

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

HAYWARD INDEPENDENT EDUCATION
ASSOCIATION 1/ :

Involving Certain Employees of :

HAYWARD COMMUNITY SCHOOLS JOINT
DISTRICT NO. 1 :

Case VI
No. 18512 ME-1128
Decision No. 13221

Appearances:

Mr. Robert Longtine, for the Hayward Independent Education Association.
Mr. Arthur D. Spoolman, District Administrator, for the School District.
Mr. Robert West and Mr. James D. Guckenberg, Representatives, Wisconsin
Education Association Council, for the Intervenor, Northwest
United Educators, WEAC-NEA.

DIRECTION OF ELECTION

Hayward Independent Education Association, having petitioned the Wisconsin Employment Relations Commission to conduct a representation election, pursuant to Section 111.70 of the Wisconsin Statutes, in a bargaining unit consisting of certain teaching personnel employed by Hayward Community Schools Joint District No. 1; and a hearing on said petition having been conducted at Hayward, Wisconsin, on December 13, 1974, by Hearing Officer Robert M. McCormick on behalf of the Commission; and at the outset of said hearing the Northwest United Educators, WEAC-NEA, having been permitted to intervene in the proceeding on the basis of its claim to be the exclusive bargaining representative for the teachers in question, as most recently reflected in a collective bargaining agreement between it and the School District; and the Commission having considered the evidence, and being satisfied that a question has arisen concerning representation for certain employees of the School District;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall 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 certified personnel of the Hayward Community Schools Joint District No. 1, but excluding certified personnel who devote more than fifty per cent of their time to administration, supervision, and non-teaching principal duties; persons employed on a per diem basis, the high school principal, federal programs supervisor, the instruction supervisor, and the superintendent, who were employed on December 13, 1974,

1/ Petitioner amended its title at outset of hearing; the name of the entity set forth in the petition was Hayward Independent Teachers' Association.

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 the Northwest Unified Educators, WEAC-NEA, or by Hayward Independent Education Association, or by neither of said organizations, for the purposes of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 19th
day of December, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the outset of hearing, the Petitioner, the Intervenor and the School District, stipulated to the appropriate collective bargaining unit set forth in the attached Direction of Election.

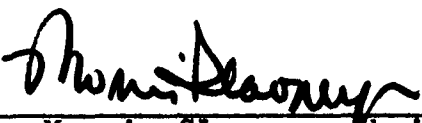
The Petitioner stated at the hearing that it would execute a written waiver to the effect that it disclaims any interest in representing the teaching personnel for purposes of current negotiations for a 1974-75 collective bargaining agreement. However, Petitioner also stated that it desired to represent the employees of the School District for prospective bargaining negotiations which may lead to a 1975-76 collective bargaining agreement. The Petitioner further averred at hearing that it would waive the filing of any possible unfair labor practices, and provide such a waiver in writing to the School District, in the event that the School District chose to resume negotiations with the Intervenor, and in fact, reached an agreement for a 1974-75 agreement.


The Intervenor raised no issue as to the collective bargaining agreement constituting a bar to an election being directed at this time, and the parties stipulated that the petition is timely for purposes of the Commission's directing an election to determine which labor organization may be chosen for purposes of collective bargaining by the employees over matters of wages, hours and working conditions for at least the 1975-76 school year.

On the question of eligibility, all parties concerned stipulated that "per diem" employees, Janet Miller and Shirley Tiffany, should be eligible to vote as regular part-time employees placed on schedule; that Donald T. Hodson, Assistant Principal, had sufficient teaching duties so as to make him eligible to vote in the election; and that Edward T. Barber, Home-School Coordinator, though designated Non-certified, was in fact, approved by the Department of Public Instruction to handle his special assignments dealing with Indian children, and therefore, should be treated as an eligible employee for purposes of the election.

Dated at Madison, Wisconsin, this 19th day of December, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner