STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	•	
BROWN COUNTY SPECIAL EDUCATORS '	:	Case I
ASSOCIATION Involving Certain Employes of	:	No. 17240 ME-988
	:	Decision No. 12301
BROWN COUNTY HANDICAPPED CHILDREN'S	:	
EDUCATION BOARD	:	
	:	
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Appearances:

<u>Mr. A. Phillip Borkenhagen</u>, Representative, appearing on behalf of the Petitioner.

Mr. Robert Flatley, Corporation Counsel, appearing on behalf of the Employer.

DIRECTION OF ELECTION

Brown County Special Educators' Association, having filed a petition with the Wisconsin Employment Relations Commission requesting an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of the Brown County Handicapped Children's Education Board, Brown County, Wisconsin; and a hearing on such petition having been conducted at Green Bay, Wisconsin on November 13, 1973 before Hearing Officer Amedeo Greco; and the Commission having considered the evidence and being satisfied that a question concerning representation has arisen involving certain employes of said 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 sixty (60) days from the date of this directive in the collective bargaining unit consisting of all regular certified teachers, teaching at least fifty (50) percent of a full teaching schedule in the employ of Brown County Handicapped Children's Education Board, but excluding teachers teaching less than fifty (50) percent of the full teaching schedule, aides, supervisors, clerical, and custodial employes who were employed by said Municipal Employer on November 13, 1973, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Brown County Special Educators' Association for the purposes of collective bargaining.

> Given under our hands and seal at the City of Madison, Wisconsin this 30 du day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Hwaret Ballman Howard S. Bellman, Commissioner

No. 12301

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, an issue arose regarding the unit placement of Ms. Syble Hopp, with the Union contending, contrary to the Municipal Employer, that Ms. Hopp should be excluded from the unit on the grounds that she was a supervisor. Ms. Hopp is a teachingprincipal at the Donovan School.

In support of its contention that Ms. Hopp is not a supervisor, the Municipal Employer points to several factors which tend to show a lack of supervisory status, including the fact that Ms. Hopp in the past has neither hired, fired, nor disciplined any of the employes in the Donovan School, and similarly has not recommended raises nor renewals of teacher contracts. The Municipal Employer also relies on the fact that Ms. Hopp spends six and one half hours in each eight hour day teaching, and further, that the principal of another school, Earl Beauchaine, has direct supervisory authority over the Donovan School, and as such interviews prospective employes, supervises the Donovan employes, grants days off to Donovan employes, etc.

There are also other factors herein which, it is contended, indicate that Ms. Hopp does possess supervisory status. In this regard, the record shows that Ms. Hopp may have the authority to recommend to Mr. Beauchaine that employes be disciplined or fired; that Ms. Hopp confers with Mr. Beauchaine in drafting a proposed school budget; that in Mr. Beauchaine's absence, Ms. Hopp takes over his functions at the Donovan School; that Ms. Hopp arranges for substitutes and presides over teacher meetings; that Ms. Hopp regularly sits in on school board meetings; that Ms. Hopp had solicited bids and recommended to the Municipal Employer which bids should be accepted; that Ms. Hopp was consulted several years ago regarding the establishment of a wage scale; and at that time recommended a wage increase (which was not adopted); that Ms. Hopp spends approximately twenty percent, if not more, of her time on her principal duties; that Ms. Hopp, the highest paid employe in the Donovan school, is paid an additional \$1,600 per year for performing such duties; and that Ms. Hopp at times has been the designated superior of certain teachers under special programs.

It is our conclusion that the foregoing factors and the record as a whole, do not disclose such status as a supervisor as excludes Ms. Hopp from eligibility to participate in the election directed herein. Apparently, she has certain administrative responsibilities and "leader" status which may reflect her superior professional competency, but lacks such authority as would exclude her from the bargaining unit.

The limitation of the instant bargaining unit to employes who teach at least 50 percent of a full schedule is pursuant to a stipulation of the parties.

Dated at Madison, Wisconsin this 30th day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISISON

Morris Slavney, Chairtan

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No. 12301