

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	Case I
LOCAL 1947-B	:	No. 11693 ME-337
	:	Decision No. 8209-C
Involving Employes of	:	
	:	
COMMON SCHOOL DISTRICT, JOINT NO. 1,	:	
CITY OF TOMAH, ET AL	:	
	:	

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Local 1947-B, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission requesting a determination regarding the inclusion or exclusion of certain bus maintenance men and para-professional employees or teacher aides in an existing certified collective bargaining unit consisting of all regular full-time and regular part-time employees, including custodial employees, bus drivers, clerical employees, school luncheon program employees, but excluding supervisory employees, confidential employees, temporary employees, and teaching personnel, employed by Joint School District No. 1, City of Tomah, et al; and a hearing on such petition having been held at Tomah, Wisconsin, on February 2, 1972, before George R. Fleischli, Hearing Officer; and the Commission having considered the evidence and arguments of the Petitioner and said Municipal Employer, and being fully advised in the premises;

NOW, THEREFORE, it is

ORDERED


That the positions of bus maintenance man, clerical aide and para-professional employee or teacher aide are hereby to be included in the existing certified collective bargaining unit consisting of all regular full-time and regular part-time employees including custodial employees, bus drivers, clerical employees, school luncheon program employees, but excluding supervisory employees, confidential employees, temporary employees, and teaching personnel employed by Joint School District No. 1, City of Tomah, et al.

Given under our hands and seal at the City of Madison, Wisconsin, this 23rd day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

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typing, and recordkeeping and they spend a majority of their time performing such work. In addition, said employees spend some of their time monitoring students in the classroom, in the lunchroom and on the playground.

One of the para-professional employees or teacher aides was hired pursuant to a federal employment opportunity grant and receives an hourly rate of compensation less than the other para-professionals in accordance with the terms of the federal grant. Even so this employee was hired by the School District, may be terminated by the School District and is subject to their direction and control during her tenure.

Another of the employees involved referred to as a "clerical aide" by her superiors, is employed at the Wyeville Grade School, and has duties which consist primarily of acting as receptionist and office clerical, and do not include regular contact with students.

Some of the para-professional employees or teacher aides attended a six-week summer course conducted by the University of Wisconsin for the purpose of preparing them for their duties, however, they are not required to have any college credits. They are compensated at an hourly rate of pay similar to that paid office clerical employees and receive two paid holidays. Their compensation and fringe benefits do not resemble the compensation and fringe benefits enjoyed by the professional employees.

The one para-professional employee who was hired pursuant to the federal employment opportunity grant is an employee of the School Board whose wages, hours and working conditions are similar to the rest of the para-professional employees to the extent that they are not controlled by the terms of the agreement with the federal government. It is clear that the duties of the "clerical aide" working in the Wyeville Grade School are no different than the other clerical employees and she is therefore included in the existing collective bargaining unit which includes "clerical employees".

The Commission has never faced the question of whether para-professional employees or teacher aides working for a school district should be included or excluded in a collective bargaining unit of non-professional employees which includes clerical employees. The Petitioner contends that the nature of the duties performed by these employees is essentially clerical and that it would be inappropriate to require them to bargain separately from the other clericals as requested by the Municipal Employer.

The Commission is satisfied that the wages, hours and working conditions and the duties performed by the para-professional employees and teacher aides employed by the Municipal Employer are not sufficiently unique to justify the creation of a separate bargaining unit to represent them. 2/ Most of the duties performed by the para-professional employees are clerical in nature and their wages, hours and working conditions indicate that they have a community of interest with the clerical employees.

2/ The Commission has been mandated by the Legislature to "avoid fragmentation by maintaining as few units as practicable" under the Municipal Employment Relations Act as amended. Section 111.70(4)(d)2.

Based on the above and foregoing the Commission has concluded that the bus maintenance men, the clerical aide and the para-professional employees or teacher aides employed by the Municipal Employer are included in the existing non-professional collective bargaining unit currently represented by the Petitioner.


Dated at Madison, Wisconsin, this 23rd day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner