STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

LOCAL 1616 AFFILIATED WITH DISTRICT COUNCIL 48, AFSCME, AFL-CIO and DISTRICT COUNCIL 48, THE AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO

Involving Certain Employes of

MILWAUKEE BOARD OF SCHOOL DIRECTORS

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

Appearances:

Goldberg, Previant & Uelmen, by Mr. John S. Williamson, Jr., appearing on behalf of the Petitioner.

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

ORDER REOPENING HEARING

Local 1616 affiliated with District Council 48, AFSCME, AFL-CIO and District Council 48, the American Federation of State, County and Municipal Employees, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 (4)(d) of the Municipal Employment Relations Act, among certain employes of the Milwaukee Board of School Directors, to determine whether said employes desire to be included in the Petitioner's existing unit for the purposes of collective bargaining; and hearing on said petition having been conducted on December 13 and 16, 1971, at Milwaukee, Wisconsin, by Howard S. Bellman, Hearing Officer, and the Commission, having considered the evidence and arguments of Counsel, being fully advised in the premises, and being satisfied that evidence has not been sufficiently adduced to determine whether said employes constitute an appropriate voting unit with employes in an existing, certified unit within the meaning of Section 111.70(4)(d) of the Municipal Employment Relations Act;

NOW, THEREFORE, it is

ORDERED

That the hearing on the election petition be, and the same hereby is, reopened and such hearing shall be conducted on Friday, September 1, 1972 at 10:00 a.m. in Room 40, State Office Building, 819 North Sixth Street, Milwaukee, Wisconsin.

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

By Morris Slavney, Chairman

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 employes in the Department of Instructional Resources, Data Processing Department and Purchasing Department of the Employer. The positions are:

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

Engineer - Radio-TV TV Photographer Radio Producer ETV Artist

excluding supervisory personnel (Chief Engineer)

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

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

3) All professional employes in the Purchasing Department, including:

Buyer I, II

During the hearing the parties stipulated that all incumbents of the aforesaid positions are professional employes. The Petitioners argue that, as stipulated professional employes, 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 employes 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 employes involved are, in fact, professional, then those employes 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 day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Stayney, Chairman

. Rice II, Commissioner

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