

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MADISON BOARD OF EDUCATION
JOINT SCHOOL DISTRICT NO. 8

Case XX
No. 17704 ME-1034
Decision No. 12654

Mr. Robert C. Kelly, Attorney at Law, appearing on behalf of
Madison Teachers, Inc.
Mr. Robert Oberbeck, Representative, appearing on behalf of
Local 60, AFSCME.
Mr. Gerald C. Kops, Assistant City Attorney, appearing on behalf
of the Municipal Employer.

Madison Teachers, Inc. and Municipal Employees Local 60, AFSCME, AFL-CIO, having filed petitions with the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70, among certain employees of Madison Board of Education, Joint School District No. 8; and a hearing on such petitions having been conducted at Madison, Wisconsin, on April 8, 1974, Kay Hutchison, Hearing Officer, having been present; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of Madison Board of Education, Joint School District No. 8:

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time school aides employed by Madison Board of Education, Joint School District No. 8, including teacher aides, resource center aides, library aides, handicapped children's aides, and counselor aides, but excluding lunchroom and playground supervisors, and all other employees, who were employed on April 8, 1974, except such employees as may prior to the election quit their employment or be discharged for cause, to determine whether a majority of such employees desire to be represented for the purposes of collective bargaining by Madison Teachers, Inc., or Municipal Employees Local 60, AFSCME, AFL-CIO, or neither of said organizations.

Given under our hands and seal at the
City of Madison, Wisconsin this 26th
day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Howard S. Bellman, Commissioner

No. 12654

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant proceeding was initiated by the separate petitions of Madison Teachers, Inc. and Municipal Employees Local 60, AFSCME, AFL-CIO requesting the Commission to conduct an election among certain employees of Madison Board of Education, Joint School District No. 8, hereinafter referred to as the Board. The petition of Madison Teachers, Inc. requested that the Commission conduct an election among "all regular full-time and regular part-time teacher aides." Local 60 requested a representation vote among "all teacher aides and related duty workers, excluding supervisory and confidential employees and all other employees . . ." The Board indicated that positions herein are referred to as "school aides" and include teacher aides, resource center aides, library aides, handicapped children's aides and counselor aides. The parties stipulated to the exclusion of lunchroom and/or playground supervisors in any election directed as a result of the instant proceeding.

At the outset of the hearing, Local 60 expressed a desire that, in the event the Commission found the inclusion of the school aides in an existing unit consisting of office-clerical and custodial employees to be appropriate, an election be conducted among the school aides to determine whether they desire to accrete to that existing unit presently represented by Local 60. However, in the event the Commission determines a separate unit of school aides to be appropriate, Local 60 requests that its name be placed on the ballot.

Local 60 argues that the school aides are an appropriate accretion to the existing office-clerical and custodial collective bargaining unit. Conversely, Madison Teachers, Inc. avers that the school aides lack a community of interest with the office-clerical and custodial unit and constitute an appropriate separate unit. The Board assumed no formal position with regard to the establishment of a separate school aides unit or their accretion to the office-clerical and custodial unit. However, the Board asserted that the various classifications of aides should not be fragmentized among presently existing units or newly created units comprised of only certain aide classification.

A description of the qualifications, duties and benefits for school aides was entered into evidence and reads as follows:

"SCHOOL AIDES

DUTIES PERFORMED: Assist teachers, librarians or counselors; correct papers; collect funds; operate audio-visual equipment; type mimeograph stencils and ditto masters and operate machines; correct workbooks, papers and tests; supervise hallways, lunchroom and playgrounds; read to pupils; assist in libraries, resource centers or guidance offices; and other assigned duties.

REQUIREMENTS FOR EMPLOYMENT: A courteous and tactful manner in work with students or other employees, evidence of good health and the

RATE OF PAY: (1) School Aides:

Beginning 1st year	\$2.50 per hour
Beginning 2nd year	2.75 per hour . . .
Beginning 3rd year	3.00 per hour . . .

. . .

JOB BENEFITS FOR THOSE WORKING 19 HOURS OR MORE PER WEEK:

1. Wisconsin Retirement. The Board of Education pays the total premium cost of the Retirement Plan.
2. Wisconsin Group Life Insurance. Automatic deduction after 6 months unless a waiver is filed. Rates are based on salary and age.
3. Wisconsin Physicians Health Insurance (optional). Coverage the first of the month following one full month's service. Board of Education pays the total single premium or the major portion of the premium for family coverage. An application card must be completed.
4. Sick Leave. Earned at the rate of one day for each month worked, prorated, cumulative to forty days."

Individual aides may be assigned to work directly with teachers and students or to perform clerical duties at the direction of the administrative staff in support of the educational unit. Aides who relieve the professional staff of teaching duties are directly supervised by individual teachers, unit leaders or department chairmen. The various categories of aides are ultimately responsible to the assigned building principal.

Applicants for aide positions are screened by the central personnel department and are referred to principals supervising schools with aide vacancies. With the exception of the handicapped children's aide, skill requirements for aides are quite uniform. Inquiry may be made into an applicant's clerical skills but no clerical testing is conducted for consideration or determination of the hiring of a given applicant. Applicants for handicapped children's aide positions must be certified by the Department of Public Instruction. Certification is made on the basis of two years' general education beyond the secondary level. The Board currently employs approximately 260 school aides.

Section 111.70(4)(d)2.a. provides that:

"The Commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size or the total municipal work force. In making such a determination, the Commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit . . ."

In light of the statutory direction to avoid fragmentation, the Commission has rendered several decisions wherein teaching and/or clerical aides have been included in non-professional units consisting of various combinations of clerical, custodial, maintenance and dietary employees. 1/ Such cases are distinguishable from the instant

1/ Hortonville Community Schools (11255) 8/72; Adams-Friendship Area Schools (11881) 5/73; Merton Joint School District (12085) 8/73; Wautoma Public Schools (12300) 11/73.

proceeding in terms of the size of the total respective municipal work forces and number of related school aides. We are satisfied that the school aides have a distinct community of interest from that of the office-clerical and custodial employees. Having considered the size of the proposed school aides unit, the supervision of the aides, hours of work, and the conditions of employment, the Commission concludes that the school aides constitute an appropriate separate collective bargaining unit. 2/

Dated at Madison, Wisconsin this 26th day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner