

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE BOARD OF SCHOOL DIRECTORS

Case LX
No. 18480 ME-1124
Decision No. 13787-D

The Wisconsin Employment Relations Commission having on March 30, 1978, issued an order clarifying a bargaining unit pursuant to a stipulation entered into between the above-named parties; and thereafter, on April 13, 1978, the Psychologists Association of the Milwaukee Public Schools (PAMPS), by its Counsel, having filed a motion to intervene in said proceeding as well as a motion for reconsideration, a motion to reopen the record and a motion for rehearing; and the Commission having considered said motion and being satisfied that PAMPS' motion to intervene be denied and that therefore its other motions ought to be denied;

ORDERED

Given under our hands and seal at the
City of Madison, Wisconsin this 1st
day of May, 1978.

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner,

Marshall L. Gratz
Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTIONS

PAMPS moves for rehearing and intervention in a proceeding in which we issued an Order Clarifying Bargaining Unit based upon a stipulation of Milwaukee Teachers Education Association and Milwaukee Board of School Directors wherein said parties requested that the existing certification of a unit represented by MTEA be amended to reflect a classification title change from "Diagnostic Instructional Specialist" to "Team Manager". Rehearing may be requested only by "[a]ny party to a contested case who deems such party aggrieved by a final order. . . ." Sec. 227.12, Stats. PAMPS claims to be a "party" within the meaning of Sec. 227.01(6) definition (" . . . each person. . . named or admitted as a party. Any person whose substantial interests may be adversely affected by any proposed agency action in a contested case shall be admitted as a party."). Those of its substantial interests that PAMPS claims are or will be adversely affected by our March 30, 1978, Order are the viability of its contention in another pending Commission proceeding that the bargaining unit involved herein consists entirely of professional employees. PAMPS asserts that the March 30, 1978 Order is ". . . founded . . . upon the erroneous assumption that the existing alleged professional bargaining unit of the MTEA was in fact a 'professional bargaining unit' within Sec. 111.70, more particularly Sec. 111.70(1)(1)."

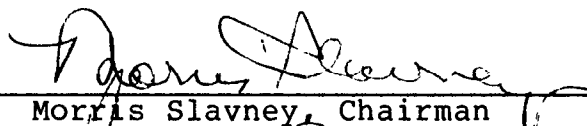
Contrary to PAMPS' position herein, we conclude that PAMPS is not entitled by Sec. 227.01(6) or otherwise to be admitted to the instant proceeding as a party. We so conclude because PAMPS' "substantial interests" will not be "adversely affected" by the subject order.


The Order in question does not imply a finding on the part of the Commission that the subject bargaining unit consists exclusively of professional employees. Such was not an issue before the Commission in connection with the stipulation, and thus was not determined by the issuance of the subject Order. Thus, since PAMPS does not claim herein to represent employees in either of the foregoing classifications, no substantial interests of PAMPS are affected by the subject Order.

Dated at Madison, Wisconsin this 1st day of May, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Marshall L. Gratz, Commissioner