

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :  
: WISCONSIN COUNCIL OF COUNTY AND :  
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO: :  
: Involving Certain Employees of :  
: :  
HORTONVILLE COMMUNITY SCHOOL, :  
JOINT SCHOOL DISTRICT #1 :  
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Case II  
No. 15863 ME-821  
Decision No. 11255

Appearances:

Mr. William Sandoval, District Representative, AFSCME, AFL-CIO,  
for the Petitioner.  
Herrling, Lathrop, Myse & Hamilton, Attorneys at Law, by  
Mr. Kelland Lathrop, for the Municipal Employer.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, by its District Representative, William Sandoval, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of Hortonville Community School, Joint School District #1; and hearing on said petition having been conducted on August 22, 1972, at Appleton, Wisconsin, by Jos. B. Kerkman, Commissioner; and the Commission having considered the evidence and the positions of the parties and being satisfied that a question has arisen concerning representation for certain employees of Hortonville Community School, Joint School District #1;

NOW, THEREFORE, it is

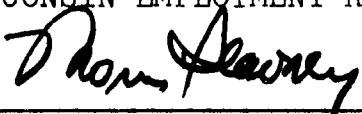
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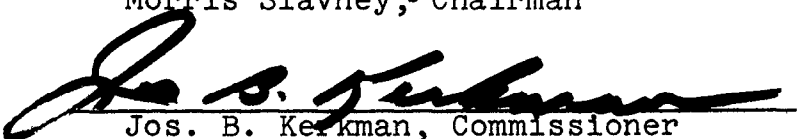
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time teachers aides, library aides, nurses aides and secretaries of Hortonville Community School, Joint School District #1, excluding professional, supervisory, managerial and confidential employees, who were employed by the Municipal Employer on August 22, 1972, except such employees who may quit their employment or are terminated for cause prior to the date of the election, for the purpose of determining whether a majority of such employees desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purpose of collective bargaining with Hortonville Community School, Joint School District #1 on questions of wages, hours and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 30th  
day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The petition originally filed with the Wisconsin Employment Relations Commission by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, described the claimed appropriate bargaining unit as all regular full-time and regular part-time teachers aides of the Hortonville Community School, Joint School District #1, excluding administrative, supervisory, confidential secretaries and all other employees. During the course of the hearing the Petitioner amended the petition to limit the unit to employees performing clerical or secretarial duties. The School District stipulated to such amendment.

The issue to be determined by the Commission is which of the following positions appropriately belong within a unit comprised of all clerical employees of the Employer: Teachers Aides, Library Aides, Nurses Aides and Secretaries.

The following sets forth the responsibility of each of the aforementioned positions:

1. Teachers Aides (six employes)

- a. Reproduces instructional materials at the direction of the teachers as coordinated by the unit leader.
- b. Performs typing of tests and other materials at the direction of the teachers as coordinated by the unit leader.
- c. Provides messenger service, picking up and delivering materials between teachers and the principal's office.
- d. Supervises students approximately one and one-half hours per day during recess, lunch and when movies are being shown.
- e. Reports to the unit leader for day to day work instructions but is hired by the principal of the school who is also responsible for all other areas of the aides' supervision except the day to day work assignments.

2. Library Aides (three employes)

- a. Checks books in and out of library.
- b. Processes books and magazines when first received by the library.
- c. Checks in and out visual aides.
- d. Performs typing duties as required.
- e. Reports to the librarian for day to day work assignments.
- f. Is hired by the principal and the Superintendent of Schools and reports to the principal for all areas of supervision except for day to day work assignments.

3. Nurses Aides (one employe)

- a. Spends 90% of her time administering first aid to students while working a part-time schedule from 10:00 a.m. to 2:00 p.m.
- b. Devotes the balance of her time (10%) in keeping first aid records and maintaining clean and orderly first aid room.
- c. Receives day to day work direction from school nurse who is a RN.
- d. Is employed by the Superintendent and is supervised in all other respects by the principal of the school other than for day to day work assignments.

4. Secretaries (six employes)

- a. Two secretaries are employed in the central administration office under the direct supervision of the Superintendent of Schools.
- b. Two additional secretaries are employed in the principal's office of the high school and the remaining two secretaries are employed in the principal's office of the elementary school. With the exception of Alice Schwebs, who is the bookkeeper and performs exclusively as such, as well as payroll and related functions, the balance of the secretaries type communications, collect monies, supervise children while in administrative offices, keep attendance records, file, and perform general clerical duties.

From the foregoing enumeration the Commission is satisfied that there is a sufficient community of interest among the teachers aides, library aides, nurses aides and secretaries to warrant establishing a bargaining unit comprised of the aforementioned positions and these positions are included in the unit.

During the course of the hearing the parties stipulated that the four playground aides should be excluded from the unit. These aides work one hour a day during the noon recess; their sole responsibility is to supervise children on the playground and maintain order while the children are playing during the noon hour. They perform no clerical function for the Municipal Employer. The Commission is satisfied that such a stipulation is appropriate, and that the playground aides have no community of interest with the clerical employes, and are therefore excluded from the unit.

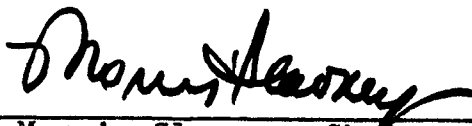
There was a further stipulation that the Secretary to the Superintendent of Schools, Marjorie Schultz, should be excluded from the bargaining unit by reason of confidential responsibilities.

An issue arose as to whether Mrs. Linda Bradley should properly be included in the unit as a library aide. Mrs. Bradley is hired to teach two hours a day as a certified teacher and to perform library aide responsibilities for the balance of the full workday. During the time that she is engaged in classroom teaching she is paid pursuant to the teachers' salary schedule, however, for the majority of the workday, she is paid an amount equal to the other library aides.

It is anticipated that while working as a library aide she will engage in individualized and small group instruction in the library for certain students. However, during this individualized and small group instruction, she will be paid the rate of a library aide. It is clear to the Commission that her interest in the wages, hours and conditions of employment of a library aide are sufficient to include her in the unit and she is hereby included.

Dated at Madison, Wisconsin, this 30th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner