

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

-----  
In the Matter of the Petition of

MILWAUKEE TEACHERS UNION, LOCAL 252,  
AMERICAN FEDERATION OF TEACHERS, AFL-CIO

Involving Certain Employees of

MILWAUKEE BOARD OF SCHOOL DIRECTORS  
-----

Case XVI  
No. 11394 ME-303  
Decision No. 8030

DIRECTION OF ELECTION

Milwaukee Teachers Union, Local 252, affiliated with the American Federation of Teachers, AFL-CIO, 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 Board of School Directors, Milwaukee, Wisconsin; and a hearing on such petition having been conducted at Milwaukee, Wisconsin on April 25, 1967, the entire Board being present, and during the course of the hearing the Board having permitted the Milwaukee Teachers Education Association to intervene in the proceeding on the basis that it presently is the certified collective bargaining representative of said employees; 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 thirty (30) days from the date of this Directive in the collective bargaining unit consisting of:

all regular teaching personnel teaching at least fifty per cent of a full teaching schedule (including Recreation Instructors V and Vice Principals teaching a full schedule) employed by the Board of School Directors in the City of Milwaukee, excluding substitute per diem teachers, office and clerical employees, and all other employees, supervisors and executives,

who were in the employ of said Municipal Employer on May 10, 1967, except those employees who have given or have been given notice of the non-renewal of their individual teacher contract for the school year 1967-1968, for the purposes of determining whether a majority of such employees desire to be represented by Milwaukee Teachers Union, Local 252, affiliated with the American Federation of Teachers, AFL-CIO, or by Milwaukee Teachers Education Association, or by neither of them, for the purposes of conferences and negotiations with the Board of School Directors, Milwaukee, Wisconsin, on questions of wages, hours and conditions of employment.<sup>1/</sup>

Given under our hands and seal at the City of Madison, Wisconsin this 10th day of May, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

Arvid Anderson  
Arvid Anderson, Commissioner

Zel S. Rice II  
Zel S. Rice II, Commissioner

<sup>1/</sup> Inasmuch as approximately only one month remains to the end of the present school year, the Board, upon determining that an election should be conducted, has issued its Direction today. The Memorandum accompanying said Direction is presently being prepared, and said Memorandum will be forwarded to the parties within ten days.

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

-----  
In the Matter of the Petition of

MILWAUKEE TEACHERS UNION, LOCAL 252.  
AMERICAN FEDERATION OF TEACHERS, AFL-CIO

Involving Certain Employees of

MILWAUKEE BOARD OF SCHOOL DIRECTORS  
-----

Case XVI  
No. 11394 ME-303  
Decision No. 8030

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On March 16, 1967, Milwaukee Teachers' Union, Local 252, American Federation of Teachers, AFL-CIO, hereinafter referred to as the Union, filed a petition pursuant to Section 111.70, Wisconsin Statutes, wherein it requested the Board to conduct a representation election among

"all regular teaching personnel teaching at least fifty per cent of a full teaching schedule (including Recreation Instructors V and Vice Principals teaching a full schedule) employed by the Board of School Directors in the City of Milwaukee, excluding substitute per diem teachers, office and clerical employees, and all other employees, supervisors and executives,"

who were in the employ of the Milwaukee Board of School Directors, hereinafter referred to as School Directors. Hearing was conducted on the petition at Milwaukee, Wisconsin on April 25, 1967. The Milwaukee Teachers Education Association, hereinafter referred to as the Association, was permitted to intervene on the basis that it had been certified as the exclusive collective bargaining representative for the employees involved on February 19, 1964, following an election conducted by the Board among said employees, wherein they had the opportunity to vote for the Association, the Union, or neither organization. Following the issuance of the Certification, the Association and School Directors entered into three successive collective bargaining agreements covering the employees involved herein. The last and present agreement became effective January 1, 1967, and by its terms expires December 31, 1967. The history of bargaining has demonstrated that representatives of the Association and School Directors commence negotiations on new agreements early in June in the year preceeding the contract term. The School Directors must submit its budget to

the Milwaukee Common Council by November 1 of the year in which bargaining commences.

The Association opposes the conduct of a second election at this time and proposes that the Board adopt a rule to the effect that where the Board has previously certified an organization as the exclusive bargaining representative of employees in an appropriate unit; a second election should not be conducted within two years of the date of the certification of the results of the first election, and further, that said two-year certification bar rule be extended at two-year intervals. The Association also proposes that where an election petition is filed by a labor organization other than that presently certified, said petitioning organization should be required to administratively demonstrate to the Board that at least 40 per cent of the employees in the unit are presently dues paying members of said petitioning organization.

The Union would put no limitations on the present conduct of an election. The School Board takes no position with regard to the issue.

In a companion Memorandum issued today the Board has rejected the adoption of an administrative showing of interest rule and/or certification bar rule. We confirm that determination herein. The Association and the School Directors have had a bargaining relationship extending for a three-year period. The petition filed herein by the Union is not untimely as affected by the employment relations history. While the existing collective bargaining agreement between the Association and the School Directors does not expire until December 31, 1967, the period of time is approaching when the School Directors usually begin deliberations for their budget for the next fiscal year, and historically the representative of the Association and the School Directors have commenced bargaining at this time. Therefore, we conclude the petition for election to be timely filed<sup>1/</sup> and that a question of representation exists, and we have therefore directed that an election be conducted.

If the employees select a representative other than the representative which is presently certified and which is a signator to any collective bargaining agreement existing after the certification of the results of the election, the selected representative will be obligated to enforce and administer the substantive provisions

---

<sup>1/</sup> Vernon County Institutions (6652), 7/64.--

therein enuring to the benefit of the teachers. Any provisions running to the benefit of the former bargaining agent will be considered extinguished and unenforceable.<sup>2/</sup> Of course, as the Board indicated during the course of the hearing, the School Board cannot continue in any negotiations until the question of representation has been resolved.<sup>3/</sup>

Dated at Madison, Wisconsin this 12th day of May, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

Arvid Anderson  
Arvid Anderson, Commissioner

Zel S. Rice II  
Zel S. Rice II, Commissioner

<sup>2/</sup> City of Green Bay (6558), 11/63; Waukesha County (7435-A), 5/66.

<sup>3/</sup> The presently pending prohibited practice case involving the School Directors and the Union has been waived as having any effect upon the election proceeding.