

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case II
No. 13047
SE-22
Decision No. 9267

and also excluding confidential, supervisory and managerial employees and all other employees, who were employed by said State Employer on October 16, 1969, 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 said employees desire to be represented for the purposes of collective bargaining by the Association of Professional Employees of the Wisconsin Department of Public Instruction.

2. All classroom teachers of the Department of Public Instruction employed at the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped, excluding confidential, supervisory and managerial employees and also excluding all other employees, who were employed by said State Employer on October 16, 1969, 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 said employees desire to be represented for the purposes of collective bargaining by the Wisconsin State Employees Association, Council 24, AFSCME, AFL-CIO or by the Wisconsin Education Association, or by neither of said organizations.

Given under our hands and seal
at Madison, Wisconsin, this 16th
day of October, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

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The Department of Public Instruction regulates and offers supervision and consultation to public school systems in the State of Wisconsin. The Department has its principle offices in Madison, however, it operates two schools, the Wisconsin School for the Deaf at Delavan, and the Wisconsin School for the Visually Handicapped at Janesville. The Department employs employees in "blue-collar", clerical, professional and related classifications. The majority of the professional personnel are professional educators who perform their duties in advising the administrators and officials of various public school districts on various programs administered by the Department in connection with education, school aids, curriculum and the like. Said professional educators, although being licensed teachers, are not engaged in classroom teaching. However, there are licensed teachers engaged in classroom teaching at the two schools operated by the Department. There is no interchange between the professional educators employed by the Department in consulting work and those professional teachers engaged in classroom teaching in the two schools. Except for the fact that the consultants working out of Madison travel throughout the state,

while the classroom teachers at the two schools perform their duties in fixed locations, generally the conditions of employment are basically identical throughout the Department irrespective of work location and irrespective of the type of employment.

During the course of the hearing the APE amended its petition to reflect a change in the unit claimed to be appropriate by it. Such amendment described the desired unit as "all professional and related classifications employed in the Department of Public Instruction, excluding classroom teachers employed at the Wisconsin School for the Deaf and at the Wisconsin School for the Visually Handicapped, and also excluding confidential, supervisory and managerial employees and all other employees of the Department."

Both intervenors, the Wisconsin State Employees Association, hereinafter referred to as WSEA, and the Wisconsin Education Association, hereinafter referred to as the WEA, urged the Commission to establish two separate bargaining units, one consisting of classroom teachers employed in both schools and the other unit consisting of all other professional employees and related positions.

Representatives of the State Employer contend that the appropriate unit should consist of all professional and related classifications, including the classroom teachers.

The Commission in the past has established separate units based on separate professions. In this proceeding an issue arises as to whether the Commission should sever a portion of one profession, namely professional educators, from what otherwise would be an appropriate unit consisting of professional and related classifications employed in the Department.. Those professional educators who work out of Madison offices are employed as consultants to various school districts in the state. The other professional educators are employed only as classroom teachers in two schools operated by the Department. None of the consultants are engaged in classroom teaching. In addition, the consultants also consult with the administrative and supervisory personnel of the two schools operated by the Department.

Despite the fact that the consultants and classroom teachers are both certificated teachers their functions are separate and distinct, and such separation and distinction is sufficient to persuade the Commission to establish the classroom teachers in a bargaining unit separate and apart from the other professional and related classifications employed in the Department. Therefore we have directed representation

votes in said separate units. In accordance with the desires of the organizations, as expressed during the course of the hearing, APE will be the only organization involved in the election among professional and related classifications. The classroom teachers will have an opportunity to select either the WSEA, the WEA or no organization as a representative.

Dated at Madison, Wisconsin, this 16th day of October, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
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