

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
NORTHERN EDUCATORS COMMITTED and	:	
TOMAHAWK EDUCATION ASSOCIATION	:	
	:	
Requesting Clarification of Bargaining,	:	Case IV
Unit Involving Certain Employes of	:	No. 17627 ME-1026
	:	Decision No. 12483-A
TOMAHAWK UNIFIED SCHOOL DISTRICT	:	
NO. 1	:	
	:	

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Northern Educators Committed, on behalf of the Tomahawk Education Association, filed a petition with the Wisconsin Employment Relations Commission wherein it requested the Commission to determine whether the position of Guidance Counselor is included in the voluntarily recognized bargaining unit of certain certificated teachers in the employ of Tomahawk Unified School District No. 1; and the hearing on said petition having been held at Merrill, Wisconsin on March 1, 1974 before Zel S. Rice II, Commissioner, and the Commission having considered the evidence, arguments, and briefs of the parties, and being fully advised in the premises, makes and issues the following

ORDER

That Guidance Counselors shall be, and hereby are, included in the collective bargaining unit consisting of all certified teaching personnel including classroom teachers, special teachers, librarians, part-time teachers, teachers and teaching principals, who teach more than 50% of their time, employed by Tomahawk Unified School District No. 1.

Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

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

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
COLLECTIVE BARGAINING UNIT

The Employer has previously recognized the Tomahawk Education Association as the representative of all certified teaching personnel including classroom teachers, special teachers, librarians, part-time teachers, teachers and teaching principals who teach more than 50% of their time. At the time of such recognition there was no Guidance Counselor employed by the Employer. Approximately eight years ago the position of Guidance Counselor was created by the Employer and it was the intention of the Employer that the position should be part of the Administration and excluded from the bargaining unit. This determination was made unilaterally by the Employer and was not challenged by the Association. The Association did not bargain with the Employer over the salary of the Guidance Counselors. However, the Guidance Counselors were always given a salary comparable to their appropriate step in the teachers' salary schedule. During the current negotiations, the Association attempted to bargain for the position of Guidance Counselors contending that they should properly be included in the bargaining unit. The Employer refused to concede that Guidance Counselors should be included in the bargaining unit and the Association filed the instant petition.

The duties of the Guidance Counselors require them to spend 95% of their time with students. The Chief Guidance Counselor teaches no classes, while the remaining Guidance Counselor does teach one class each day. The job description requires them to help students get facts about themselves from test results and records and other means of identifying potentialities and interests. They are required to inform students about their environment, about educational and occupational opportunities and requirements, and orient the students to the school programs, educational and vocational opportunities and requirements. They counsel the students concerning their educational and occupational plans and assist in placement and follow up to determine how their plans worked out and how effectively the educational program served the students. The Guidance Counselors may visit the classroom to discuss with the teacher the problems of individual students and how they can be assisted. The Guidance Counselors have never disciplined a teacher nor effectively recommended that a teacher be discharged. They do not evaluate teachers. The Guidance Counselors are supervised by the Principals in the building in which they work. In the administrative organization chart they fall into the same slot as Special Teachers, such as physical education, music, art, and handicapped.

The Chief Guidance Counselor does assist the Principal in preparing the master schedules, determining the number of courses to be offered each year and assigning teachers and students to the various classes to be taught. He performs this duty approximately one month out of every year and at the same time is performing his duties of counseling students. The balance of the year is spent in counseling students.

The Guidance Counselors are required to be certificated teachers. Their individual contracts require them to start work one week before the other teachers, and to work one week after the conclusion of school.


The Guidance Counselors work in and are part of the same educational programs as the classroom teachers in the recognized collective bargaining unit. The Commission has previously indicated its intention to include in the unit consisting primarily of classroom teachers, those who do not engage in classroom teaching, but who possess teaching certificates evidencing a background in education and who work with the students or teachers in a nonsupervisory capacity in support of the educational program.^{1/}


A review of the job description of the Guidance Counselors reveals no supervisory capacity. Although the Association has not bargained on behalf of the Guidance Counselors in the past, the Commission is not persuaded that the position should not be included in the bargaining unit. To establish a separate bargaining unit consisting only of Guidance Counselors would be contrary to the legislative direction to avoid fragmentation. Accordingly, we are accreting the position of Guidance Counselor to the recognized collective bargaining unit. The terms and conditions of the existing collective bargaining agreement do not cover Guidance Counselors. However, current negotiations shall be for a collective bargaining unit which includes the position of Guidance Counselor.

Dated at Madison, Wisconsin, this 10th day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

^{1/} Board of Education, Whitefish Bay Public Schools, Decision No. 10799, 2/72; Janesville Board of Education, Decision No. 6679, 3/64.