

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE BOARD OF SCHOOL DIRECTORS

Case XXXV
No. 15014 ME-714
Decision No. 11206

Mr. John Kitzke, Chief Negotiator for the Employer, appearing on behalf of the Employer.

NOW, THEREFORE, it is

Zel S. Rice II, Commissioner

No. 11206

MEMORANDUM ACCOMPANYING ORDER REOPENING HEARING

Local 1616, affiliated with District Council 48, AFSCME, AFL-CIO and District Council 48, in initiating the instant proceeding, filed and amended a petition with the Commission requesting an election among certain employees in the Department of Instructional Resources, Data Processing Department and Purchasing Department of the Employer. The positions are:

- 1) All professional employees in the Department of Instructional Resources, including:

Engineer - Radio-TV
TV Photographer
Radio Producer
ETV Artist

excluding supervisory personnel (Chief Engineer)

- 2) All professional employees in the Data Processing Department, including:

Computer Programmer I, II, III
Systems Analyst Trainee
Systems Analyst
Machine Accounting Supervisor

- 3) All professional employees in the Purchasing Department, including:

Buyer I, II

During the hearing the parties stipulated that all incumbents of the aforesaid positions are professional employees. The Petitioners argue that, as stipulated professional employees, the designated incumbents are entitled to an election to determine whether they desire to be included in an existing non-professional unit under Section 111.70(4)(d)(2.a.) of the MERA for the purposes of collective bargaining.

The Employer contends that although all specified positions are professional in status, certain incumbents are not municipal employees within the meaning of the Act in that they are either supervisory, confidential or managerial.

Since the parties had stipulated that the positions involved were professional, there was no evidence adduced to establish their professional status. The Commission will not accept the stipulation of the parties since there is some doubt in our mind that at least some of the positions are professional, and, therefore, we have reopened the hearing for the purpose of adducing evidence relating to the "professional" status of the positions involved.

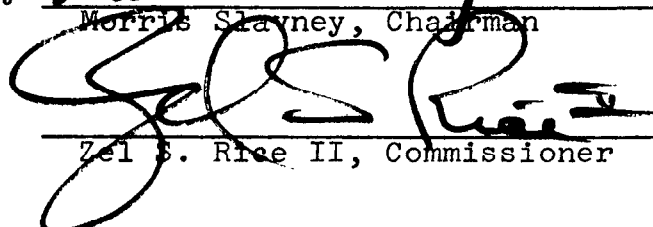
If the record establishes that the employees involved are, in fact, professional, then those employees engaged in these separate professions will be given the opportunity to separately vote to determine whether they desire to accrete to the existing unit involved.

Dated at Madison, Wisconsin, this 8th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner