

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MILWAUKEE TEACHERS EDUCATION ASSOCIATION

Involving Certain Employees of

MILWAUKEE BOARD OF SCHOOL DIRECTORS
Milwaukee, Wisconsin

Case XXIV

No. 12584 ME-425

Decision No. 9001

Appearances:

Zubrensky, Padden, Graf & Bratt, by Mr. Richard Perry, Attorney,
and Mr. James Colter, Executive Secretary, appearing on
behalf of the Milwaukee Teachers Education Association.

Mr. John F. Kitzke, Chief Negotiator; Mr. Albert F. Schultz,
Acting Assistant Superintendent of the Division of Personnel;
and Mr. Victor Bringe, Director of the Department of
Personnel Services, appearing on behalf of the Milwaukee
Board of School Directors.

DIRECTION OF ELECTION

Milwaukee Teachers Education Association having petitioned the
Wisconsin Employment Relations Commission to conduct an election,
pursuant to Section 111.70 of the Wisconsin Statutes, among certain
employees of the Milwaukee Board of School Directors, Milwaukee,
Wisconsin; and a hearing on such petition having been conducted at
Milwaukee, Wisconsin, on February 5, 1969, before Robert B. Moberly,
Examiner; and the Commission having considered the evidence and
arguments and being satisfied that a question has arisen concerning
representation for certain employees of the Milwaukee Board of School
Directors;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the
direction of the Wisconsin Employment Relations Commission within
sixty (60) days from the date of this Directive in the collective
bargaining unit consisting of all Lay Aides employed by the Milwaukee
Board of School Directors, including General Teacher Aides, Technical
Aides, and Paraprofessional Aides, but excluding supervisors and Social
Work Aides, who were employed by the Municipal Employer on April 21,

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1969, 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 by Milwaukee Teachers Education Association, for the purposes of conferences and negotiations with the Milwaukee Board of School Directors on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 21st
day of April, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney -
Morris Slavney, Chairman

William R. Wilberg
William R. Wilberg, Commissioner

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industrial arts, and their background normally includes experience in the building trades. There are 6 Technical Aide positions, and such Aides receive \$2.60 per hour. Paraprofessional Aides, numbering about 50, more actively assist teachers in the actual classroom instructional process. Such Aides must have at least two years of college education and are paid \$3.10 per hour.

In general, Lay Aides work from four hours to eight hours per day and from three days to five days per week. The hours worked by individual Lay Aides are regular, in that a person working, for example, seven hours a day on Monday, Wednesday and Friday, normally works that schedule on a regular basis.

The Municipal Employer is responsible for hiring Lay Aides, and it exercises authority in discharging or disciplining Aides. Lay Aides also are subject to the supervision and direction of the Municipal Employer.

With respect to fringe benefits, Lay Aides, although not included under Civil Service, generally receive the same benefits as classified Civil Service employees who similarly work on a ten-month, hourly part-time basis. Thus Lay Aides working 20 hours per week or more are eligible for Blue Cross-Blue Shield insurance and, after one year of employment, are eligible for group life insurance. Lay Aides are not eligible to join the pension plan, are not covered by Social Security and do not receive vacation benefits or paid holidays.

A substantial number of Lay Aides receive their salaries from funds provided by the State government through the Board of Governmental Operations (BOGO), or by the Federal government, under its Elementary Secondary Education Act. Other Lay Aides are paid from funds appropriated by the Municipal Employer.

On the basis of the above facts and on the entire record, we conclude that Lay Aides are regularly employed, with a substantial interest in their wages, hours and other conditions of employment. Most Lay Aides work from 20 to 40 hours per week, and they receive substantially the same fringe benefits as other hourly ten-month part-time employees. Persons working such hours and under such conditions of employment on a regular basis can hardly be denominated casual employees. In this respect Lay Aides are not unlike the Social Work Aides which today have been held to be regularly employed persons and not casual employees of this same Municipal Employer.^{1/}

^{1/} Milwaukee Board of School Directors (9000) 4/69.

Nor will Lay Aides be categorized as casual or temporary employees because funds for their salaries are provided by the Federal or State government, or because their salaries must be appropriated on a year-to-year basis. These arguments were considered and rejected in the earlier decision involving Social Work Aides, and the discussion and rationales set forth therein are equally applicable here.

Although at the hearing it was agreed that the parties would have three weeks to prepare an eligibility list, we urge that said list be expedited to insure the conduct of the election prior to the close of the school year.

Dated at Madison, Wisconsin, this 21st day of April, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

William R. Wilberg
William R. Wilberg, Commissioner