STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

HURLEY EDUCATION ASSOCIATION

Involving Certain Employes of

JOINT SCHOOL DISTRICT NO. 1 (TOWNS OF ANDERSON, CAREY, GURNEY, KIMBALL, KNIGHT, OMA, PENCE AND SAXON; and the CITIES OF HURLEY AND MONTREAL)
Hurley, Wisconsin

Case V No. 13309 ME-503 Decision No. 9458

Appearances:

Lawton & Cates, Attorneys at Law, by Mr. Robert C. Kelly;
Mrs. Mary K. Endrizzi, President; and Mr. Charles
Garnier, Field Consultant, for the Petitioner.

Mr. James Mazzano, Jr., Superintendent, for the Municipal Employer.

Mr. Frank Bucholtz, Director of Organization, and Mr. James Gustafson, President, for the Intervenor.

DIRECTION OF ELECTION

Hurley Education Association having filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of Joint School District No. 1 (Towns of Anderson, Carey, Gurney, Kimball, Knight, Oma, Pence and Saxon; and the Cities of Hurley and Montreal), Hurley, Wisconsin; and a hearing on such petition having been conducted on January 6, 1970, at Hurley, Wisconsin, by Zel S. Rice II, Commissioner; and during the course of said hearing, Hurley Federation of Teachers, Local 1290, AFL-CIO, having been permitted to intervene in the instant proceeding on the grounds that they are at present the certified collective bargaining representative for the employes involved; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of the above named Municipal Employer;

NOW, THEREFORE, it is

Certification of Representatives issued by the Wisconsin Employment Relations Commission on January 20, 1966.

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 full-time and regular part-time certificated teachers under contract to the Hurley Joint School District No. 1, Hurley, Wisconsin, but excluding substitute teachers, speech therapists, guidance counselors, curriculum coordinator, vocational education coordinator, principals, administrators and supervisory employes, who were employed by the Municipal Employer on January 16, 1970, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Hurley Education Association, or by Hurley Federation of Teachers, Local 1290, AFL-CIO, or by neither of said organizations, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of January, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Bv

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing herein an issue arose as to whether teachers who are teaching less than one-half of a normal teaching schedule should or should not be included in the appropriate collective bargaining unit. In a previous election proceeding involving the teachers. $\frac{2}{}$ and following an election conducted by it, the Commission certified Hurley Federation of Teachers, Local 1290, AFL-CIO, as the bargaining representative of "all full-time and part-time certificated teachers under contract to the Hurley Joint School District No. 1, Hurley, Wisconsin, but excluding substitute teachers, administrators, and other supervisory personnel." Following the said Certification the Municipal Employer and the Hurley Federation of Teachers entered into an agreement with respect to salaries, hours and working conditions of said employes, and therein provided that the provisions thereof should be "applicable to all full time and half time certificated personnel under contract to the 'Employer'." The Petitioner herein, the Hurley Education Association, during the hearing, contended that all regular parttime teachers, regardless of the number of hours taught by them, should be included in the bargaining unit. The Hurley Federation of Teachers and the Municipal Employer contended that only those part-time teachers who would teach at least half of the normal teaching schedule should be included in the unit and those not teaching at least half of a normal teaching schedule should be excluded from the unit.

^{2/} Decision No. 7382

The Commission has never adopted a policy requiring part-time employes to work a specified number of hours in order to be included among those eligible to participate in an election. If an employe is regularly employed, regardless of the number of hours worked by him, such an employe has a definite interest in the wages, hours and working conditions covering his employment. Accordingly, the bargaining unit should include all regular part-time certificated teachers regardless of whether they work at least half time.

Dated at Madison, Wisconsin, this 16th day of January, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

William R. Wilberg, Commissioner

 $[\]frac{3}{}$ Florence County Joint School District No. 1, Decision No. 6143.