

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:
MILWAUKEE TEACHERS' EDUCATION	:
ASSOCIATION	:
Involving Certain Employes of	:
MILWAUKEE BOARD OF	:
SCHOOL DIRECTORS	:
-----	:

Case 101
No. 24218 ME-1639
Decision No. 17009-D

Appearances:

Perry, First, Reiher, Lerner & Quindel, S.C., by Mr. Richard Perry,
222 East Mason Street, Milwaukee, WI 53202, appearing on behalf of the
Milwaukee Teachers' Education Association.
Mr. Stuart Mukamal, Assistant City Attorney, City Hall, 200 East Wells
Street, Milwaukee, WI 53202-3551, appearing on behalf of the Milwaukee
Board of School Directors.

STIPULATED FINDINGS OF FACT,
AND STIPULATED ORDER CLARIFYING
BARGAINING UNIT

Milwaukee Teachers' Education Association having filed a complaint in Case 176, No. 36468, MP-1815 on February 3, 1986, alleging that the Milwaukee Board of School Directors had committed and was continuing to commit prohibited practices within the meaning of Sections 111.70(3)(a)1, 3, and 4 by refusing to bargain with said Association concerning the wages, hours, and working conditions of certain employes of the Milwaukee School District; and the District having alleged that certain of these employes were not properly included in the bargaining unit represented by the Association, and hearing on said complaint having commenced on June 4, 1986, before Examiner Mary Jo Schiavoni, a member of the Commission's staff, during the course of which the parties arrived at a set of stipulated facts and having requested the Commission to issue an Order Clarifying said bargaining unit in accordance with said facts; and the Commission, having considered the request of the parties, makes and issues the following

STIPULATED FINDINGS OF FACT

1. That Milwaukee Teachers' Education Association, hereinafter referred to as the MTEA, is a labor organization having its offices at 5130 West Vliet Street, Milwaukee, Wisconsin, 53208.
2. That Milwaukee Board of School Directors, hereinafter referred to as the Board, is a municipal employer and has its offices at 5225 West Vliet Street, Milwaukee, Wisconsin, 53201.
3. That the MTEA is currently the bargaining representative of a unit referred to as the teachers collective bargaining unit described in Decision No. 17009-A, B as follows:
 - . . . all regular teacher personnel (hereinafter referred to as teachers) teaching at least fifty percent (50%) of a full teaching schedule, those presently on leave, and those teaching on a regular part-time basis less than fifty percent (50%) of a full teaching schedule, (including guidance counselors, school social workers, teacher-librarians, traveling music teachers and teacher therapists, including speech pathologists, occupational therapists, physical therapists, community recreation specialists, activity specialists, music teachers 550N who are otherwise regularly employed in the bargaining unit, team managers, clinical educators, speech pathologists, itinerant teachers, diagnostic teachers, vocational work evaluators, community human

relations coordinators, human relations curriculum developers, mobility and orientation specialists, community resource teachers, program implementors and curriculum coordinators, montessori coordinators, excluding substitute per diem teachers, office and clerical employes, and other employes, supervisors and executives).

4. That music teachers working only on Saturday do not share a community of interest with other employes included in the bargaining unit described above and are excluded from said unit.

5. That all regular full-time traveling music teachers are included in the unit set forth above because they have historically shared a community of interest with other teachers in said unit.

6. That all regularly employed part-time traveling music teachers who work weekdays, including those who also work on Saturdays, are included in the unit set forth above because they share a community of interest with other teachers in said unit.

7. That the traveling music teachers not working on a regular basis and/or persons serving solely as substitutes or fill-ins for absent members of the bargaining unit as specified above are excluded from the unit set forth above as casual employes.

8. That the parties agree that the District shall bargain in good faith with MTEA with respect to the wages, hours, and working conditions of employes referred to in Findings 5 and 6 above.

Upon the basis of the above and foregoing Stipulated Findings of Fact, at the request of the parties the Commission makes and issues the following

STIPULATED ORDER CLARIFYING
BARGAINING UNIT

1. That music teachers working only on Saturday are excluded from the unit set forth in Finding of Fact 3.

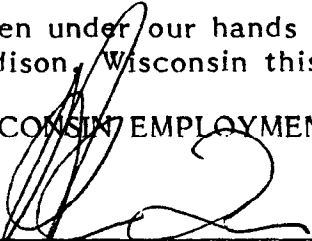
2. That all regular full-time traveling music teachers are included in the unit set forth in Finding of Fact 3 above.

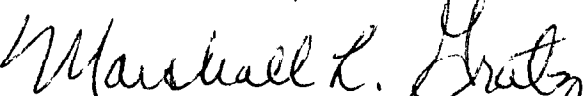
3. That all regularly employed part-time traveling music teachers who work weekdays, including those who also work on Saturdays, are included in the unit set forth in Finding of Fact 3 above.

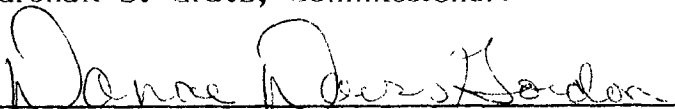
4. That traveling music teachers not working on a regular basis and/or persons serving solely as substitutes or fill-ins for absent members of the bargaining unit are not included in the unit as set forth in Finding of Fact 3 above.

Given under our hands and seal at the City of
Madison, Wisconsin this 22nd day of July, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By  _____
Herman Torosian, Chairman

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Marshall L. Gratz, Commissioner

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Danae Davis Gordon, Commissioner