

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 In the Matter of the Petition of :
 :
 AMERICAN FEDERATION OF TEACHERS, : Case XX
 LOCAL 212 : No. 15306 ME-752
 : Decision No. 10882
 Involving Certain Employes of :
 :
 VOCATIONAL, TECHNICAL AND ADULT :
 EDUCATION DISTRICT #9 :
 Milwaukee, Wisconsin :

Appearances:

Mr. Carston Koeller, President, appearing on behalf of the
 Petitioner.
 Quarles, Herriott, Clemons, Teschner & Noelke, Attorneys at Law,
 by Mr. James A. Urdan, appearing on behalf of the Municipal
 Employer.
Mr. Earl Gregory, Representative, appearing on behalf of the
 Intervenor.

DIRECTION OF ELECTION

The American Federation of Teachers, Local 212 having petitioned
 the Wisconsin Employment Relations Commission to conduct an election
 pursuant to Section 111.70 of the Wisconsin Statutes among certain
 employes of Vocational, Technical and Adult Education District #9,
 Milwaukee, Wisconsin; and a hearing on such petition having been
 conducted on March 10, 1972, at Milwaukee, Wisconsin, by Zel S. Rice II,
 Commissioner; and Local 587, District Council 48, AFSCME, AFL-CIO
 having been permitted to intervene in said matter on the claim that
 it currently represents certain employes sought to be represented by
 the Petitioner; and after a stipulation was reached between the parties
 on the description of the bargaining unit sought to be represented by
 the Petitioner, the Intervenor having indicated that it desired not to
 be placed on the ballot; and the Commission having considered the
 evidence and being satisfied that a question has arisen concerning
 representation for certain employes of the above Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction
 of the Wisconsin Employment Relations Commission within sixty (60) days
 from the date of this Directive among all teaching paraprofessionals and
 those teacher aides spending more than 50% of their time in instructional
 and student contact services, excluding supervisors and all other employes
 who were employed by the Municipal Employer on March 10, 1972, 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 for purposes of collective
 bargaining by American Federation of Teachers Local 212.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Flayney
 Morris Flayney, Chairman

Zel S. Rice II
 Zel S. Rice II, Commissioner

Jos. B. Kerkman
 Jos. B. Kerkman, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing the parties stipulated that all teaching paraprofessionals and teacher aides spending more than 50% of their time in instructional and student contact services in the employ of the Municipal Employer, excluding supervisors and all other employes, constitute an appropriate bargaining unit within the meaning of the MERA.

The Commission has today directed that an election be conducted in said unit since it has determined that the unit so stipulated is an appropriate collective bargaining unit. The Commission will not necessarily direct elections among employes in stipulated units unless the Commission is satisfied that the unit so stipulated is an appropriate unit within the meaning of MERA. The teaching paraprofessionals and teacher aides spending more than 50% of their time in instructional and student contact services cannot be included in the unit with the teachers since they are not certified as teachers and therefore they are not professional employes, although a portion of their duties are similar to those duties performed by certified teaching personnel. Those teaching paraprofessionals and teacher aides who spend more than 50% of their time in instructional and student contact services can constitute an appropriate bargaining unit separate and apart from all other employes of the Employer. The parties have agreed as to the identity of those individuals or those teaching paraprofessionals and teacher aides who spend 50% of their time in instructional and student contact services. There are no teaching paraprofessionals who spend less than 50% of their time in instructional and student contact services. Some teacher aides spend less than 50% of their time in such duties. If there had been an issue as to whether the latter teacher aides were to be included in the unit established, the Commission would have determined that they be excluded and would have placed them in an existing unit of office and clerical employes since a majority of their time is spent in office and clerical duties.

The Commission has also today issued an Order clarifying collective bargaining unit involving Common School District Joint No. 1, City of Tomah, et al.^{1/} In that Order the Commission determined that paraprofessional employes or teacher aides were to be included in a unit consisting

^{1/} Decision No. 8209-C

of office and clerical employes, since the paraprofessionals or teacher aides employed by that School District spend a majority of their time performing office and clerical duties and that their conditions of employment and rate of pay were similar to those conditions of employment and rates of pay paid to office and clerical employes. The distinction, in the instant matter, is the fact that the paraprofessionals and teacher aides who are included in the unit spend more than 50% of their time in instructional and student contact services rather than performing office and clerical duties.

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

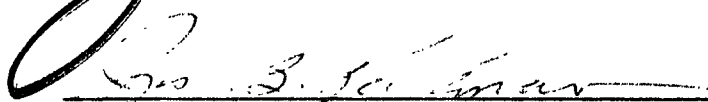
WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 

Morris Slavney, Chairman



Zel S. Nice II, Commissioner



Jos. B. Kerkman, Commissioner