

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
PHILLIPS EDUCATION ASSOCIATION
Involving Certain Employes of
PHILLIPS CENTRAL JOINT SCHOOL
DISTRICT NO. 1

Case III
No. 18387 ME-1112
Decision No. 13110-A

Appearances:

Mr. David C. Peterson, Bargaining Representative, appearing on behalf of the Petitioner.
Mr. Richard A. Weghorn, Superintendent, appearing on behalf of the Municipal Employer.

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Phillips Education Association having filed a petition with the Wisconsin Employment Relations Commission wherein it requested the Commission to determine whether the position of Director of Guidance Services should be included in the existing voluntarily recognized bargaining unit of certain certified teachers in the employ of Phillips Central Joint School District No. 1; and hearing on said petition having been held at Phillips, Wisconsin, on October 30, 1974, before Douglas V. Knudson, Hearing Officer; and the Commission having reviewed the evidence and arguments of the parties, and being fully advised in the premises, makes and issues the following

ORDER

That the Director of Guidance Services shall be, and hereby is, included in the collective bargaining unit consisting of all certified contracted teaching personnel, including guidance counselors and librarians, employed by Phillips Central Joint School District No. 1. 1/

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

1/ The parties currently are engaged in contract negotiations in which they tentatively have agreed to revise the bargaining unit description to read all certified part-time and full-time contracted teaching personnel in the bargaining unit, including guidance counselors and librarians. Said revisions, if implemented, will not affect the determination made herein.

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
COLLECTIVE BARGAINING UNIT

Phillips Central Joint School District No. 1, hereinafter referred to as the District, has voluntarily recognized the Phillips Education Association, hereinafter referred to as the Association, as the collective bargaining representative for all certified, contracted teaching personnel, including guidance counselors and librarians, excluding administrators, full-time principals, elementary supervisor, substitute and intern teachers, and all other employees.

In its petition, initiating the instant proceeding, the Association requested the Commission to determine whether the Director of Guidance Services should or should not be included in said bargaining unit. The Association contends that Bruce Gould, who presently occupies said position, primarily performs duties of a guidance counselor; and therefore, should be included in the unit. The District, on the other hand, would exclude the Director of Guidance Services from the unit contending that Gould acts in a supervisory position when the building principal is absent and further because Gould has indicated a desire to be excluded from the unit.

Gould, receives a differential of approximately \$200 over and above the usual salary received by the one Guidance Counselor in the employ of the District. Gould spends a majority of his time counseling students and much of his remaining time is consumed in implementation and maintenance of student records, required by state statutes and/or non-District funding programs. Gould may assist in the development of the records systems, but the Superintendent and High School Principal have the responsibility and authority for, and direct, such development. Gould also functions as a Unit Coordinator of Business Education, Special Education, Health Services and Psychological Services. In that capacity, Gould functions as, and receives the same additional salary as a Department Chairman, but is unable to carry that title because he is not certified to teach Business Education. The Department Chairmen are included in the bargaining unit.

Gould has a third title, i.e., Administrative Assistant, for which he receives additional compensation as a result of working extra days, primarily during school holiday closings.

When the High School Principal is absent from the building, usually for short periods of time, Gould is placed in charge of the High School. In said capacity Gould has issued verbal reprimands to other teachers. None of said reprimands have been recorded in writing, nor has the Superintendent been informed of them. The Superintendent's office is in the High School and he is usually present when the High School Principal is absent. Gould does not participate in the hire, termination or performance evaluation of teachers.

The Commission recognizes that the Director of Guidance Services is required to perform at a high level of responsibility in accordance with his status as a professional employe, similar to Department Chairmen,

but concludes that he does not have sufficient supervisory or managerial responsibilities to justify his exclusion from the collective bargaining unit.

Dated at Madison, Wisconsin, this 8th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

No. 13110-A