

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MENOMONIE JOINT SCHOOL DISTRICT  
NO. 1

Case IX  
No. 17219 ME-984  
Decision No. 12241-A

The Wisconsin Employment Relations Commission having, on November 1, 1973, issued a Direction of Election in the above entitled matter wherein it directed that an election be conducted among all certified employes of Menomonie Joint School District No. 1 under contract regularly engaged in classroom teaching, who teach fifty percent or more of the regular teaching schedule, including guidance personnel and librarians, but excluding administrators, supervisors and coordinators, for the purpose of determining whether a majority of such employes desire to be represented by the Menomonie Federation of Teachers, Local 2138, AFL-CIO, or the Menomonie Education Association, or by neither of said organizations, for the purposes of collective bargaining; and prior to the election an issue having arisen as to whether certain Principals, the Psychologist and the Audio Visual Aids Director should be included or excluded from the above noted unit; and hearing in the matter having been conducted at Menomonie, Wisconsin, on November 1, 1973, before Zel S. Rice II, Commissioner; and the Commission having reviewed the evidence and arguments of Counsel and being fully advised in the premises issues the following

4. That the Audio Visual Aids Director is neither a supervisory nor a managerial employee, and, therefore, is included in the above described bargaining unit; and

5. That, therefore, teaching Principals Martin, Kelsey, Johnson, Larson and Heifner, the Psychologist and the Audio Visual Aids Director in the employ of the above named Municipal Employer are eligible to participate in the election directed by the Commission.

Given under our hands and seal at the City of Madison, Wisconsin, this 27th day of December, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Zel S. Rice II  
Zel S. Rice II, Commissioner

Howard S. Bellman  
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

Wisconsin Employment Relations Commission on November 1, 1973, issued a Direction in the instant matter wherein it was directed that an election be conducted among all certified employes of the District, under contract, regularly teaching classes, who teach fifty percent or more of the regular teaching schedule, including guidance personnel and librarians, but excluding administrators and supervisors and coordinators, for the purpose of determining whether a majority of such employes desired to be represented by the Menomonie Federation of Teachers, Local 2138, AFL-CIO, or by the Menomonie Education Association, or by no organization, for the purpose of collective bargaining. During the course of the hearing in the matter, an issue arose as to whether Principals, regardless of the amount of time spent teaching, should be included in the bargaining unit, the Employer having contended that all Principals should be excluded from the unit. In addition, the Employer also contended that the Audio Visual Aids Director and the Psychologist should also be excluded from the unit. Since at the time it appeared that the parties desired an immediate election, the Commission did not make a determination with regard to the issue whether said positions should be included or excluded from the unit, but provided that the individuals occupying such positions could cast challenged ballots in the election.

However, the election has not been held, and since the parties desire a determination with regard to the eligibility issues prior to the conduct of the election, a hearing was conducted on December 6, 1973, to take evidence with regard to the duties and responsibilities of said positions.

During the course of the hearing the parties agreed that the Psychologist should be included in the bargaining unit, and teaching Principals Kenneth Breckner and Stanley Huftel should be excluded from the unit since said Principals taught less than fifty percent of a regular teaching schedule and spent a majority of their time as supervisors.

The Employer would also exclude five additional teaching Principals as supervisory, namely, Fern Martin, Louis Kelsey, Eileen Johnson, George Larson and Donald Heifner. All of said Principals spend considerably more than fifty percent of a regular schedule in teaching duties. Martin, Kelsey and Johnson are employed at schools having from three to six teachers. All of said three Principals teach 27 1/2 hours per week, whereas teachers spend 37 1/2 hours per week in teaching duties. Principals Larson and Heifner are employed in schools having from seven to ten teachers. Larson and Heifner also teach 27 1/2 hours per week. During time other than that spent in teaching the Principals involved prepare for the classroom duties, and assume responsibility for curriculum and in-service projects, as well as responsibility for the building in which they are employed.

Under the existing collective bargaining agreement, the teaching Principals constitute the first step in the grievance procedure; however, no teaching Principal involved has participated in any grievance. Said teaching Principals make an initial evaluation of teachers in their schools; however, the responsibility for the evaluation of teachers falls on the Director of Elementary Education.

The evaluation by the teaching Principals are not included in the files of the teachers involved but are utilized by the Director of Elementary Education in determining the written evaluation, which is placed in the files of the teachers. The teaching Principals observe the teachers in the classrooms only once or twice a year in the performance of the classroom duties. Teaching Principals may approve leave time for teachers, and if such leave is granted, the teaching Principal is responsible for the scheduling of substitute teachers. At no time has a teaching Principal recommended the non-renewal or discharge of any teacher. The participation of teaching Principals in the hiring process is minimal, in that they may be consulted for hiring teachers, and they may be given the opportunity to make recommendations with regard to said hiring.

The teaching Principals assist in the preparation of the budgets for their schools, and they are assisted in such preparation by teachers in their schools. Said requests are then submitted to the Director of Elementary Education. Supervisory authority of teaching Principals is shared with higher level personnel in the school system, and the teaching Principal has little, if any, independent supervisory authority over employees.

Teaching Principals, who are employed in schools having three to six teachers, receive \$935 in excess of their position on the regular teaching schedule, while those employed in schools having seven to ten teachers receive \$990 above their position on the regular teaching schedule.

The Commission is satisfied that the supervisory authority and functions performed by the five teaching Principals involved are insufficient to exclude them from the unit as supervisors. We are satisfied that they perform their "supervisory" function as "leadmen" rather than supervisors.

The Audio Visual Aids Director is a certified Industrial Arts Teacher. While he does not engage in actual teaching duties, he is paid on the regular teaching schedule. He has the responsibility of preparing the Audio Visual budget for the school system. His duties require him to distribute all audio visual equipment to teachers who require it, and in that regard he is not a supervisor. On occasion the Audio Visual Aids Director will advise teachers how to utilize equipment and suggest to them the type of equipment to be used for individual projects.

It is quite clear that the Audio Visual Aids Director is not a supervisor within the meaning of the Municipal Employment Relations Act and further, that although he prepares his own budget, the latter function is insufficient to constitute the position as a managerial position. The functions performed by the Audio Visual Aids Director are directly related to the education of the students, and, therefore, the Commission determines that the Audio Visual Aids Director is included in the bargaining unit.

The inclusion of teaching Principals Martin, Kelsey, Johnson, Larson and Heifner, as well as the Audio Visual Aids Director in the bargaining unit permits them to vote in the election without challenge.

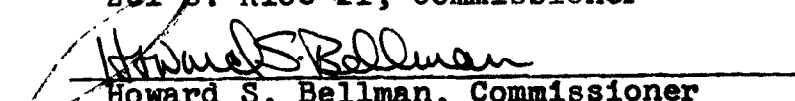
Dated at Madison, Wisconsin, this 27th day of December, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slatney, Chairman

  
Zel S. Rice II, Commissioner

  
Howard S. Bellman, Commissioner