

In the Matter of the Petition of

STANLEY-BOYD AREA SCHOOLS, JOINT
DISTRICT NO. 4

For Clarification of the Bargaining
Unit of Certain Employees of

STANLEY-BOYD AREA SCHOOLS, JOINT
DISTRICT NO. 4

Case III
No. 16162 ME-854
Decision No. 11589-A

Mr. Kermit V. Miller, District Administrator and Mr. Roy Samplowski, Board member on the Teacher Committee, appearing on behalf of the Petitioner.

Mr. Charles S. Garnier, Consultant, appearing on behalf of the Stanley-Boyd Education Association.

Stanley-Boyd Area Schools, Joint District No. 4, having requested the Wisconsin Employment Relations Commission to issue an Order determining whether the positions of Guidance Counselor, Local Vocational Education Coordinator, Athletic Coordinator, Middle School Principal-Dodge Building, Building Supervisor-Lincoln School, Building Supervisor-Boyd Elementary, and Building Supervisor-Edson Elementary are to be included in a present collective bargaining unit; and hearing on said petition having been held at Stanley, Wisconsin, on February 21, 1973; and the Commission having reviewed the evidence, arguments and briefs of the parties, and being fully advised in the premises, makes and issues the following

That the appropriate collective bargaining unit of certified teaching personnel in the employ of Stanley-Boyd Area Schools, Joint District No. 4 includes the positions of teaching principals; specifically, Building Supervisor-Edson Elementary, Building Supervisor-Boyd Elementary, Building Supervisor-Lincoln School, Middle School Principal-Dodge Building; and Guidance Counselor, but does not include Athletic Coordinator or Local Vocational Education Coordinator.

Given under our hands and seal at the
City of Madison, Wisconsin, this 19th
day of July, 1973.

By

~~Morris Slavney, Chairman~~

Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Stanley-Boyd Area Schools, Joint District No. 4, hereinafter referred to as the Municipal Employer, voluntarily recognized the Stanley-Boyd Education Association, hereinafter referred to as SBEA, as the collective bargaining representative for all full-time and part-time certified teachers employed by the Municipal Employer, including librarians, but excluding all substitute teachers, full-time principals and administrators. Furthermore, the recognition clause, as stated in the 1972-1973 agreement, tentatively included teaching principals in the bargaining unit description and excluded guidance counselor pending Wisconsin Employment Relations Commission determination of the inclusion or exclusion of said positions from the bargaining unit. The positions of Athletic Coordinator and Local Vocational Education Coordinator are also in dispute with respect to their inclusion in the bargaining unit.

Building Supervisor-Edson Elementary
Building Supervisor-Boyd Elementary
Building Supervisor-Lincoln School

Mrs. Verona Veesar is employed by the Municipal Employer as Building Supervisor and full-time second grade teacher in the Edson Elementary School. In addition to her regular teaching salary, Mrs. Veesar receives \$150.00 per year for performance of her Building Supervisor duties. Edson Elementary School has a student population of sixty, a professional teaching staff of three (including Mrs. Veesar), and two non-professional aides.

The teacher handbook in effect for at least the past three years specifies that the duties of a building principal or supervisor include: being responsible for playground direction; functioning as contact person for emergency and sick calls; arranging for substitute teachers; maintaining sick leave records for all building personnel; functioning as referral person for student discipline; making suggestions and directing non-certified employees; scheduling and conducting teacher meetings; handling and assuming responsibility for building monies; serving as a contact person for early dismissal, activity changes and building problems; checking teachers out at the end of the school year and collecting building keys; and approving teacher requests to leave the building during the school day.

In addition, a Building Supervisor may make oral evaluations of staff performance to the administration; routinely direct the custodian and cook/playground aide in their duties; make minor budget recommendations; hold parent and/or teacher conferences; in most schools, call in substitute teachers as needed; ascertain reason for teacher absence; conduct periodic staff meetings; relay messages; and coordinate room use and scheduling of special classroom programs (i.e., music, speech, visiting nurse, psychologist).

Mrs. Veesar testified that she is immediately supervised in her building supervisor duties by the Building Supervisor of Boyd Elementary. The teaching duties of Mrs. Veesar are supervised by the Elementary Coordinator.

Mrs. Veesar testified that she does not call in substitute teachers for the Edson Building. According to the incumbent, she has no set time during the school day in which she performs her Building Supervisor duties. Rather, as time permits throughout the day, she collects lunch money, notes minor building repairs and maintenance to the

custodian, helps serve lunch to the students, assigns playground duty (which she participates in), and relays messages to teachers. She estimates that such duties require approximately one hour per day. In that she carries a full teaching load during the regular school day, 8:30 a.m. to 3:00 p.m., prepares teaching materials, and performs incidental Building Supervisor duties, Mrs. Veesar testified that she usually works until 4:00 p.m. or later daily.

The Building Supervisor-Edson does not observe or formally evaluate the professional teaching staff. The special education aide assigned to Edson, performs her duties at the direction of the special education teacher. The incumbent, although specified as the first step in the contractual grievance procedure, has not been involved in the processing of a teacher grievance to date.

The Building Supervisor of Boyd Elementary, Mrs. Margaret Handrick, is a full-time eighth grade teacher employed by the Municipal Employer. Mrs. Handrick is paid \$550 per year for her Building Supervisor responsibilities. Boyd Elementary houses two-hundred students, seven certified teachers and five non-professional employees, namely two cooks, a custodian, a lunchroom aide and a reading aide.

Mrs. Handrick's duties as Building Supervisor are largely the same as those described in the preceding discussion of the Edson Building Supervisor. However, because all food is prepared at the Boyd facility for the Edson and Boyd lunch programs, Mrs. Handrick assumes additional duties by directing the staff to resupply groceries as needed. Mrs. Handrick's duties, as contrasted to those of Mrs. Veesar, include calling in substitutes if needed to complete daily staffing from a list furnished by the District Administrator. The incumbent's teaching performance and Building Supervisor functions are immediately supervised by the Elementary Coordinator and District Administrator respectively.

Mrs. Handrick estimates that she spends one to one and a half hours a day performing Building Supervisor duties. The incumbent, as the other Building Supervisors, does not participate in the hiring of either the professional or non-professional staff.

Miss Marian Peterson is the Building Supervisor-Lincoln School as well as the director and instructor of the District's Title I program. Her Building Supervisor responsibilities are basically the same as those discussed for Edson and Boyd Elementary. There are two-hundred students, ten professional teachers and five non-professional employees assigned to Lincoln School. The federally funded Title I program has been implemented in four District school buildings. In 1972-73, approximately one hundred students were involved in the Title I project. Miss Peterson is the only certified teacher employed in the program. As such, she works several hours each morning with small groups of students in the various schools in an attempt to improve individual student reading skills. A substantial amount of the remainder of her time is spent administering test instruments and diagnosing student reading problems.

Three Title I Aides participate in the program. Miss Peterson evaluates the Aides to the District Administrator. Miss Peterson testified that she spends approximately one to two hours a day performing Building Supervisor duties. Among these she included: notifying teachers of meetings, performing office work, ringing bells, answering and distributing mail, taking phone calls, repairing the mimeograph machine, and locating teaching materials for staff members. The District Administrator supervises Miss Peterson's performance of her Building Supervisor duties. In her role as Title I teacher, she is supervised by the Elementary Coordinator.

The Building Supervisors in Edson, Boyd and Lincoln Schools basically assume the same responsibilities with regard to the operation of their respective schools. In addition, two of the Building Supervisors are full-time classroom teachers and the third is a certified Title I teacher. From the testimony of the three incumbents, it is apparent that each spends the majority of her time performing teaching duties as opposed to Building Supervisor duties. The incumbents estimated that they spent one to two hours a day on Building Supervisor tasks, with the remainder of the time devoted to teaching and teaching related activities.

The Municipal Employer argues that Miss Peterson, Building Supervisor-Lincoln, has direct contact with students for only a few hours each day. Thereby, the Municipal Employer reasons that Miss Peterson is spending the majority of her time in administrative and supervisory tasks. The record discloses that the majority of Miss Peterson's time is occupied with student-centered activities. In addition to teaching the small group reading classes, she administers tests, prepares reading materials and diagnoses reading problems. Miss Peterson, Mrs. Veasar and Mrs. Handrick spend the majority of their work time performing student-related work just as the other employees do.

The Commission is satisfied that the Building Supervisor in the three buildings do not exercise supervisory or managerial authority. The majority of their time and duties are devoted to the same tasks as performed by the other teachers in the buildings. Furthermore, we conclude that the Building Supervisors do not exercise sufficient independent judgment or authority with regard to other employees to offset their common teaching activities. Moreover, their Building Supervisor duties appear to be largely clerical in nature, resembling those of a lead worker assuming somewhat great responsibility for the overall functioning of the work environment. The Commission concludes that the Building Supervisor-Edson Elementary, Building Supervisor-Boyd Elementary, and Building Supervisor-Lincoln School, are appropriately included in the collective bargaining unit of certified teachers.

Middle School Principal-Dodge Building

Mr. Richard Davis is the incumbent Middle School Principal in the Dodge Building. Mr. Davis also teaches three classes of eighth grade science. The Dodge Building has a professional staff of twenty and seven non-professional employees; namely, two custodians, three cafeteria workers and two aides. The position of Middle School Principal is compensated by an additional \$700 per year over Mr. Davis' teaching salary.

In addition to the Building Principal (Supervisor) duties specified in the teacher handbook, Mr. Davis' duties include: calling in needed substitute teachers; handling mail; checking the building; overseeing the lunch money accounting performed by an aide and bi-weekly delivering lunch monies to the High School; ordering, previewing and showing films; picking up supplies at the High School; maintaining attendance records; noting necessary building repairs to the custodian and/or the District Administrator; and annually scheduling seventh and eighth grade classes in the Dodge Building.

The normal class load for teachers in the Dodge Building is five student contact periods and two preparation periods. Mr. Davis has one preparation period in the morning preceding his three science classes. School day afternoons, the incumbent primarily devotes his time to the duties of his Principalship. During the hearing, Mr. Davis stated that his working time is evenly divided between his teaching obligations and administrative duties.

Mr. Davis orally evaluates teachers to the administration but does not participate in any classroom observation of staff. He may recommend building repairs and materials for purchase to the administration. During the summer months, Mr. Davis performs Building Principal duties. Mr. Davis is immediately supervised by the District Administrator in his Building Supervisor tasks and by the Elementary Coordinator in his teaching duties.

Individuals exercising the duties of principal who teach fifty percent or more of a full teaching schedule have been included in units of certified teachers unless such positions possess supervisory, managerial or confidential responsibility. 1/ This Commission has consistently looked behind the job titles of disputed positions in order to determine their appropriate inclusion in or exclusion from the collective bargaining unit.

Mr. Davis spends a substantial amount of time performing the same duties as those of the regular teaching staff. We conclude that the Middle School Principal-Dodge School is engaged in teaching activities at least fifty percent of his working time.

Furthermore, there is no indication that Mr. Davis exercises supervisory, managerial or confidential responsibility. The incumbent does not participate in the hiring, firing, or assigning of staff members. Neither does he play a determinative role in the formulation of management policy nor does he apparently have access to confidential matters relating to labor relations. We conclude that the position of Middle School Principal-Dodge Building is appropriately included in the collective bargaining unit.

Athletic Coordinator

Mr. Eugene Hatfield is employed by the District as Athletic Coordinator and full-time physical education instructor. In addition, Mr. Hatfield serves as head football and head track coach. The position of Athletic Coordinator is paid an additional \$400 per year. Ten individuals hold coaching responsibilities in the system.

Mr. Hatfield contractually schedules all football and basketball games, hires and assigns all officials for home athletic events, submits names of officials to payroll and issues pay checks to assigned officials after each event, arranges for bus transportation for away games and advises bus drivers of any schedule changes.

Having reviewed and concurred in the budget requests of the various coaches, the Athletic Coordinator sends out bids on all athletic equipment and first-aid supplies. The District annually expends \$1.50 per student for the physical education program. Upon receipt of bids, Mr. Hatfield formulates and presents the budgets for the various sports to the School Board. Subsequent to School Board option, Mr. Hatfield is responsible for administering the departmental athletic budgets. As Athletic Coordinator Mr. Hatfield oversees the purchase, delivery and maintenance of such equipment and supplies. All purchase orders are signed by the District Administrator.

The Athletic Coordinator is a member of the Faculty Athletic Committee which establishes athletic policy and training rules for the District. Policy formulated by the Committee is submitted to the School Board for approval. The Athletic Coordinator notifies coaches of rule or policy changes and any related developments. The incumbent informs coaches of individual athlete's eligibility and advises the WIAA office of the same.

1/ Elmbrook Schools, (7361) 11/65.

Mr. Hatfield orally evaluates the various coaches. The position participates on the interviewing team which considers District teachers for coaching assignments and assists in the making of those assignments. The Athletic Coordinator may recommend an individual teacher for a particular coaching position.

The Athletic Coordinator arranges athletic event schedules, hires and assigns officials employed at such events. The incumbent draws up the athletic budget and initiates bids and purchase orders for athletic equipment and supplies. Such duties, however infrequently they may occur, indicate the presence of effective managerial, and to some extent, supervisory authority. The position's supervisory status is further substantiated in that the Athletic Coordinator participates in the interviewing of candidates for coaching positions. We are satisfied that the exclusion of the Athletic Coordinator from the collective bargaining unit is appropriate and consistent with the purposes of the Municipal Employment Relations Act.

Guidance Counselor

Mr. Kenneth Fremstad is the full-time Guidance Counselor employed in the Stanley-Boyd High School. Mr. Fremstad also serves as Director of the night school education program. Although he was recommended for the Directorship by the District Administration, the position is in the employ of the Eau Claire Vocational Education District, and thereby, not relevant to a determination herein.

The position of Guidance Counselor is not compensated on the basis of the contractual salary schedule. Furthermore, Mr. Fremstad works on an extended contract and thereby works a greater proportion of the calendar year than the regular teaching staff does.

During the hearing, Mr. Fremstad estimated that he spent 75% of his time working directly with students. Such time is spent counseling, testing and advising high school students in their academic, vocational and personal development. Mr. Fremstad also works with teachers, parents and the administration in efforts to provide beneficial guidance to students.

The Commission has previously held that:

"...the past pay practices or the mere fact that the guidance counselors work for a greater proportion of the year does not warrant the exclusion of the guidance counselors from a bargaining unit of employees engaged in the teaching profession." 2/

The Guidance Counselor possesses the same educational background as that of the classroom teachers and works in the same educational program as the teaching staff does. In previous determination, we have included in a unit of consisting primarily of classroom teachers, those individuals not engaged in classroom teaching but possessing teaching certificates evidencing a background in education and working with students or teachers in a non-supervisory capacity in support of the educational program. 3/

We are satisfied that the Guidance Counselor, working in support of the Stanley-Boyd educational program, is neither a supervisory or managerial employe and is appropriately included in the existing collective bargaining unit.

2/ Whitefish Bay Public Schools (10799) 2/72.

3/ Janesville Board of Education (6678) 3/64; Appleton Joint School District No. 10 (7151) 5/65; Whitefish Bay Public Schools (10799) 2/72.

Local Vocational Education Coordinator

The position of Local Vocational Education Coordinator was created for the District in May, 1971. The funded program is designed to provide relevant, vocational education and experience for high school students enrolled in a non-college preparatory program. Mr. Charles Poulter has occupied the position of LVEC since the program's inception.

The long range plan for the Stanley-Boyd LVE program; primarily formulated and drafted by Mr. Poulter; approved by the School Board, administration, Advisory Committee, and High School Principal; and subsequently submitted to satisfy the requirements of the Department of Public Instruction; states that the LVEC coordinates the entire program activity at the local level. The position's incumbent conducts pertinent surveys, gathers research and helps develop and establish courses of instruction. The LVEC involves outside agencies in the planning and the program, serves as liason to the DPI and coordinates and evaluates the program.

The LVEC gathers and analyzes information regarding jobs available to high school graduates. He organizes and works within a local advisory committee which identifies job opportunities and delineates the High School's role in preparing students to meet such opportunities. The LVEC participates in the development and revision of curriculum. Among the LVEC's responsibilities in developing the vocational program, is to assist in the establishment of a vocational counseling and guidance program. The LVEC is responsible for the coordination of the activities of teachers, guidance counselors and staff members in order to avoid duplication of programs and efforts.

In the initial stages of the LVE program, the LVEC developed the long-range plan. In doing so, the LVEC familiarized himself with the needs and resources of the Stanley-Boyd High School, the vocational program and the community. The subsequent phase has been devoted to the development of a comprehensive LVE program.

The Municipal Employer avers that, as the program develops, the ultimate duties of the LVEC will include supervision, evaluation, assignment, hiring and dismissal of District teachers working in the vocational program. Presently there are nine teachers working in the vocational field, two of whom were hired in the past year without the consultation of the LVEC. The District further asserts that the LVEC has effectively recommended the level and distribution of past vocational budgets.

Mr. Poulter teaches three classes each morning, specifically; junior and senior agriculture and career orientation, none of which are directly within the LVE program. The usual high school teaching load is six contact periods daily. Mr. Poulter also serves as audio-visual coordinator for the District. In addition to three or four summer weeks devoted to the LVE program, he estimates that he spends approximately half of his working time on the LVEC program.

The incumbent LVEC stated that his position has evaluation responsibility for the total program but not for individual teachers participating in the program.


The Local Vocational Education Coordinator has been delegated the responsibility for curriculum development in the initial stages of the program and for curriculum revision during the program's life. We are satisfied that such responsibility is indicative of substantial, managerial authority in formulating and implementing educational policy. The Association argued that Mr. Poulter spends "very little" time performing

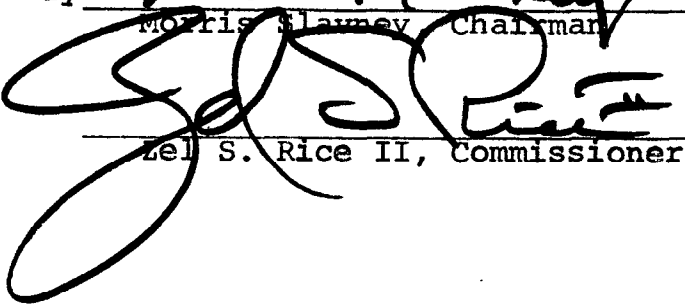
the duties of LVEC. The Commission has previously held that the proportion of time spent on supervisory, managerial or confidential duties is not relevant to a determination of a given position's supervisory, managerial or confidential status. Although Mr. Poulter's role in policy and budget formulation does not represent the majority of his working time, his possession and exercise of such authority is sufficient to warrant his exclusion from the collective bargaining unit. We conclude that the position of Local Vocational Education Coordinator is properly excluded from the collective bargaining unit on the basis of its managerial responsibilities.

Dated at Madison, Wisconsin, this 19th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner