

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

HAYWARD COMMUNITY SCHOOLS,  
JOINT DISTRICT NO. 1

Case IV  
No. 16899 ME-957  
Decision No. 12040

Mr. William Kalin, Director of Organization, Wisconsin Federation of Teachers, for the intervening Hayward Federation of Teachers, WFT-AFT.

Hayward Community Schools Board of Education, having petitioned the Wisconsin Employment Relations Commission to conduct a representation election, pursuant to Section 111.70 of the Wisconsin Statutes, in a bargaining unit consisting of certain teaching personnel employed by said Municipal Employer; and a hearing on said petition having been conducted at Hayward, Wisconsin, on July 17, 1973, by Hearing Officer Robert M. McCormick on behalf of the Commission; and at the outset of hearing the Northwest United Educators and the Hayward Federation of Teachers, WFT-AFT having been permitted to intervene in the proceeding on the basis of their claims to represent the employees in the claimed appropriate unit; and the Commission having considered the evidence, and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

That an election by secret ballot shall 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 certified personnel employed by the Hayward Community Schools Joint District No. 1, but excluding certified personnel who devote more than fifty per cent of their time to administration, supervision, and non-teaching principal duties, persons employed on a per diem basis, the high school principal, the federal program supervisor, the instruction supervisor, and the

superintendent, who were employed on July 17, 1973, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented by Northwest United Educators, or by Hayward Federation of Teachers, WFT-AFT, or by neither of said organizations, for the purposes of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

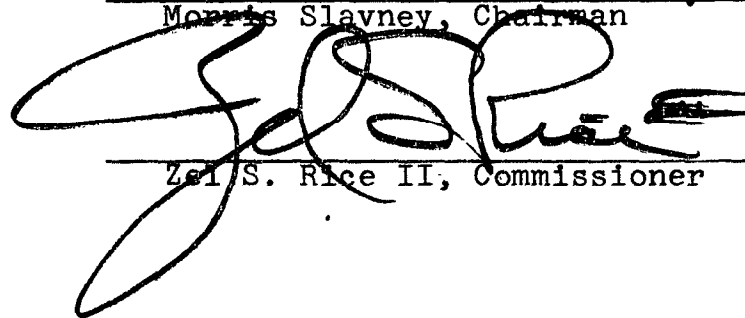
Given under our hands and seal at the City of Madison, Wisconsin, this 24th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner, Hayward Community Schools Joint District No. 1, alleged in its petition that it believed a question of representation now exists as to which labor organization should be considered the exclusive bargaining representative for teaching personnel employed by the Municipal Employer, in that the 1972-73 collective bargaining agreement reflected an accord between the School District and Hayward Community Schools Education Association, which labor organization had been afforded voluntary recognition by Board Resolution, as the exclusive bargaining representative for teaching personnel employed by the Municipal Employer.

In the course of hearing the Northwest United Educators was permitted to intervene and offered certain testimony that said organization currently represented the teachers previously affiliated with the Hayward Community Schools Education Association, which organization had been dissolved by action of its membership on November 30, 1972, and thereafter said teachers were accepted for affiliation with the Northwest United Educators.

The Municipal Employer contended that as late as January 15, 1973 it was confronted with conflicting information as to just which labor organization then currently represented its teachers as the exclusive bargaining representative.

The Hayward Federation of Teachers, WFT-AFT was permitted to intervene on the basis of its claim that it represented teachers employed by the Municipal Employer, which teachers desired the HFT to represent them for purposes of collective bargaining.

In the course of hearing the parties agreed that it was not necessary to litigate the question as to whether Northwest United Educators was a successor organization to the previous organization which was signator to the last collective bargaining agreement, namely, the Hayward Community Schools Education Association. The parties further agreed that it was not necessary to litigate the question going to the "presumption of majority status" which may otherwise be attributed to Northwest United Educators which possibly could bar the petition of the Municipal Employer.

The parties requested that a representation election be conducted as soon as possible among the teachers in the bargaining unit claimed appropriate and further requested that the Commission find appropriate the unit described in the previously existing collective bargaining agreement executed by the Municipal Employer and the Hayward Community Schools Education Association. The Petitioner and Intervenor stipulated at hearing that the Commission find as the appropriate unit, the unit description contained in the previously existing master agreement between the Municipal Employer and the Hayward Community Schools Education Association set forth in Article I, Recognition; and further stipulated that the term "certified personnel" should reflect certain inclusions on the official list of eligibles covering those named individuals who occupy the positions of; Guidance Counselors, Librarians, Counselor to Indian Students and Part-Time Teacher, Speech Correctionists and Part-Time Teachers, and Special Learning Disabilities Teacher. The

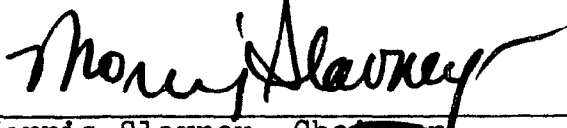
Commission shall construct an official list of eligibles accordingly, since the record indicates that the occupants of said positions are certified teachers, though not primarily engaged in classroom teaching, who do in fact work directly with students in the support of the educational program within the meaning of the test set forth by this Commission in, Janesville Board of Education, (6676) 3/64.

In the event no choice on the ballot receives a majority of the votes cast, the Commission, upon request of any of the parties, will conduct a run-off election, pursuant to Section 111.70(4)(d)4. of the Act.

Dated at Madison, Wisconsin, this 24th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner