

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE TEACHERS EDUCATION
ASSOCIATION

Case I
No. 16901
E-2803 R-5511
Decision No. 12030

Mr. Alyerd Louis Luelloff, appearing on behalf of the Milwaukee Teachers Field Staff Council.

Mr. Richard Perry, Attorney at Law, Mr. Donald Feilbach, President, and Mr. James R. Colter, appearing on behalf of the Milwaukee Teachers Education Association.

Mr. Donald Ernest and Mr. Donald Deeder, appearing on behalf of the Union of Association Employees.

Petitions having been filed with the Wisconsin Employment Relations Commission by Alyerd Louis Luellhoff on behalf of the Milwaukee Teachers Field Staff Council, requesting that an election to determine bargaining representative and a referendum on the "All-Union Agreement" question be conducted among certain employes of the Milwaukee Teachers Education Association; and hearing on said petitions having been conducted at Milwaukee, Wisconsin on July 16, 1973 by Marshall L. Gratz, Hearing Officer; and the Commission having considered the evidence and being satisfied that questions have arisen concerning representation and an "All-Union Agreement" for certain employes of the Employer;

NOW, THEREFORE, it is

That an election and referendum be conducted within thirty (30) days from the date of this Directive in the voting group consisting of all employees of the Milwaukee Teachers Education Association employed in the category of "Field Staff, but excluding full-time professional staff, supervisory, executive, confidential employees and all other employees" who were employed by the Employer on August 3, 1973, except such employees as may prior to the election and referendum quit their employment or be discharged for cause, for the purpose of determining:


- (1) Whether a majority of such employees voting desire to be represented for the purposes of collective bargaining by Milwaukee Teachers Field Staff Council.

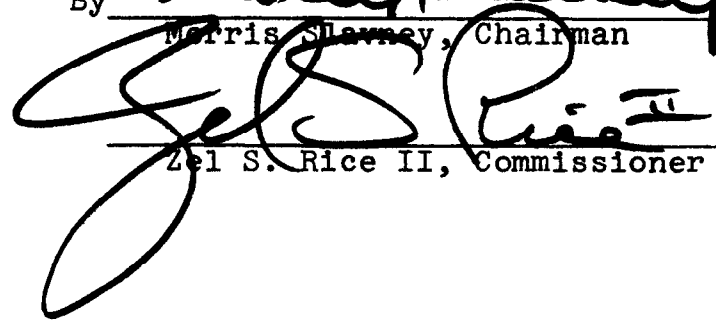
- (2) Whether the required number of such employes favor an "All-Union Agreement" between the Milwaukee Teachers Field Staff Council and Milwaukee Teachers Education Association.

Given under our hands and seal at the City of Madison, Wisconsin, this 20th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION AND REFERENDUM

During the hearing in this matter, the Petitioner orally amended its petition so as to claim a bargaining unit consisting of

"All employees of the Milwaukee Teachers Education Association employed in the category of 'Field Staff', but excluding full-time professional staff, supervisory, executive, confidential employees and all other employees."

The Employer initially questioned whether any of the persons within the claimed bargaining unit were "employees" as that term is defined in Sec. 111.02(3) of the Wisconsin Employment Peace Act. Testimony was taken concerning the existing duties of and other circumstances surrounding the employment of MTEA Field Staff. Following the taking of such testimony, the Employer stipulated that "... as to those duties necessitated by the Field Staff position as opposed to duties or functions related to [MTEA] committee membership or other capacities, Field Staff personnel are "employees" within the meaning of the Wisconsin Employment Peace Act."

The Employer also took the position, and, following considerable informal discussion, the parties further stipulated that persons holding MTEA positions as Executive Board members, Officers or Building Representatives are so closely allied with the interests of the MTEA in policy-making (concerning the wages, hours and working conditions of Field Staff personnel) that they hold "executive" positions within the meaning of the Wisconsin Employment Peace Act and are, therefore, excluded from the unit, which the parties agreed was appropriate.

With respect to the submission of an eligibility list, the parties stipulated that "If an election is directed in the claimed unit, no [MTEA] Building Representative, Executive Board member or Officer shall be eligible to vote or otherwise included in the unit unless they resign (in writing) from such policy-making position(s) within two weeks from the date of the Direction of Election. Further, the MTEA will, immediately thereafter, submit an eligibility list to the WERC and to Petitioner.

Upon review of the above-described stipulation and the evidence presented in support thereof, the Commission is satisfied that an election and referendum should appropriately be conducted within the claimed unit and in the manner outlined above. 1/

The Commission will, therefore, expect to receive an eligibility list from the MTEA shortly after two weeks after the date of this Direction. The date set for balloting will be sometime after the expected receipt of said list by the Commission.

Dated at Madison, Wisconsin, this 20th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Stevney, Chairman


Tel S. Rice II, Commissioner

1/ The result reached herein makes unnecessary the remand of this case for factual record presentation which the parties agreed would be necessary had the Commission refused to accept any of the above-noted stipulations.