Municipal Employer to determine for themselves whether said employees in any of the schools desired to constitute themselves a single appropriate collective bargaining unit, separate and apart from the teachers in those schools who did not vote for such fragmentation from over-all school system. Both the Municipal Employer and the Madison Education Association opposed such request. Section 111.70 (4) (d) of the Wisconsin Statutes provides that proceedings to determine bargaining units and representatives in municipal employment shall be in accordance with procedures established in the Wisconsin Employment Peace Act, Sections 111.02 (6) and 111.05, for those purposes "insofar as applicable". Section 111.02 (6) defines the term "collective bargaining unit" as all employees of one employer, except that a majority of employees engaged in a single craft, division, department or plant of one employer may by a secret ballot vote establish themselves as a single collective bargaining unit, separate and apart from the remaining employees of the employer. The Wisconsin Federation of Teachers supported its request on the argument that each school in the school system constituted a separate department or plant. The Board's function in consideration of such request is limited to determining whether each school can be considered a separate department or plant as contemplated by said section of the statutes. The employees involved in this proceeding are engaged in a single profession--that of teaching. The Board has held that professional

employees in the employ of municipal employees are included in the definition of the term "craft".^{1/} The latter employees, pursuant to Section 111.70 (4) (d) when they are members of the same "craft" cannot be included within any other employees of the Municipal Employer. Thus, there need be no election among the teachers to determine whether they desire to be included in a unit separate and apart from other School Board employees, such as clerical or custodial. The Wisconsin Federation of Teachers desires to split the statutorily established unit into various departments or plants. The fact that teachers perform their duties in separate schools under separate immediate supervision does not establish that each school is a separate department or plant. The function at each school is identical, that is the education of the youth of Madison. While the facilities may be separately located, the methods and techniques used in such function are for the most part identical in each school. Generally the curriculum for all schools is planned, directed and supervised by the School Board, the Superintendent and other high level administrators as is the employment of all teachers and the conditions thereof. The immediate separate supervision by the principals at the various schools is subject to the scrutiny and control of the School Board, the Superintendent and high level administrators. To fragmentize the teachers in the employ of one school system on a school by school basis for the purposes of conferences and negotiations with their municipal employer would not only interfere with the proper and efficient administration of a school system but would in the end result frustrate the intent and purpose of Section 111.70.

The Board hereby affirms its oral ruling issued during the hearing denying the request of the Wisconsin Federation of Teachers. After the Board had issued its oral ruling with respect to the request of the Wisconsin Federation of Teachers, said labor organization indicated that it had no further interest in the proceeding and did not desire to be placed on the ballot.

Dated at Madison, Wisconsin, this 15th day of May, 1964.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney
Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Z. S. Rice II
Z. S. Rice II, Commissioner