

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

**EAU CLAIRE SCHOOLS CLASSIFIED STAFF FEDERATION  
LOCAL 4018, AFT-WISCONSIN, AFL-CIO**

Involving Certain Employees of

**EAU CLAIRE AREA SCHOOL DISTRICT**

Case 72  
No. 68115  
ME-1247

**Decision No. 17124-C**

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**Appearances:**

**James Mangan**, AFT-Wisconsin Staff Representative, 2463A Parkview Lane, Menomonie, Wisconsin 54751, appearing on behalf of the Eau Claire Schools Classified Staff Federation Local 4018, AFT-Wisconsin, AFL-CIO.

**Victoria L. Seltun**, Weld, Riley, Prens & Ricci, S.C., 3624 Oakwood Hills Pkwy., P.O. Box 1030, Eau Claire, Wisconsin 54702-1030, appearing on behalf of the Eau Claire Area School District.

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER CLARIFYING BARGAINING UNIT**

On June 26, 2008, Eau Claire Schools Classified Staff Federation Local 4018, AFT-Wisconsin, AFL-CIO filed a petition with the Wisconsin Employment Relations Commission to determine whether certain employees of Eau Claire Area School District should be included in a non-professional employee bargaining unit represented by Local 4018. Prior to a hearing, the parties reached agreement on the bargaining unit status of several positions. The remaining positions in dispute are the Partnership Coordinators, the Integration and Software Specialist, and the Partnership Coordinator position held by incumbent Teri Piper Thompson.

No. 17124-C

The District, contrary to Local 4018, asserts all Partnership Coordinators are professional employees who therefore cannot be included in the non-professional employee Local 4018 unit. The District also asserts, contrary to Local 4018, that the Integration and Software Specialist is a supervisor who therefore cannot be included in the unit.

The hearing on the petition was held in Eau Claire, Wisconsin on September 17, 2008, before Commission Examiner Michael R. O'Callaghan. The parties submitted briefs on November 3, 2008 followed by reply briefs on November 14, 2008.

After reviewing the record, the Commission advised the parties that additional hearing was needed as to the alleged supervisory status of the Integration and Software Specialist. Thus, this decision will only resolve the bargaining unit status of the Partnership Coordinators.

Being fully advised in the premises, the Commission makes and issues the following

### **FINDINGS OF FACT**

1. Eau Claire Area School District, hereinafter the District, is a municipal employer which has principal offices at 500 Main Street, Eau Claire, Wisconsin.

2. Eau Claire Schools Classified Staff Federation Local 4018, AFT-Wisconsin, AFL-CIO, hereinafter the Union, is a labor organization serving as the collective bargaining representative of a bargaining unit of District employees described in the parties' 2007-2009 agreement as:

...all regular full-time and regular part-time clerical, data personnel, educational assistants, and Bilingual Education Assistants, but excluding confidential and supervisory personnel, Head Start aides, and other restricted choice positions.

3. Since at least 1995, the District has employed individuals (currently titled the Partnership Coordinators) whose primary purpose is to develop and maintain connections with parents, community groups and business groups, and to foster communication between each of these groups and the District.

4. A 1995 position description for Parent Volunteer Coordinator reads:

### **POSITION DESCRIPTION**

**POSITION TITLE: PARENT VOLUNTEER COORDINATOR**

**I. ACCOUNTABILITY OBJECTIVES:**

The Parent Volunteer Coordinator, under the guidance of the principal, is responsible for developing, managing, scheduling, implementing and evaluating partnership and volunteer programs for Lincoln Elementary School.

**II. POSITION CHARACTERISTICS:**

Salary: \$10.00 per hour for maximum of 150 to 200 hours per year.

Length of contract: Temporary position until May 31, 1996.

**III. POSITION RELATIONSHIPS:**

Reports to: Principal

Coordinates with: Administration, guidance and counseling, teaching staff, School-to-Work Coordinator, Chamber of Commerce, business community, parents, citizens, community at large.

Type of coordination: Planning, developing, implementing, evaluating

Supervises: Volunteers

**IV. POSITION QUALIFICATIONS:**

- A. Desired training and experience: Computer literate, minimum of an Associate Degree, knowledge of the Eau Claire area business community, knowledge of elementary school curriculum, work experience in a nonpublic sector job.
- B. Special requirements of the position: Ability to organize, good communication skills, good interpersonal and human relations abilities, ability to deal with confidential information

**V. POSITION RESPONSIBILITIES;**

- A. Develop a community volunteer program of service for Lincoln Elementary School.
- B. Develop service opportunities for students.

- C. Survey staff for needs for parent volunteers, Develop and maintain a parent volunteer data base for Lincoln School.
- D. Coordinate language experience activities for students, i.e, field trips and student assemblies.
- E. Assist Lincoln staff in identifying classroom and building needs for volunteers.
- F. Administer staff development program for staff and volunteers regarding partnership and volunteer programs.
- G. Identify work links in the community which [illegible] curriculum objectives.
- H. Coordinate career exploration opportunities for students.
- I. Schedule volunteers for staff and students.
- J. Evaluate effectiveness of partnership programs on an annual basis.
- K. Promotes and develops partnership opportunities in-building as well as in-district.
- L. Performs other duties as assigned.

5. A 1997 position description for Home/School/Community Partnership Coordinator reads:

### **POSITION DESCRIPTION**

**POSITION TITLE:** Home/School/Community Partnership Coordinator

#### **I. ACCOUNTABILITY OBJECTIVES:**

The Partnership Coordinator, under the supervision and guidance of the principal, is responsible for developing, managing, scheduling, implementing and evaluating home, school, community and volunteer partnership programs for the school. This position may have some variation of title, but the major objectives will be similar.

## II. POSITION CHARACTERISTICS:

Salary: Salary is set on an annual basis based upon allocation of Title I funds. (1997-98 salary is \$10 per hour.)

Contract: Number of hours is based upon the Title I plan for individual schools. Schedule will require flexibility and may include school or non-school hours. Employment may be considered temporary (requiring annual posting) or permanent (employment continued from year to year), but may be discontinued by either lack of funding or a decision by the individual school to allocate its Title I funds in another way. As a Title I funded position which is exempt from affiliation with any employee group, it does not carry seniority or transfer rights.

## III. POSITION RELATIONSHIPS:

Reports to: Principal

Coordinates with: Administration, guidance and counseling, teaching staff, School-to-Work Coordinator, Chamber of Commerce, business community, parents, citizens, community at large.

Type of coordination: Planning, developing, implementing, evaluating.

Supervises: Volunteers.

## IV. POSITION QUALIFICATIONS:

- A. Required experience and training: Computer literate, minimum of a bachelor's degree preferably in Communications, Public Relations, Business, or Education.
- B. Desired experience and training: Work experience in a non-public sector job, knowledge of Eau Claire area business community, knowledge of curriculum.
- C. Special requirements of the position: Ability to lead, organize, and plan activities; strong communication skills with good interpersonal and human relations abilities; willingness to become familiar with the district curriculum; ability to deal with confidential information.

**V. POSITION RESPONSIBILITIES:**

Based upon specific school assignment, responsibilities may include, but not be limited to the following:

- A. Identifies community/business volunteers and develops a program of service to enhance curriculum objectives.
  - B. Promotes and develops partnership opportunities in-building as well as in-district.
  - C. Surveys staff for needs for parent volunteers. Develops and maintains a parent volunteer database for the school.
  - D. Schedules volunteers for staff and students.
    - 1. May coordinate Junior Achievement volunteers as designated by the Junior Achievement Area Representative.
  - E. Coordinates child care for volunteers.
  - F. Coordinates training for staff and volunteers regarding partnership and volunteer programs.
  - G. Develops, coordinates and supervises after school learning and service opportunities for students.
  - H. Coordinates life experience activities for students, i.e., field trips, student assemblies and career exploration.
  - I. Evaluates effectiveness of partnership programs on an annual basis.
  - J. Maintains an active membership and/or involvement in appropriate professional organizations (Chamber of Commerce Education Committee, School-to-Work Council, etc.)
  - K. Performs other duties as assigned.
6. A position description for Partnership Coordinator as of 2008 reads:

## POSITION DESCRIPTION

**Title:** Partnership Coordinator  
**Department:** District  
**Reports To:** Building Principal  
**Classification:** Non-Affiliated

**I. Accountability Objectives:** The Partnership Coordinator, under the supervision and guidance of the principal, is responsible for developing, managing, scheduling, implementing and evaluating home, school, community and volunteer partnership programs for the school.

### **II. Position Characteristics:**

Salary: Set annually by Board of Education

Length of Contract: High School Partnership Coordinators will be paid up to a maximum of 1,140 hours per year over a 38 week period. This equates to 30 hours per week.

Elementary and Middle School Partnership Coordinators will be paid up to a maximum of 950 hours per year over a 38 week period. This equates to 25 hours per week.

### **III. Position Relationships:**

Reports to: Building Principal.

Coordinates with: Administration, school counselors, teaching staff, students, business community, parents, citizens, community at large, Family Resource Center, National Network of Partnership Schools.

Type of Coordination: Planning, developing, implementing, evaluating.

Supervises: Volunteers, students.

### **IV. Position Qualifications:**

A. Desired Qualifications:

Computer literate; bachelor's degree (preferably in Communications, Public Relations, Business, or Education); work experience in a non-public sector job; knowledge of Eau Claire area business community; knowledge of school program.

B. Special Requirements:

Ability to lead, organize, and plan activities; strong communication skills with good interpersonal and human relations abilities; willingness to become familiar with the district programs; maintain confidentiality when appropriate; must be flexible, and show initiative.

**V. Position Responsibilities:**

Responsibilities are designed to include the six types of involvement outlined by the National Network of Partnership Schools which include: Parenting; Communicating; Volunteering; Learning at Home; Decision-Making; Collaborating with the Community.

- A. Partners with the local community and businesses; develops programs of service to enhance student success.
- B. Promotes and develops partnership opportunities with other schools in the district.
- C. Recruits volunteers; maintains a volunteer database for the school; facilitates the assignment of volunteers.
- D. Coordinates training for staff and volunteers regarding partnership and volunteer programs.
- E. Develops, coordinates, and supervises after school learning and service opportunities for students, families, and community members.
- F. Coordinates life experience activities for students that connect them to the community.
- G. Participates in the evaluation of the partnership program on an annual basis.



- H. Identifies and practices the principles of the National Network of Partnership Schools.
- I. Maintains awareness of community initiatives (e.g., Chamber of Commerce, School-to-Work, UWEC, Chippewa Valley Volunteer Coordinator Network, etc.).
- J. Performs other duties as assigned.

7. The District employs 19 Partnership Coordinators during the school year. Those assigned to a high school work 30 hours per week on a flexible basis. Those assigned to an elementary or middle school work 25 hours per week on a flexible basis. Partnership Coordinators are paid \$15.30 per hour.

Partnership Coordinators are sometimes required to work hours outside of a normal schedule, including attending evening meetings. Each Partnership Coordinator records his or her hours and submits a timesheet.

Partnership Coordinators are supervised by the building principal.

Partnership Coordinators prepare newsletters, emails, automated phone messages, or other communications to parents about timely topics of concern or upcoming events. They also occasionally prepare press releases or contact local media.

Examples of programs created and overseen by Partnership Coordinators include mentoring programs, and the District's "Real Life Academy" in which community members, particularly from the business community, participate in teaching students financial life skills.

Partnership Coordinators also facilitate opportunities for University of Wisconsin-La Crosse students to complete their service learning requirements by volunteering at District schools.

Although they do not attend meetings on a regular basis, Partnership Coordinators serve as liaison between the Parent Teacher Organization and their school. They will also serve as board members on the newly formed Eau Claire Area School District Alumni Association.

Partnership Coordinators serve on the District's Steering Committee and the Department Chair Committee.

Partnership Coordinators act as the District's point of contact. They receive phone calls from parents on a daily basis. On occasion they simply provide a listening ear, but most often they put the concerned parent in touch with an appropriate school representative such as a building principal or student services personnel.

Partnership Coordinators perform fundraising including some grant writing. Amounts so raised have ranged from several hundred to several thousand dollars per year.

Partnership Coordinators occasionally attend Wisconsin Department of Public Instruction seminars on the six elements of the NNPS model as well as programs dealing with other parental and community involvement.

Most daily decisions by Partnership Coordinators are not reviewed by a building principal.

8. Teri Piper Thompson is currently employed by the District as the Partnership Coordinator for DeLong Middle School. In addition to working as a Partnership Coordinator, Piper Thompson also performs additional work for the District for which she is separately compensated. Her rate of pay for this work is also \$15.30.

Unlike other Partnership Coordinators who work the academic year, Piper Thompson works the calendar year.

A document prepared to describe Ms. Piper Thompson's major job assignments and initiatives for 2007-2008 as part of her non-Partnership Coordinator work for the District reads:

Teri Piper Thompson  
District initiatives/assignments  
2007-2008

- Edit, write, send out weekly district announcements.
- Edit, write, send out other district announcements as needed by various departments within the district.
- Assisted with writing script and helped coordinate photos and production for *ECASDJ* City of Eau Claire video project.
- Updated and designed new ECASD display for volunteer fairs, job fairs and community booths.
- Updated and designed new ECASD incentives (magnets).
- In lieu of webmaster at beginning of school year, developed and coordinated schedule for the Picture of the Week feature at the district web site. Continue to assist in coordinating that feature.

- Identify opportunities for ECASD to have presence at volunteer fairs, job fairs and community booths. Set up and staff booths at these opportunities which included Chamber of Commerce Business Expo, Age of Opportunity volunteer fair, Senior Americans Day at UWEC over Spring Break, etc.
- Coordinate efforts with district technology department's free community tech classes. Developed general flyer for distribution. Promote courses at booths and community locations (LB Phillips Memorial Public library, Senior Center. Also promote courses through online community calendars at local newspaper and television web sites.
- Promote other district events (ie retirement banquet, etc) at online community calendars.
- Developed and maintain general informational ECASD flyer to share at community events and booths.
- Assisted elementary schools with press events. Helped identify and coordinate press events per instruction of district staff (ie LEED award at Flynn Elementary, State Treasurer visit to Locust Lane). Take photos at these type of events.
- Wrote press releases for elementary schools and other regarding specific school events.
- Frequent contact for other schools and other partnership coordinators regarding partnership and media questions.
- Frequent coordinator/contact for the media regarding specific media requests.
- Serve on the district's Service Learning Advisory committee.
- Have been asked by Dr. Leary to assist with the senior activities pass implementation.

Other suggestions I have for initiatives:

- Monthly or quarterly district newsletter—it would be great to be able to put a newsletter together that featured positive news from all our schools which we could post online and publish for distribution at area grocery stores, the public library, the senior center, etc. We control the material and the message.

- Monthly or bi-monthly meet and greets with school board members, administration and other staff—offer an opportunity to the public to meet school board members, superintendent and other staff and to ask questions or learn more about the district in an informal setting, like a local coffee house.
- A community open house at Central Office to encourage community members to visit the building and learn more about what takes place within the many departments housed there.

9. The work of the Partnership Coordinators does not require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education.

10. The work of Partnership Coordinator Teri Piper Thompson does not require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following

### CONCLUSIONS OF LAW

1. The Partnership Coordinators (including Partnership Coordinator Teri Piper Thompson) are not professional employees within the meaning of Sec. 111.70(1)(L), Stats.

2. Because the Partnership Coordinators are regular part-time (or regular full-time in the case of Teri Piper Thompson) non-professional employees of the Eau Claire School District, they are appropriately included in the Local 4018 bargaining unit described in Finding of Fact 2.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

**ORDER CLARIFYING BARGAINING UNIT**

The Partnership Coordinators (including the Partnership Coordinator position held by Teri Piper Thompson) are included in the Local 4018 bargaining unit described in Finding of Fact 2.

Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of March, 2009.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

Judith Neumann /s/

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Judith Neumann, Chair

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

Paul Gordon /s/

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Paul Gordon, Commissioner

**EAU CLAIRE SCHOOL DISTRICT**

**MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER CLARIFYING BARGAINING UNIT**

The issues presented in this case are (1) whether the Partnership Coordinators are professional employees within the meaning of Sec. 111.70(1)(L), Stats.; and (2) whether Partnership Coordinator Teri Piper Thompson is a professional employee within the meaning of Sec. 111.70(1)(L), Stats.

**Professional Status**

Section 111.70(1)(L), Stats. defines a “professional employee” as follows:

1. An employee engaged in work:
  - a. Predominantly intellectual and varied in character as opposed to routine mental, manual mechanical or physical work;
  - b. Involving the consistent exercise of discretion and judgment in its performance;
  - c. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;
  - d. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical process;

or

2. An employee who:
  - a. Has completed the courses of specialized intellectual instruction and study described in subd. 1.d.;
  - b. Is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in subd. 1.

We are satisfied that the work of the Partnership Coordinators meets the “professional employee” definitional components of Sec. 111.70(1)(L) 1. a, b and c., Stats. Thus, the focus of our analysis is on whether the knowledge needed to perform the work in question is “customarily acquired by a prolonged course of specialized instruction and study in an institution of higher education” as required by Sec. 111.70 (1)(L) 1. d., Stats.

The Commission has interpreted the statutory phrase “prolonged course of specialized instruction and study in an institution of higher education” as meaning a four year degree in a specialized field of study. MARATHON COUNTY, DEC. NO. 20999-F (WERC, 1/09); GREEN LAKE COUNTY, DEC. NO. 24955-B (WERC, 3/96); CITY OF SUN PRAIRIE, DEC. NO. 20841-B (WERC, 10/86); CITY OF WEST ALLIS, DEC. NO. 13779 (WERC, 7/75). If the knowledge needed to perform the work is “customarily” acquired through a four year specialized degree, then the requirement of Sec. 111.70(1)(L) 1.d., Stats. is met even if the incumbents do not have such a degree and/or the employer does not require same when filling the position. Conversely, unless the knowledge needed to perform the work is “customarily” acquired through a four year specialized degree, the requirement of Sec. 111.70 (1) (L) 1.d., Stats. is not met even if the incumbents have a four year specialized degree and/or the employer requires such a degree. BROWN COUNTY, DEC. NO. 7954-F (WERC, 3/91). Thus, although the educational background of incumbents and the employer established qualifications often provide relevant evidence of how the knowledge needed to perform the work is “customarily” acquired <sup>1</sup>, our task is more generally one of examining the work and then determining what knowledge is needed to perform same and where such knowledge is “customarily” acquired. OUTAGAMIE COUNTY, DEC. NO. 21143-A (WERC, 10/86).

As reflected in our Findings of Fact, the essence of the work in question is “developing, managing, scheduling, implementing and evaluating home, school, community and volunteer programs for the school” in which the Coordinator works. From the evidence presented, including the testimony of Coordinator Vernon, we conclude that the degree related knowledge needed to perform this work is how to effectively communicate with a variety of audiences (both verbally and in writing) and how to organize and coordinate people and events. From that same evidence, we conclude that even assuming such knowledge is “customarily” acquired through a four year degree, <sup>2</sup> the knowledge in question is sufficiently general that it is “customarily” acquired through a wide variety of such degrees (including “Communications, Public Relations, Business and Education” degree preferred by the District). Therefore, given the breadth of degree types by which the knowledge in question can “customarily” be acquired, we are satisfied that the “specialized degree” component of Sec. 111.70 (1)(L) 1. d.,

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<sup>1</sup> Here, the record indicates that at least some of the incumbent Coordinators have four year degrees and that the current District established “Desired Qualifications” for the Coordinator position include a “bachelor’s degree (preferably in Communications, Public Relations, Business, or Education).”

<sup>2</sup> In MARATHON COUNTY, *supra.*, we concluded that the organizational, coordination, planning and communication skills of a Jail Coordinator position could be acquired in a variety of ways including life experience, a two year associate degree and a general four year degree

Stats. has not been met. Therefore, we conclude that the Coordinators are not professional employees.

In reaching this conclusion, we acknowledge the District's argument that the duties of the Coordinators bear some similarity to those performed by the Outreach Specialists found to be professional employees in MILWAUKEE VTAE DISTRICT, DEC. NO. 6343-E (WERC, 1/93). However, based on the record before it, the Commission specifically concluded in MILWAUKEE that the knowledge needed to perform the Specialists' work was similar to that required to be a public school teacher (i.e. acquired through a four year specialized degree in education). Thus, MILWAUKEE is not at odds with the decision we reach today.

We turn now to the professional employee status of Coordinator Thompson whose job includes a District-wide public relations component that distinguishes her from other Coordinators. Focusing again on the work in question, the knowledge needed to perform it, and the customary source of that knowledge, we acknowledge that the distinguishing component of Thompson's job focuses her communication and organizational skills more narrowly on the public and the media than is the case for other Coordinators. However, the more narrow focus of this component of her work does not persuade us that the knowledge needed to perform that work and the customary source thereof differs from that of Coordinators in general. While her work at the District level may well have a broader impact than that of other Coordinators, the communication and organizational skills are fundamentally the same as those of other Coordinators and thus lack the "specialized" source necessary for professional employee status. Therefore, we also conclude that Coordinator Thompson is not a professional employee within the meaning of Sec. 111.70 (1)(L), Stats.

Given the foregoing, we have ordered that the Coordinators be included in the non-professional employee bargaining unit represented by Local 4018.

Dated at Madison, Wisconsin, this 10th day of March, 2009.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

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