

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of :
LA CROSSE EDUCATION ASSOCIATION : Case I
Involving Employees of : No. 10290 ME-195
LA CROSSE CITY PUBLIC SCHOOL DISTRICT, : Decision No. 7347
JOINT NO. 5 of the CITY OF LA CROSSE, :
AND TOWNS OF CAMPBELL, MEDARY, SHELBY, :
GREENFIELD, WASHINGTON, COUNTY OF LA CROSSE, :
TOWNS OF HAMBURG, BERGEN, COUNTY OF VERNON :

Appearances:

Mr. John K. Flannigan, City Attorney and Mr. Robert W. Roellig, Business Manager, for the Municipal Employer.
Mrs. Miriam Draeger, President, for the Petitioner.

DIRECTION OF ELECTION

La Crosse Education Association having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of La Crosse City Public School District, Joint No. 5, et al and a hearing on such petition having been conducted at La Crosse, Wisconsin, on September 22, 1965 by Robert M. McCormick, Examiner; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

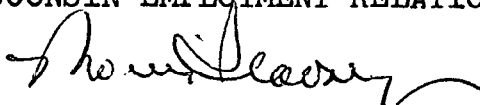
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and all regular part-time certificated teaching personnel employed by the La Crosse City Public School District, Joint No. 5 of the City of La Crosse and Towns of Campbell, Medary, Shelby, Greenfield, Washington, County of La Crosse, Towns of Hamburg, Bergen, County of Vernon, including guidance

counselors, teaching principals, librarians, social workers and psychometrist, but excluding administrator, supervisors, substitute teachers and all other employees, who were employed by said Municipal Employer on November 3, 1965, except such employees 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 employees desire to be represented by the La Crosse Education Association for the purposes of conferences and negotiations with said Municipal Employer on questions of wages, hours and conditions of employment.


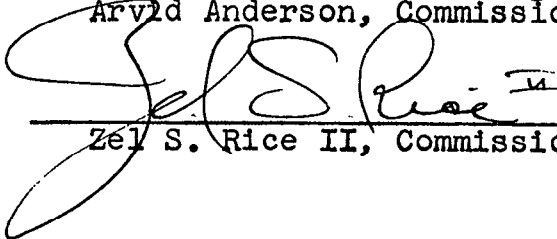
Given under our hands and seal at the City of Madison, Wisconsin, this 3rd day of November, 1965.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By



Morris Slavney, Chairman


Arvid Anderson, Commissioner
Zel S. Rice II, Commissioner

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Case I
No. 10290 ME-195
Decision No. 7347

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, the La Crosse Education Association contended that the Social Workers and the Psychometrist and the Elementary Consultant should be included in the appropriate bargaining unit. The Municipal Employer, by its counsel, contended that some doubts existed concerning the craft status of Social Workers and Psychometrist, and the possible supervisory status of the Elementary Consultant and requested that the Board determine from the record as to whether such positions should be included or excluded from the bargaining unit.

The classification of Social Worker requires training in professional education as well as extensive training in social work. The Social Workers are certificated by the Department of Public Instruction of the State of Wisconsin, as such, and work primarily with either emotionally disturbed children or with children who have problems related to academic achievement. They provide in-service training for classroom teachers to enable them to better identify such students and aid the teacher in working with the exceptional child. Though the Social Workers perform no classroom teaching as such, their duties involve teaching as part of the therapy program, and they work closely with the classroom teachers and the building principals.

The Psychometrist is also certificated by the Department of

Public Instruction as such; and the position requires training in professional education and substantial training in the area of psychology. Her duties exclusively consist of giving individual mental testing to students. She conducts such testing at the instance of the Director of Educational Service, as well as at the request of the classroom teachers and building principals, the evidence further indicates that the testing process is considered a substantial aid to the classroom teacher.

In Janesville Board of Education the Board 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." 1/

The Board concludes that the positions of Social Workers and Psychometrist require teacher training and substantial training in other fields and that they work directly with students and teachers in support of the educational program and therefore should be included in the unit consisting of teachers.

The Elementary Consultant works with the elementary teachers of the several schools in the system and is responsible for seeing that the elementary curriculum, as fashioned by the administration of the Municipal Employer, is properly being followed throughout the system. The majority of her time is devoted to instructional improvement in the elementary level. The record indicates that she plays no role in the discipline of teachers per se. She is consulted by administration with


1/ Dec. No. 6678, 3/64.

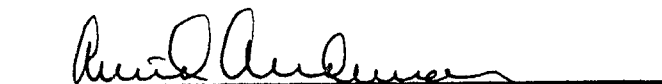
respect to the performance of elementary teachers and does assist superiors in recommending the hire and separation of elementary teaching personnel. She works closely with the several building principals and her salary is at a level of 15% above that of the established regular-teacher salary schedule.

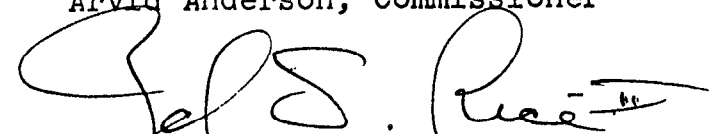
We conclude that the Elementary Consultant primarily performs a management function^{2/} and, therefore, is a supervisor not eligible to participate in the election.

Dated at Madison, Wisconsin, this 3rd day of November, 1965.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

2/ West Allis-West Milwaukee Jt. District No. 1, Dec. No. 6677, 3/64.