STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

ASSOCIATION OF PROFESSIONAL EMPLOYEES OF THE WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

For Determination of Bargaining Representatives for Employes of

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

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

DIRECTION OF ELECTIONS

The Association of Professional Employees of the Wisconsin Department of Public Instruction having filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that Commission conduct an election pursuant to Section 111.83 of the Wisconsin Statutes among certain employes in the employ of the Department of Public Instruction, State of Wisconsin; and hearing on such petition having been held at Madison, Wisconsin, on October 1, 1969, the entire Commission being present; and during the course of said hearing both the Wisconsin State Employees Association, Council 24, AFSCME, AFL-CIO and the Wisconsin Education Association being permitted to intervene in the proceeding on their individual claims that said organizations represented certain employes involved in the matter; and the Commission having reviewed the evidence and arguments of counsel, and being fully advised in the premises, and being satisfied that questions have arisen concerning representation for certain employes employed in the Department of Public Instruction, State of Wisconsin;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within ninety (90) days from the time of this Directive among the employes employed in the following appropriate collective bargaining units for the purposes noted:

1. All professional and related classifications employed in the Department of Public Instruction, excluding class-room teachers employed at the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped,

and also excluding confidential, supervisory and managerial employes and all other employes, who were employed by said State Employer on October 16, 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 said employes 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 employes and also excluding all other employes, who were employed by said State Employer on October 16, 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 said employes 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

STATE OF WISCONSIN

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ASSOCIATION OF PROFESSIONAL EMPLOYEES OF THE WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

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

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

The instant proceeding was initiated by petition filed by the Association of Professional Employees of the Wisconsin Department of Public Instruction, hereinafter referred to as APE, requesting the Commission to conduct a representation election among all professional employes, excluding all classroom teachers employed at the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped who are employed by the Department of Public Instruction, State of Wisconsin.

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 employes 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. 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 employes and all other employes 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 employes 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

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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.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Commissioner

Commissioner

Slavney

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