

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

NORTHEAST WISCONSIN TECHNICAL INSTITUTE
FACULTY ASSOCIATION

Case VIII
No. 16382 ME-871
Decision No. 11602

Involving Certain Employees of

DISTRICT #13, NORTHEAST WISCONSIN
TECHNICAL INSTITUTE, BOARD OF VOCATIONAL:
TECHNICAL & ADULT EDUCATION
Green Bay, Wisconsin

Appearances:

Mr. Donald W. Dickinson, Field Consultant, appearing on behalf
of the Petitioner.

Mr. Donald VanderKelen, Labor Negotiator and Mr. K. W. Haubenschild,
District Director, appearing on behalf of the Municipal
Employer.

Mr. John H. Stevens, Executive Director, appearing on behalf of
the Intervenor.

DIRECTION OF ELECTION

Northeast Wisconsin Technical Institute Faculty Association, having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to the Municipal Employment Relations Act, among certain certified teaching personnel employed by the Northeast Wisconsin Technical Institute, Green Bay, Wisconsin; and a hearing on said petition having been conducted at Green Bay, Wisconsin, on January 23, 1973, before George R. Fleischli, Hearing Officer; and during the course of the hearing, Northeast Wisconsin Technical Institute Union Local 1720, WFT-AFT, AFL-CIO, having been permitted to intervene in the matter on the basis that it is currently the certified bargaining representative of the employees involved; and the Commission having considered the evidence and arguments of the parties, and being satisfied that a question has arisen concerning representation for certain employees of the 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 thirty (30) days from the date of this directive in a collective bargaining unit consisting of all certified personnel teaching at least 50% of a full teaching schedule at Northeast Wisconsin Technical Institute including classroom teachers, librarians, guidance counselors and other special teachers, but excluding teaching personnel teaching less than 50% of the full teaching schedule, coordinator directors, supervisors, clerical and custodial employees who were employed on January 23, 1973, except such employees as may prior to the election quit their employment

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or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Northeast Wisconsin Technical Institute Faculty Association, or Northeast Wisconsin Technical Institute Union Local 1720, WFT-AFT, AFL-CIO, or by neither of said organizations, for the purposes of collective bargaining on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 12th
day of February, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

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

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

The Petitioner seeks an election in the same bargaining unit of certified teaching personnel which is currently represented by the Intervenor. Neither the Municipal Employer nor the Intervenor indicated any objection to the continuation of the present bargaining unit description. However, during the course of the hearing certain issues arose regarding the inclusion or exclusion of five employees in the bargaining unit in question.

Fashion Merchandising Instructor

Susan O'Connor is the teacher currently employed to teach courses in fashion merchandising. During the first semester of the 1972-73 school year, O'Connor taught a total of ten hours per week. During the second semester O'Connor is scheduled to teach eleven hours per week. The parties stipulated that inasmuch as the position currently held by O'Connor is expected to become a full-time position, O'Connor ought to be included in the bargaining unit if she is scheduled to teach 50% or more during the second semester of the current school year. Evidence submitted by the Municipal Employer indicates that a full-time teaching load for the type of assignment involved could range from 22-28 hours per week. It is therefore concluded that O'Connor is included within the bargaining unit described and should be allowed to vote.

Instructors of Practical Nursing

Three employees, Jeanne Davies, Glenna Jensen and Rita Nixon, are employed to do instructional work in the practical nursing program. Their work is performed as clinical supervisors in a local hospital and is not limited to classroom instruction. Davies and Nixon each worked 22 hours per week for 26 weeks during the year prior to the hearing for a total of 572 hours. Jensen worked on an "as needed" basis and was, on that basis, employed for a total of 536 hours during the year prior to the hearing. The parties agreed that the Commission should make a determination regarding the inclusion or exclusion of these three employees based on the number of hours actually worked by them in relation to the number of hours considered to be full time.

Evidence presented by the Municipal Employer indicates that a full-time teaching assignment of this type is considered to be 35 hours per week for 40 weeks, for a total of 1,400 hours per year. Inasmuch as none of the three teachers work 50% or more of a full-time teaching load, they should all be excluded from the bargaining unit.

Library Technician

The Municipal Employer employs Ruth Ann Volz as a Library Technician. Although Volz has the necessary credentials to be a certified librarian, the requirements of the position currently held by Volz does not require either a degree in library science or certification.

The position held by Volz was created by the Board in August of 1971 at which time the organization of the Institute's library was completely changed. Prior to August of 1971, the Municipal Employer

employed a librarian in a traditional library setting. However, it was determined at a meeting of the Board of Directors held on February 10, 1971, that a Learning Resources Specialist would be hired for the purpose of coordinating the audio-visual program and the closed circuit television program with the library program and that a para-professional would be hired for the purpose of providing service in the library during the regular day-time hours and early evening hours.

The Petitioner contends that Volz should be included in the bargaining unit because she is a trained librarian. The Municipal Employer argues that Volz should be excluded because she is not certified and has not been asked to become certified because the position currently held by her does not require certification.

It is quite clear from the evidence presented that Volz is not included in the bargaining unit description set out in the petition, inasmuch as she is not certified and the job currently held by her does not require certification.

For the above and foregoing reasons, the Commission has determined that O'Connor should be included in the bargaining unit and included on the list of eligible voters, but that Davies, Jensen, Nixon and Volz should be excluded from the bargaining unit and not included among the employees eligible to vote in the election.

Dated at Madison, Wisconsin, this 12th day of February, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

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