

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
NORTHWEST UNITED EDUCATORS
Involving Certain Employees of
COOPERATIVE EDUCATIONAL SERVICE AGENCY #11

Case 5
No. 55264
ME-893

Decision No. 22530-A

Appearances:

Mr. Alan D. Manson, Executive Director, Northwest United Educators, 16 West John Street, Rice Lake, Wisconsin 54868, on behalf of Northwest United Educators.

Weld, Riley, Prenn & Ricci, S.C., by **Attorney Victoria L. Seltun**, 4330 Golf Terrace, Suite 205, P.O. Box 1030, Eau Claire, Wisconsin 54702-1030, on behalf of Cooperative Educational Service Agency #11.

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

On June 5, 1997, Northwest United Educators, herein the Association, filed a petition with the Wisconsin Employment Relations Commission, herein the Commission, seeking the clarification of a bargaining unit comprised of certain professional employes of Cooperative Educational Services Agency #11, herein the Agency, by the inclusion of numerous positions in said unit. The Agency opposes the petition by contending that all of the positions are either managerial and/or supervisory.

No. 22530-A

Hearing was held in Turtle Lake, Wisconsin, on March 4 and March 11, 1998, before Examiner Amedeo Greco, a member of the Commission's staff, at which time the parties agreed to exclude Sheryl Rasmussen and Nancy Graese because of their respective status as confidential and supervisory employees. The hearing was transcribed and the parties subsequently filed briefs and reply briefs that were received by June 26, 1998.

The Commission, being fully advised in the premises, hereby makes the following

FINDINGS OF FACT

1. The Association is a labor organization with its principal offices at 16 West John Street, Rice Lake, Wisconsin 54868.
2. The Agency is a municipal employer with its principal office at 225 Osterman Drive, Turtle Lake, Wisconsin. At all times material herein, Robert Rykal has served as its Administrator and has been responsible for supervising the Agency's day-to-day activities.
3. The Association and Agency are parties to a collective bargaining contract that provides in Article I, entitled "Recognition":

The Board acting for such agency recognizes NUE as the exclusive and sole bargaining representative for all certified professional employees of CESA #11. This includes all teachers, special education teachers, social workers, guidance counselors, teachers of hearing impaired, speech therapists, psychologists, physical therapists but excludes supervisors, data processing employees and all other employees of CESA #11.

4. The following positions are in dispute: Healthy Students Project Coordinators (2); Healthy Students Project Coordinator and ATOD Network Facilitator; Instructional Technology Coordinator; Technology Specialists (2); Title I Program Coordinator at Menomonie; Distance Learning Coordinator; Title I and VI Coordinators (2); Science-Math Technology Coordinator; and Staff Development Coordinator. (For purposes of simplicity, all of these positions are sometimes referred to herein as "Coordinators".)

5. The incumbents in these disputed positions normally work the standard Monday-Friday workweek from 8:00 A.M. to 4:00 P.M. and they sometimes work outside those hours when necessary. They are all salaried and earn between \$22,975 and \$53,598. All of the Coordinators

except the Title I Program Coordinator at Menomonie (Marilyn Heifner), work out of the Agency's Turtle Lake facility. The incumbents receive the same three holidays as bargaining unit employees and, but for several exceptions, they generally receive the same fringe benefits. One exception is health insurance: Coordinators get 100 percent of their health insurance paid for whereas bargaining unit personnel get 95 percent of their health insurance paid. Coordinators and all other Agency employees are covered by the same health plan and by the same insurance carrier. Another exception is early retirement: Coordinators who are employed for 12 months are eligible for early retirement whereas bargaining unit personnel are not. Some of the petitioned- for Coordinators - Cindy Becker, Karen Chilson, Bonnie Cook, Marilyn Heifner, Pat Norman and Brenda Ramin - thus are not eligible for the early retirement program because they do not work 12 months out of the year. The Coordinators receive a mileage bonus based on how many miles they drive whereas bargaining unit personnel do not. The Agency pays the same contributions for dental and disability insurance for both its unionized and non-unionized employees and it makes the same retirement contributions for both unionized and non-unionized employees. The Coordinators receive unlimited professional leave (subject to approval), whereas bargaining unit employees receive a maximum of three professional days.

6. All, or most, of the disputed positions existed at the time the Association became the certified collective bargaining agreement representative. The Association at that time agreed to the Agency's request that it not seek their inclusion into the bargaining unit until the permanence of their jobs was better established.

7. There are two incumbents in the position of Healthy Students, Healthy Staff, Healthy Schools Program Coordinators and one incumbent in the position of Healthy Students, Healthy Staff, Healthy Schools Coordinator and ATOD Education Network Facilitator, all of whom report to Director of Curriculum and Staff Development Donna Coomer who supervises a total of six professional staff.

8. The job description for the Healthy Students, Healthy Staff, Healthy Schools Program Coordinator and ATOD Network Facilitator reads as follows:

<i>Name:</i>	Bonnie Cook
<i>Job Assignment:</i>	ATOD Education Network Facilitator, Safe and Drug Free Schools Consortium, Integrated Youth Development Project, Alcohol/Traffic Safety, Region 6 State – Study Group Leadership Team, Agency Collaborations: Goals 2000, Staff Development Committee
<i>Supervises:</i>	Colleen Doyle, Program Secretary

Position Goals:

1. *To provide professional development and leadership for the contracted school districts in accordance with state guidelines and quality educational practices.*

Responsibilities:

- * Assistance and consultation to districts in the assessment, planning, development and implementation of comprehensive prevention programs
 - * Development, support, and facilitation of training to meet the identified needs, including graduate course offerings related to ATOD, Youth Development, Resiliency, etc.
 - * Supervise secretarial support to the HSHSHS program
 - * Development and management of grant and program budgets
 - * Contract, supervise, and evaluate consultants used for project development and implementation
 - * Provide leadership and technical assistance in development and implementation of study group facilitation and action research projects at local and regional levels.
 - * Develop/design and instruct courses for university graduate credit on related topics (i.e., resiliency, AOD Awareness, Core Team, etc.)
2. *To provide curriculum development and instructional services to meet the changing needs of learners as it relates to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Identify, preview and evaluate new resources to support curriculum needs
 - * Assist in the development of curriculum models and outcome evaluation of prevention programs
3. *To maintain an effective communication system with school district administrators, school staff, and community organizations which would help them stay current and well informed about issues related to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Write and distribute the “Network Notes”
- * Provide current articles to CESA newsletters
- * Coordinate quarterly Regional ATOD Coordinator

- and Prevention Specialists meetings
 - * Coordinate and facilitate the CESA 11 Regional Partnership Council
 - * Represent CESA 11 at assigned state meetings, regional meetings, and county partnership meetings
 - * Provide State and Federal legislative updates on prevention policy development and funding levels
 - * Support prevention policy development efforts at the school, community, county, state, and federal levels
 - * Provide consultation and networking through e-mail and other available technology
 - * Internal coordination and collaboration of related programs and initiative (ie Goals 2000, Special Ed., Improving America's Schools, etc.) within CESA 11 and with other CESAs statewide
4. *To assist CESA contracted districts and community agencies in the development of project proposals to secure financial resources for implementing Healthy Students, Healthy Staff, Healthy Schools program and services*

Responsibilities:

- * Develop and assist with federal and state grant writing which provides expanded resources for districts and for county partnerships addressing related programming
 - * ATOD Education Network Combined Grant
 - * Safe and Drug Free Schools Consortium Grant
 - * Other ATOD Program Grants – Consortium
 - * Provide technical assistance and processing of student mini grants, teacher fellowships, and other DPI initiatives as necessary
 - * Identify potential grants and other funding sources to assist counties and communities in local prevention efforts (ie DOJ, Alliance, Family Preservation, State, Federal, etc.)
5. ***Additional Responsibilities:***
- * Participate in CESA 11 Professional Staff and Sub-Committee meetings
 - * Participate in HSHSHS Team meetings
 - * Maintain individual project records, submit mid-year and final reports

Bonnie Cook – who is not a certified teacher and who has a Master's degree in Education -

earns \$31,508 a year for working 190 days and is the incumbent in the above position and performs all of the job duties in said job description. She serves as the alcohol, tobacco, and other drug abuse network facilitator for the Agency and she helps coordinate the Healthy Students, Staff and Schools program. She helps draw up budgets for individual grants and she is responsible for administering two separate grants of between \$50,000-\$58,000 and \$60,000-\$80,000. She also hires five to ten consultants to annually administer particular grants and sets their salary pursuant to preapproved joint guidelines. She does not make any major equipment purchases on behalf of the Agency and she does not sign any contracts unrelated to the consultant contracts.

Bonnie Cook has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employee.

9. Another job description for Healthy Students, Healthy Staff, Healthy Schools Program Coordinator reads as follows:

Name: Cindy Becker

Job Assignment: CHOICES Initiative (19 counties), Youth Service Learning, 2x4x8; Forestry Resiliency Through Service Learning, Media Center, Academic Decathlon, CPR

Supervises: Amy Hanson, Media Secretary
Colleen Doyle, Program Secretary

Position Goals:

1. *To provide professional development and leadership for the contracted school districts in accordance with state guidelines and quality educational practices.*

Responsibilities:

- * Assistance and consultation to districts in the assessment, planning, development and implementation of comprehensive prevention programs
- * Development, support, and facilitation of training to meet identified needs
- * Contract, supervise, and evaluate consultants used for project development and implementation
- * Supervise secretarial support to the HSHSHS program
- * Development, implementation and monitoring of

grants

- * Development and management of grant budgets
- * Provide leadership and technical assistance in development and implementation of service learning strategies at local, regional, state and national levels.
- * Coordinate and collaborate with related programs and initiatives in CESA #11 and other statewide projects.
- * Coordinate HSHSHS Program's technology needs.

2. *To provide curriculum development and instructional services to meet the changing needs of learners as it relates to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Coordinate services of the curriculum development center
- * Consult with educators on curriculum development needs
- * Develop and publish curriculum models
- * Identify future research and development areas
- * Supervise secretarial support in the media center
- * Preview, purchase and match materials to instructional objectives for instructor use
- * Promote the Healthy Students, Staff, Schools Curriculum Assistance Center and Media center to district personnel

3. *To maintain an effective communication system with school district administrators, school staff, and community organizations which would help them stay current and well informed about issues related to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Design, write and edit CHOICES Newsletter (3 editions/yr)
- * Submit articles for the HSHSHS Update Newsletter and CESA #11 Clipboard
- * Design and edit the HSHSHS UPDATE newsletter (3 editions/yr)
- * Facilitate workshops
- * Represent CESA 11 at assigned state and regional meetings
- * Provide consultation and networking through e-mail and other available technology
- * Provide data for the school district mid-year and end-

- of-year reports
 - * Serve as a resource and referral agent to school and community organizations
4. *To assist CESA contracted districts and community agencies in the development of project proposals to secure financial resources for implementing Healthy Students, Healthy Staff, Healthy Schools program and services*

Responsibilities:

- * Develop proposals and assist with federal and state grant writing which provides expanded resources for districts and for county partnerships addressing related programming. Grants to date include:
 - * CHOICES initiative
 - * Youth Service Learning
 - * 2x4x8: Fostering Resiliency Through Service Learning
 - * Provide technical assistance and supervise migrant activities at district and community level
 - * Identify potential grants and other funding sources to assist counties and communities in local prevention efforts
5. ***Additional Responsibilities:***
- * Participate in CESA 11 Professional Staff and Sub-Committee meetings
 - * Participate in HSHSHS Team meetings
 - * Maintain individual project records, submit mid-year and final reports

Cindy Becker - who is not a certified teacher and who has a college degree in animal science - earns \$29,282 a year for working 190 days and is the incumbent in the above position and performs all of the duties listed in said job description. She directly reports to Head Start and Healthy Students Director Barbara Wehman, who, in turn, directly reports to Administrator Rykal. She has participated in the hiring process by interviewing one job applicant and by effectively recommending her hire. She also has counseled an employe about being tardy, and she has evaluated an employe, but does not get involved in the promotion process. She also participates in preparing the department's budget and in securing and allocating about \$88,000 in grant money. She has determined on her own what computers to buy for the Agency and she is authorized to make purchases on her own if they cost less than \$1,500. If they cost more, Administrator Rykal must personally approve them. Becker hires consultants to work on grants and she does so completely on her own. In doing so, she negotiates and sets their salaries pursuant to the Agency's overall budget.

Cindy Becker has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

10. The third job description for Healthy Students, Healthy Staff, Healthy Schools Program Coordinator reads as follows:

Name: Karen Chilson

Job Assignment: Safe and Drug Free Schools Consortium, Integrated Youth Development Project, Region 6 State-Study Group Leadership Team, Goals 2000, HIV/AIDS Prevention Education, Nutrition Grant, Program for Athletic Coaches Education, Citizenship Initiative

Supervises: Colleen Doyle, Program Secretary

Position Goals:

1. *To provide professional development and leadership for the contracted school districts in accordance with state guidelines and quality educational practices.*

Responsibilities:

- * Assistance and consultation to districts in the assessment, planning, development and implementation of comprehensive prevention programs
- * Development, support, and facilitation of training to meet the identified needs
- * Supervise secretarial support to the HSHSHS program
- * Development and management of grant and program budgets
- * Contract, supervise, and evaluate consultants used for project development and implementation
- * Provide leadership and technical assistance in development and implementation of study group facilitation and action research projects at local and regional levels.
- * Facilitate a working relationship (liaison) with the Department of Public Instruction
- * Facilitate student trainings, ie. Teens Against Tobacco Use, Peer Helpers

2. *To provide curriculum development and instructional services to meet the changing needs of learners as it relates to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Identify, preview and evaluate new resources to support curriculum needs
 - * Assist in the development of curriculum models
 - * Promote the Healthy Students, Staff, Schools Curriculum Assistance Center and Media Center
3. *To maintain an effective communication system with school district administrators, school staff, and community organizations which would help them stay current and well informed about issues related to Healthy Students, Healthy Staff, Healthy Schools.*

Responsibilities:

- * Write and edit the HSHSHS program newsletter (UPDATE)
 - * Represent CESA 11 at assigned state meetings
 - * Provide data for the school district mid-year and end-of-year reports
 - * Attend CESA #11 Administrator meetings as needed
 - * Provide consultation and networking through e-mail and other available technology
 - * Internal coordination and collaboration of related programs and initiative (ie Goals 2000, Special Ed., Improving America's Schools, etc.) within CESA 11 and with other CESAs statewide.
4. *To assist CESA contracted districts and community agencies in the development of project proposals to secure financial resources for implementing Healthy Students, Healthy Staff, Healthy Schools program and services*

Responsibilities:

- * Develop and assist with federal and state grant writing which provides expanded resources for districts and for county partnerships addressing related programming
 - * ATOD Education Network Combined Grant – Nutrition and HIV/AIDS
 - * Safe and Drug Free Schools Consortium Grant
 - * Other ATOD Program Grants – Consortium

- * Health and Safety/Action Research Grant
 - * Identify potential grants and other funding sources to assist counties and communities in local prevention efforts
5. ***Additional Responsibilities:***
- * Participate in CESA 11 Professional Staff and Sub-Committee meetings
 - * Participate in HSHSHS Team meetings
 - * Maintain individual project records, submit mid-year and final reports.

Karen Chilson - who is not a certified teacher and who earns \$29,617 a year for working 145 days - is the incumbent in the above position and performs all of the job duties in said job description. She works closely with fellow Coordinator Cook and was part of a team that helped hire the one secretary in her department. She and her team help evaluate that person. She does not recommend employes for promotion and she does not become involved in any transfer requests. She helps write and administers grants; helps draw up part of her department's budget; purchases supplies of less than \$1,500 without anyone's prior approval; reallocates budget items; and selects vendors and consultants completely on her own. She sits on a committee that makes policy recommendations relating to the Agency's operations and does not fill in for the department head when that person is absent.

Karen Chilson has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

11. The position description for the Instructional Technology Coordinator reads as follows:

Qualifications

- a. Displays conceptual understanding of technology as a teaching, learning and productivity tool.
- b. Understands emerging views of teaching, learning, evaluation and technology.
- c. Grant writing experience.
- d. Willingness to participate in agency team planning efforts, take risks and continue learning.
- e. Demonstrated knowledge and experience in current and emerging:
 - Computer Technologies
 - Distance Learning Technology

- Telecommunication Technologies
 - Electronic Information Dissemination
 - Educational Media and Electronic Resources
- f. Knowledge and understanding of technology; software (DOS, Windows, MAC), and networking.

Job Description

Leadership Support

- Classroom teaching experience
- Assessment of district and classroom needs regarding the use of technology and provide direction for K-12 district technology and planning.
- Keeping current about existing and emerging technology and its potential for classroom use.
- Facilitate strategic long and short-term planning process for use of technology in telecommunications, staff development, networking and filesharing, distance learning, hardware/software and curriculum.
- Provide consultant services for the integration of technology in school-wide/agency improvement initiatives.
- Develop partnerships with building technology personnel.
- Pro-actively search for funding sources to accomplish the integration of technology in school and agency related activities/goals.
- Serve as liaison for district personnel, CESA, DPI, purchase/repair vendors and professional organizations.
- Provide leadership to the CESA 11 Technology Committee.
- Conduct regional and indistrict staff development.

Technical Support

Facilitate the process to:

- Advise/set minimum requirements for acquisition and use of training, hardware and software.
- Provide other communication, support and troubleshooting to district/agency via phone, e-mail, CESA van or mail.

Betty Dahl - a certified teacher who earns \$51,216 a year for working 12 months - is the incumbent in the above position and performs all of the duties listed therein. She directly reports to department head Coomer. Dahl works with school districts in the area of technology planning and

she is also involved with grant writing and staff development. She helps interview perspective hires as part of a team and she helps evaluate clericals as part of a peer review process. Said evaluations are not used for promotional opportunities. She does not discipline employees; does not recommend employees for promotions, and does not sit in on any management meetings where union matters are discussed. She makes recommendations to Coomer on her department's budget and she generally makes purchases only with Coomer's approval. An exception is about \$500 of software which Dahl purchased with no prior approval. She also has purchased magazines and videos on her own. Dahl on her own has hired about six outside consultants with grant money. She also has helped distribute grant money to classroom teachers and in doing so, exercises wide discretion in how said grant money – which approximates \$300,000 - is distributed. She also has the authority to independently move funds within the budget and she has determined on her own how to spend \$20,000 on a workshop. She works with Technology Specialist Gary Edwards in the technology area, with Dahl concentrating on the curriculum side and Edwards on the equipment side. Along with Edwards, she helped hire Technology Specialist Brad Gerrits.

Betty Dahl has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employee.

12. The position description for the two incumbents in the Technology Specialist position reads as follows:

Qualifications

- a. Displays conceptual understanding of technology as a teaching, learning and productivity tool.
- b. Understands emerging views of teaching, learning, evaluation and technology.
- c. Grant writing experience.
- d. Willingness to participate in agency team planning efforts, take risks and continue learning.
- e. Demonstrated knowledge and experience in current and emerging:
 - Computer Technologies
 - Distance Learning Technology
 - Telecommunication Technologies
 - Electronic Information Dissemination
 - Educational Media and Electronic Resources
- f. Knowledge and understanding of technology; software (DOS, Windows, MAC), and networking.

Job Description

Leadership Support

- Classroom teaching experience
- Assessment of district and classroom needs regarding the use of technology and provide direction for K-12 district technology and planning.
- Keeping current about existing and emerging technology and its potential for classroom use.
- Facilitate strategic long and short-term planning process for use of technology in telecommunications, staff development, networking and filesharing, distance learning, hardware/software and curriculum.
- Provide consultant services for the integration of technology in school-wide/agency improvement initiatives.
- Develop partnerships with building technology personnel.
- Pro-actively search for funding sources to accomplish the integration of technology in school and agency related activities/goals.
- Serve as liaison for district personnel, CESA, DPI, purchase/repair vendors and professional organizations.
- Provide leadership to the CESA 11 Technology Committee.
- Conduct regional and indistrict staff development.

Technical Support

Facilitate the process to:

- Advise/set minimum requirements for acquisition and use of training, hardware and software.
- Provide other communication, support and troubleshooting to district/agency via phone, e-mail, CESA van or mail.

Gary Edwards – who is not a certified teacher and who earns \$45,146 a year for working 12 months - is one of the incumbents in the above position and has held it for about three years. Edwards reports to department head Coomer and spends about 20 percent of his time at the Turtle Lake facility, with the remainder of his time spent between 26 school districts where he evaluates their technology equipment and helps establish a process to evaluate their ongoing technology needs. He effectively recommends to school districts the technicians they should hire to assist him and he has informally evaluated these school district personnel. He has helped establish the hiring level for these newly-hired technicians and the hours they will work. He also helps establish a budget for technology services; is authorized to spend up to \$2,000 on a single purchase without anyone's prior approval; has spent about \$8,000 in the last year without prior authorization; and has the authority to move funds within the budget without prior approval. Edwards, who supervises

vendors, has helped secure grants through his own initiative and helps manage the maintenance and repair of equipment. The total budget in Edwards' department is about \$200,000, most of which goes for compensation.

Gary Edwards has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

Brad Gerrits – who started work the day before the first day of the instant hearing - also is classified as a Technology Specialist. He works directly with fellow Technology Specialist Edwards who intends to turn over many of his job duties to Gerrits once he is fully trained so that Gerrits can perform many of the managerial duties that Edwards now performs.

13. The Title I Program Coordinator position description for the Agency's Menomonie, Wisconsin, facility reads as follows:

POSITION AVAILABLE
for
TITLE I PROGRAM COORDINATOR
MENOMONIE AREA SCHOOL DISTRICT/CESA 11.

Job Description:

- * Coordinate Title I Project district-wide
- * Coordinate Title I Schoolwide Project – River Heights Building
- * Supervise staff

Qualifications:

- * Strong elementary teaching background
- * Licensure which allows supervision of licensed staff
- * Reading background preferred
- * ESL background helpful

Skills Needed:

- * Knowledge of Title I regulations and reports
- * Ability to:
 - implement a “lighted schoolhouse”
 - develop parental involvement programming
 - organize the tutoring program
 - conduct action research and needs assessments
 - conduct program assessment
 - implement family literacy
 - work with multi-cultural populations

- lead professional development activities
- facilitate committee/group activities
- model instructional techniques
- observe and supervise staff
- collaborate and integrate programs and curriculum
- write grants
- implement school improvement efforts
- provide technology support

Particulars:

- * Minimum 210 days
- * Salary per Master Agreement (experience negotiable)
- * Employer is CESA 11

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Marilyn Heifner - a certified teacher who earns \$50,000 a year for working 210 days - is the incumbent in the above position and reports directly to Title I Project Director Lowell Gillette who supervises a total of three professional staff. Heifner performs all of the job duties in said job description at the Agency's Menomonie facility which houses about 25-30 staff members and about 550 students. She does not help prepare the Agency's own budget, but she has helped the Menomonie School District in securing a grant and she makes expenditures pursuant to approved grants. As a first-year employe, Heifner has neither hired nor evaluated staff, but may do so in the future. She functions much like a lead worker by suggesting what should be done. She does not make recommendations for nonrenewal or renewal of teachers and she does not discipline employes, a function that is delegated to principal Tom Mangino who is her direct supervisor. She writes grants and provides advice to school districts as to how their Title I funds can best be spent. She is in charge of an after-school project. She works roughly the same hours as other teachers and works another 20-30 days outside the regular school year writing grants and performing administrative responsibilities.

Heifner does not have sufficient participation in the formulation, determination and implementation of policy or sufficient authority to commit the Agency's resources to be deemed a managerial employe.

14. The Distance Learning Coordinator position description reads as follows:

Job Description

Distance Learning Coordinator

Qualifications-

Required Training and Experience:

Educational background with strong management skills; experience managing instructional telecommunication and instructional delivery systems; experience working with a variety of community and professional organizations; experience working with a team; understanding of school improvement efforts and grant writing experience is highly desirable.

Desired Characteristics:

Strong leadership and human relations skills, good communication and problem solving skills, Committed to distance education, Strong process skills

Position Summary-

The distance learning coordinator will facilitate fiscal, administrative and developmental operations of the Indianhead Distance Learning Network. The coordinator will provide the consortium school districts with leadership toward the network's goals and objectives.

As a member of the CESA #11 Department of Curriculum and Staff Development, the distance learning coordinator should support the comprehensive school improvement focus. Participation in agency and department committees will be expected including working internally to advance distance learning capacities of agency staff.

The position will report to the Operations Board of the Indianhead Distance Learning Network and the CESA #11 Director of Curriculum and Staff Development.

Responsibilities-

1. Management of the Indianhead Distance Learning Network

- * Develop policies and procedures for Board approval
- * Coordinate board and committee meetings, attend district meetings when appropriate
- * Create and manage an appropriate budget
- * Provide for cooperative purchasing of equipment and materials
- * Provide leadership in evaluation, goal setting, and strategic plans
- * Coordinate educational telecommunication courses and activities for the consortium
- * Coordinate the scheduling of courses, calendars, and bell schedules
- * Promote development and utilization of ITV offerings

- * Responsible for promotion and publicity of network and offerings
- * Serve as a liaison between the participating schools, communities, businesses, post secondary institutions, and appropriate regional, state, and federal agencies
- * Facilitate the training process for faculty and staff in the effective use of the system
- * Facilitate curriculum development for courses delivered over the system
- * Develop and maintain staff development programs for ITV instructors
- * Support persons using the system
- * Research and write grant proposals for the benefit of the network
- * Facilitate the development of equipment standards, specifications, and interactive classroom design
- * Responsible for the overall operation and maintenance of the system
- * Prepare and submit all necessary state and federal reports

2. Facilitate distance learning initiatives within CESA #11

- * Provide distance learning leadership, capacity building, and training for agency staff
- * Provide telecommunication staff development for CSD staff
- * Encourage and support staff in conducting meetings and staff development over the network
- * Supervise the CESA ITV facilitator
- * Responsible for scheduling and maintenance of equipment in ITV studio

3. Support CESA #11 goals and initiatives

- * Participate in Agency Planning Teams
 - Goals 2000 Meetings
 - Instructional Professional Resources Committee
 - Technology Committee
 - Mission and Goals Committee

- * Participate in CSD Department Planning Teams
 - Technology Committee
 - School Improvement Conference
 - Facilitating the Future
 - School to Work
 - Satellite Users Group

4. Continuously strive for improvement through professional development

- * Keep abreast of new technologies for distance learning
- * Best practices and teaching strategies for instruction
- * Comprehensive school improvement
- * Critical/constructionist theories
- * Research as it applies to change efforts – shifts in educational practices
- * Computer usage and internet access

5. Perform other duties as assigned

Jane Manske - a certified teacher who earns \$46,092 a year for working 215 days - is the incumbent in the above position and performs all of the duties in said job description. She works closely with Administrator Rykal and she directly reports to two boards – the West Wing Distance Learning Network and the Indianhead Distance Learning Network, both of which are composed of administrators of local school systems. She manages two interactive television systems covering 26 school sites, each of which has a studio. Said television systems are used for instructional and staff development purposes and for meetings.

She helps prepare her department's budget and has made purchases of less than \$1,500 on her own without anyone else's approval. She helps administer various grants, one of which totaled about \$1,300,000. Manske does not fill in for her department head.

Jane Manske has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

15. The Title I and VI Program Coordinators' position description reads as follows:

TITLE I
COORDINATOR

QUALIFICATIONS

College degree or significant technical training and experience

Continued personal education

Technical/college courses which pertain

Professional memberships and active involvement in organizations

Trains teachers (conference and workshop presentations)

Resource speaker to districts for parent/community meetings

Represents the districts at DPI meetings and interprets the information from written

communication

Attend and participate in local, regional, state and national professional conferences.

Make that knowledge and information useful to teachers and students.

Informed of new research and its practical implications and able to pass along this information to districts

Program visits to districts for program monitoring (compliance and quality)

Able to research and develop new grants

Apprise districts of parallel and pertinent funding sources

Resource during a DPI on-site monitoring visit

Qualifications

Secretarial/Bookkeeping Skills

Computer Skills

Organizational and Coordination Skills

Effective Speaking Skills

Strong Writing Skills

Supervisory Skills of Support Staff

Reports To

Lowell Gillette, Project Director, Title's I and VI

Pat Norman, Program Consultant

Position Goals

1.0 To assist the Project Director to inform district personnel about the Title I law, guidelines and requirements

2.0 To assist the Project Director in developing, implementing and monitoring the district's Title I program. This also includes coordinating staff development for teachers, presenting workshops for parents, and fiscal accountability.

Responsibilities

See attached.

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RESPONSIBILITIES

1.0 General Administrative Consultation

- 1.1 Dissemination of Information
 - a. Assist Project Director to inform district personnel about the Title I law, guidelines and requirements
- 2.0 Project Implementation Consultation
 - 2.1 Application Development
 - a. Assist in the calculations for determining eligible buildings (targeting)
 - b. Assist the Project Director in development of the application, its overall design and purpose
 - c. Assist the Project Director to negotiate project approval with DPI consultant
 - d. Submit paperwork to DPI when program changes occur
 - 2.2 Evaluation Development
 - a. Assist the Program Consultant in development of local evaluation activities and preparation of program data for general achievement report
 - 2.3 Program Improvement
 - a. Assist the Project Director in developing and implementing local school improvement efforts
 - 2.4 Project Supervision
 - a. Assist the Project Director in preparations for DPI program monitoring visits
 - b. Assist the Project Director in responding to district personnel questions and also, communicate issues to and from DPI
 - c. Submit paperwork to DPI when program changes occur
 - 2.5 Staff Development
 - a. Assist the Project Director and Program Consultant in coordinating the planning of inservice/workshop programs for Title I staff
 - b. Document program information and fiscal record keeping
 - 2.6 Parent Involvement
 - a. Assist the Program Consultant when requested
 - 2.7 Fiscal Services

- a. Work with districts and Project Director to develop Title I budget
- b. Submit budget revisions to DPI as necessary
- c. Submit encumbrance and final claim reports to DPI
- d. Maintain accurate audit trail
- e. Develop audit packets for utilization by auditors
- f. As necessary, make requests for reallocation monies
- g. As necessary, make requests for capital expenses for districts serving private schools
- h. As necessary, make requests for school improvement grants for identified districts (buildings)
- i. Prepare balances to be shared with the Project Director.
Dates are: *July, November, January, February, April & May*
- j. Conduct an on-site training session with district bookkeepers to review forms and processes
- k. Assist in preparation and monitoring of CESA 11 Title I Administrative Budget

Melissa Moe - a certified teacher who earns \$30,058 a year for working 12 months – is one of two incumbents in the above position and directly reports to Title I Project Director Gillette. But for dealing with the Title I budgets for 42 school districts that use the Agency's services, Moe performs essentially the same duties as fellow Coordinator Pat Norman. Moe does not sign any purchase orders outside of helping spend grant funds. She uses grant funds to purchase equipment and she very infrequently helps hire consultants subject to approval by her supervisors. She also helps prepare the Title I administrative budget that covers her salary and the salaries of several other employees and she effectively recommends changes in that budget. She does not fill in for department head Lowell in his absence; she does not solicit or evaluate bids for services; she does not determine what type of Title I services will be provided to school districts; and she does not have any contact with students. Moe sits on the Agency's Technology Committee where she effectively recommends what type of computer software and computer equipment should be purchased. Moe participates in parent workshops; she informs school districts throughout the year how much of their Title I funds remain; she submits needed budget revisions to the Department of Public Instruction; she helps reallocate excess Title I funds; and she helps prepare requests for capital expenses for districts serving private schools.

Melissa Moe has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employee.

Pat Norman - who earns \$22,975 a year and who works 95 days because of an illness - is the other Title I and VI Program Coordinator. With the exception of not dealing with financial records, she performs essentially the same duties as Moe which are described above. Norman primarily works on staff development, whereas Moe mainly works in preschool/elementary

education and finance. Norman has the authority to enter into contracts with consultants/speakers and she normally has department head Gillette co-sign any purchase orders. She also helps develop Title I applications and negotiates with the State of Wisconsin's Department of Public Instruction in obtaining Title I approval.

Pat Norman has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

16. The Math and Science Staff Development Coordinator position description reads as follows:

Position Notice

Math and Science Staff Development Coordinator

Qualifications:

Required training and experience: Wisconsin Teacher Certification (elementary preferred). Desired training and experience: Master's Degree in Education; teaching experience (preferably math and science); experience with staff development; experience with curriculum development; administrative experience, preferably in curriculum development and supervision; interest in critical theory as it applies to school transformation.

Desired Attributes:

Applicant should be team member/player; consensus builder; fair minded; pro-active learner; personable, yet can stay on focus; self-motivated; strong process orientation; and have an understanding of emerging education trends and ability to think that way.

Desired Skills:

Background in human development and planning; classroom experience with transformed practice and ability to model with others; strong communication skills; strong management skills (bookkeeping, organizational skills, attention to detail; experience and/or openness to using technology as a classroom learning tool group process skills).

Reports To: CESA 11, Director of Curriculum and Staff Development

Position and Agency Goals:

- 1) Provide leadership to school districts which fosters continued school improvement and which enhances desired student learning outcomes;
- 2) Provide direct services that encourage school district staff to be visionary, creative and research focused, using methodologies that meet the changing and diverse needs of students;
- 3) Promote communication and cooperation between agency staff, school districts, higher education, business, local, state and federal agencies, parents and community organizations;
- 4) Actively work with CESA staff and the Math/Science Team to assure optimum delivery of services.

Position Focus:

The basic function of this position is to coordinate staff and curriculum development services in the math, science and technology areas. The coordinator will be a member of the Math/Science team which plans and coordinates those resources and project activities. In addition, the position will seek to coordinate with other agencies and businesses to secure resources which can facilitate planning and implementation of various programs and services, to meet local needs.

Responsibilities:

- I. Provide leadership in the CESA 10 & 11 regions for Math & Science Consortium activities.
 - A. Engage in planning and leadership activities on local and state levels to maximize utilization of resources and secure additional funding
 - B. Develop and implement Math & Science staff development offerings.
 - C. Develop and monitor consortium funds, as well as recommend policy development and adaptation as appropriate.
 - D. Participate as an active member of the team to ensure appropriate connections and effective use of resources.
- II. Provide leadership in Mathematics and other areas as assigned.
 - A. Engage in planning and leadership activities on local and state levels to maximize utilization of resources and secure additional funding.
 - B. Develop and implement staff development offerings.
 - C. Facilitate curriculum development through on-going project work and seeking out new areas for review.
 - D. Develop and monitor budgets, as well as recommend policy development and adaptation as appropriate.
- III. Serve as Math/Science Center and advocate with CESA and school district

staff.

- A. Participate in CESA #11 staff activities and meetings, advocating for technology as a tool in staff development and curriculum reform as appropriate.
 - 1. Participate in monthly CESA #11 staff meetings.
 - 2. Participate in weekly curriculum and staff development meetings and related planning and staff development activities as requested.
 - 3. Foster CESA #11 mission and goals through committee and agency work.
 - 4. Develop and attend to annual work plan in view of agency mission and goals.
- B. Participate in local school district and regional staff development activities and provide consultation as requested.

Contract Length: 170-190 days

...

Brenda Ramin - a certified teacher who earns \$35,851 for working 190 days a year - is the incumbent in the above position and performs all of the job duties listed in said job description. She reports directly to department head Coomer. She is in charge of the gifted and talented services and a research library that has a budget of \$63,910 which she helps prepare; serves as a liaison to the Title I Department; manages the paperwork for a Title II grant in the amount of \$84,315 and has worked on grants. She also helps plan and coordinate Cray Academy, a two-week summer staff development offering in Chippewa Falls. She once participated in the hiring process by sitting on a committee and by recommending the person ultimately hired. She does not discipline employees, but has evaluated her co-workers in a peer review process. She does not attend any management meetings where personnel policies are discussed. She helps prepare her department's budget and does not spend more than \$50 without preapproval. As part of a team effort, she helps hire consultants for staff development.

Brenda Ramin has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

- 17. The Grant/Staff Development Coordinator position description reads as follows:

...

QUALIFICATIONS:

Required Experience and Training: Wisconsin teaching and/or administrative certification. Successful teaching experience.

Desired Experience and Training: Administration/coordination experience, preferably in staff development: experience as staff development provider: successful experience with managing budgets and grants: commitment to help school district staff change themselves: computer literate: commitment and experience in working with a team to achieve common goals.

REPORTS TO:

Director of Curriculum and Staff Development.

POSITION GOAL:

The basic function of this position is to provide assistance to Curriculum and Staff Development department staff as they work to assist districts in meeting their locally identified staff development needs: to facilitate the implementation of CESA #11 staff development programs: to coordinate and present staff development: to seek funding which will help districts evaluate needs and foster desired school improvement.

RESPONSIBILITIES:

PROVIDE SUPPORT TO OTHERS INSIDE CESA #11 AND SCHOOL DISTRICT STAFF AS THEY IDENTIFY NEEDS FOR EXTERNAL GRANT RESOURCES.

1. Assist in the organization and coordination of grant writing, assistance internally with school districts, universities and other potential partners.
2. Provide training for CESA and district staff in grant writing and implementation.
3. Provide simple grant procedures and timelines and facilitate grant preparation.
4. Develop procedure to facilitate communication about grant sources among CESA #11 and school district staffs.
5. Develop sample evaluation strategies which would be consistent with increasingly participatory decision-making strategies being implemented by

schools.

6. Seek funding options.
7. Write assigned grants.

PROVIDE SUPPORT IN IDENTIFYING STAFF DEVELOPMENT NEEDS

1. Cooperatively develop needs survey with CESA staff.
2. Implement survey process.
3. Cooperatively develop plan for using data received from survey process.
4. Implement assigned follow-up activities which help meet needs.

COOPERATIVELY COORDINATE DDEA MATH AND SCIENCE ACTIVITIES

1. Research presenters and topics for new/future workshops.
2. Facilitate assigned technical aspects of DDEA workshop arrangements.
3. Develop appropriate marketing strategies.
4. Monitor fiscal function of specific offerings.
5. Complete summary of workshop evaluation data.
6. Coordinate dissemination and use of evaluation data in future initiatives.
7. Facilitate DDEA state reporting process.
8. Participate in DDEA Scimatech team meetings.

DEVELOP CESA STAFF DEVELOPMENT CALENDAR

1. Collect calendar information.
2. Work with staff development committee to determine time line/format and other implementation issues.

3. Produce the calendar and distribute to CESA and School District staff.
4. Develop evaluation strategy for improving communication and coordination between districts and CESA staff.
5. Facilitate decision-making about evaluation data received.

IMPLEMENT PRE-K-12 STAFF DEVELOPMENT INITIATIVES AS DETERMINED BY DEPARTMENT STAFF.

1. Set up and facilitate DPI initiated workshops.
2. Set up and facilitate technical aspects of administrator's workshop, such as elementary, middle, secondary principals, superintendents, school board, curriculum directors, guidance.
3. Facilitate assigned technical aspects for Education for Employment conference.
4. Facilitate assigned technical aspects of vocational change/tech prep staff development workshops.
5. Facilitate assigned technical aspects of social studies, music, foreign language workshops.

INCREASE COMMUNICATION AND COOPERATION WITHIN CESA #11

1. Identify strategies to facilitate staff development options for CESA #11 staff.
2. Implement assigned responsibilities related to internal staff development.
3. Attend all CESA #11 staff meetings.
4. Attend weekly Curriculum and Staff Development department meetings.

PROVIDE SUPPORT AND LEADERSHIP TO THE WISCONSIN CENTER FOR EXCELLENCE IN CRITICAL THINKING

1. Participate in council activities.
2. Participate on Staff Development sub-committee.

3. Coordinate assigned staff development.

Sue Selbin - a certified teacher who earns \$53,598 for working 12 months a year - is the incumbent in the above position and performs all of the duties in said job description. She primarily writes and manages grants, including one that amounts to \$500,000. She also engages in staff development and marketing strategies; performs research for various projects; coordinates conferences; and participates in meetings relating to grants. She, along with other department employes, helps prepare her department's budget; she on her own can move funds around within grants and use those funds as she sees fit; and she helps draw up the \$50,000-\$60,000 budget for the Northwest Instructional Broadcast Service. She does not purchase items costing over \$100 without prior approval. She has hired consultants on her own pursuant to authorized grants and has set their salaries without supervisory approval. She does not serve on any management or policy-making boards within the Agency and she does not approve vendor contracts. She on about ten occasions in the last four years has filled in for department head Coomer when she is absent.

Sue Selbin has sufficient participation in the formulation, determination and implementation of policy and authority to commit the Agency's resources to be deemed a managerial employe.

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

CONCLUSIONS OF LAW

1. The occupant in the position of Healthy Students, Healthy Staff, Healthy Schools Program Coordinator and ATOD Network Facilitator (Cook) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

2. The two occupants in the position of Healthy Students, Healthy Staff, Healthy Schools Program Coordinators (Becker and Chilson) are managerial employes within the meaning of Sec. 111.70(1)(i), Stats., and therefore are not municipal employes within the meaning of Sec. 111.70(1)(i), Stats.

3. The occupant in the position of Instructional Technology Coordinator (Dahl) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

4. The occupant of the position of Technology Specialist (Edwards) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

5. The occupant in the position of Title I Program Coordinator at the Agency's Menomonie, Wisconsin, facility (Heifner) is not a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

6. The occupant in the position of Distance Learning Coordinator (Manske) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

7. The two occupants in the position of Title I and VI Coordinator (Moe and Norman) are managerial employes within the meaning of Sec. 111.70(1)(i), Stats., and therefore are not municipal employes within the meaning of Sec. 111.70(1)(i), Stats.

8. The occupant in the position of Math and Science Staff Development Coordinator (Ramin) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

9. The occupant in the position of Grant/Staff Development Coordinator (Selbin) is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

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

ORDER CLARIFYING BARGAINING UNIT

The bargaining unit described in Finding of Fact 3 above is hereby clarified to include the position of the Title I Program Coordinator at the Agency's Menomonie, Wisconsin, facility.

Given under our hands and seal at the City of Madison, Wisconsin this 21st day of December, 1998.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

COOPERATIVE EDUCATIONAL SERVICE AGENCY #11

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

POSITIONS OF THE PARTIES

The Association asserts that all of the disputed positions set forth in Finding of Fact 4 above should be included in the bargaining unit because none of them “have true supervisory authority over any CESA #11 employe who is in the professional staff bargaining unit represented by the NUE” and because “none of them have sufficient management authority. . .” to warrant their exclusion. The Association also argues that the Commission should take administrative notice of a related unit clarification petition it filed on May 19, 1998; that the employes in dispute “are strictly limited in the manner in which they can expend funds”; that any such expenditures must be kept in “perspective”; and that the failure to include the disputed positions in the bargaining unit will cause undue fragmentation. The Association further maintains that “if the Employer were to have its way, there would simply be too many managers or supervisors”, and that the Agency’s “claim to a management team approach must not be used as a reason for obviating the rights of these professional employes. . .” The Association also “assumes” it will participate in a separate representation election if the Commission decides that such a separate vote is needed.

The Agency, by contrast, contends that all of the disputed positions encompass “either supervisory or managerial responsibilities, or a combination of these exemptions”; that all of the positions “are significantly different from the represented teachers”; that “there is no community of interest between the represented ‘professionals’ and the coordinators at issue. . .”; and that all of the positions are an extension of Administrator Rykal’s management team. The Agency further claims that it is immaterial whether any of the disputed positions supervise members of the professional bargaining unit because one’s supervisory status is shown by supervision over any employe and that the disputed coordinator positions are supervisory because: “There is no authority in ss. 111.70(o), Wis. Stats. for the proposition that someone cannot be a statutory ‘supervisor’ if they are supervised by someone else.” The Agency also asserts that the Association’s May 19, 1998, unit clarification petition has no bearing on the issues herein and that, moreover, if the Commission rules that any of the disputed positions are municipal employes, it should order a separate election to determine whether they want to be represented in either this or in a separate bargaining unit.

DISCUSSION

The basic question here turns on whether any of the disputed positions are occupied by managerial employes and/or supervisors as contended by the Agency, or by municipal employes as claimed by the Association.

Applicable Standards

The Commission addressed the question of managerial status in TAYLOR COUNTY, DEC NO. 24261-E (WERC, 7/97), wherein it stated:

The legislature has excluded "managerial" employes from the Sec. 111.70(1)(i), Stats., definition of "municipal employe", but it has not provided a statutory definition of that term. Thus, the definition of a managerial employe has been developed through case law.

There are two analytical paths to assess claimed managerial status. One considers the degree to which individuals participate in the formulation, determination and implementation of management policy; the other considers whether the individual possesses the authority to commit the employer's resources.

For an individual to assume managerial status based on participation in policy, such involvement must be "at a relatively high level of responsibility" Managerial status based on allocation of the employer's resources necessarily entails significantly affecting the nature and direction of the employer's operations, such as the kind and level of services to be provided or the kind and number of employes to be used in providing services.

In this connection, the Commission has earlier ruled in NICOLET COLLEGE AND TECHNICAL INSTITUTE, DEC. NO. 23366 (WERC, 3/86) that a Director of Grants/Coordinator of Occupational Education Projects was a managerial employe in part because of his involvement in the acquisition and use of grant monies. The Commission thus found:

...

III. Director of Grants/Coordinator of Occupational Education Projects

The Intervenor argues that the individual occupying these positions, Thomas Maney, is not a managerial employe in that he spends a majority of his time developing and coordinating grant money, that he does not have significant authority to shift funds in the programs for which he is involved, and that he is so constrained by grant guidelines that he has very little flexibility to commit the District's resources.

But the record shows that as Director of Grants, Maney's coordination of these grant funds involves the overall supervision of these funds on behalf of the District, including the approval of the expenditure of these funds and the review of the audit of said expenditures. It is Maney to whom Center Directors and others come to get permission to use grant funds for purposes different from those originally budgeted. It is also

Maney who meets with the District's top managers to determine the District's overall budget. In the budgets for programs he is involved in, the record shows that he does have the authority to allocate funds for different purposes than the budget originally specified. For these reasons we conclude Maney is a managerial employe and is excluded from the unit on that basis.

...

The Commission reached a similar conclusion in VERNON COUNTY, DECISION NO. 13805-B (WERC, 4/91), wherein it found that a Developmental Disabilities Coordinator was a managerial employe in part because he "writes and submits applications for grants, and has the authority to redirect and reallocate unspent funds" and because, after consulting with one of his two supervisors, "he has the authority to transfer funds from one line to another, and to choose between alternative providers of goods and services." As related below, we have applied our prior decisions in determining whether some of the disputed positions that are involved in the grant process are managerial employes.

Supervisors are defined in Sec. 111.70(1)(o)1, Stats., as follows:

. . . any individual who has authority, in the interest of the municipal employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employes, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

In applying this definition, the Commission therefore considers the following factors in determining if the occupant of a position is a supervisor:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employes.
2. The authority to direct and assign the work force;
3. The number of employes supervised, and the number of other persons exercising greater, similar or lesser authority over the same employes;
4. The level of pay, including an evaluation of whether the supervisor is paid for his skills or for his supervision of employes;
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employes;

6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees; and
7. The amount of independent judgment exercised in the supervision of employees.

The Commission has historically held that not all of the above factors need be present and that if the factors support supervisory status in sufficient number and degree, the Commission will find an employe to be a supervisor. See, for example, KEWAUNEE COUNTY, DEC. NO. 13185-G (WERC, 10/97).

It is within this context that we now turn to each of the specific positions in dispute.

The Positions

The Agency asserts that Healthy Students Project Coordinator and ATOD Partnership Network Facilitator Cook is a managerial employe and that Healthy Students Project Coordinators Becker and Chilson are managerial/supervisory employees. Because all three incumbents work in the Healthy Students, Healthy Staff and Healthy Schools program where they directly report to department head Coomer, and because they perform related tasks, they are considered together.

As related in Finding of Fact 8 above, Cook performs all of the duties in her job description and helps draw up budgets for individual grants; hires outside consultants to administer some of those grants; and establishes their salaries pursuant to pre-approved joint guidelines. She does not, however, help draw up her department's budget; she does not make any equipment purchases on the Agency's behalf; and she does not sign any contracts unrelated to the consultant contracts.

We conclude that the former factors outweigh the latter and that Cook possesses sufficient *indicia* of managerial status to warrant her exclusion from the bargaining unit as a managerial employe because she is able to commit the Agency's financial resources by working on grants and by hiring outside consultants and because she thereby affects the nature and direction of the Agency's operations.

The Agency contends that Becker is a supervisor/managerial employe. Her duties are set forth in Finding of Fact 9 and reflect that she helps draw up her department's budget; that she secures and allocates about \$88,000 in grant money; that she makes purchases of up to \$1,500 on her own; that she hires consultants to work on grants; and that she negotiates and sets their salaries.

The latter duties establish that Becker is a managerial employe under Sec. 111.70(1)(i), Stats., because she commits the Agency's financial resources to a sufficient degree to affect the nature and direction of the Agency's operations.

The Agency also contends that Chilson is a supervisor/managerial employe. Her duties are set forth in Finding of Fact 10 and show that she helps draw up her department's budget; purchases supplies of less than \$1,500 without anyone's prior approval; helps write and administer grants; reallocates budget items; and selects vendors and consultants completely on his own. We conclude that Chilson is a managerial employe under Sec. 111.70(1)(i), Stats., because of her ability to commit the Agency's financial resources to such a degree that she affects the nature and direction of the Agency's operations.

The Agency contends that Instructional Technology Coordinator Dahl, whose duties are set forth in Finding of Fact 11, occupies a managerial/supervisory position.

Dahl helps hire employes and helps evaluate clericals as part of a career review process. Dahl engages in grant writing and staff development and she helps draw up her department's budget. She also has hired six consultants and she exercises wide discretion in determining how grant money is distributed to classroom teachers. She normally does not make purchases without approval from Director of Curriculum and Staff Development Coomer.

Based on the above, we conclude that Dahl is a managerial employe under Sec. 111.70(1)(i), Stats., because she possesses a sufficient level of responsibility to allocate the Agency's resources and to affect the nature and direction of the Agency's operations.

The Agency maintains that Technology Specialists Edwards and Gerrits – who work with Dahl – are supervisors/managerial employes.

As related above in Finding of Fact 12, above, Edwards exercises managerial duties by establishing a budget for technology services; by spending up to \$2,000 on a single purchase without anyone's prior approval; by spending about \$8,000 in the last year without prior authorization; and by moving funds within the budget without prior approval.

Based upon the above, we conclude that Edwards is a managerial employe within the meaning of Sec. 111.70(1)(i), Stats.

It is difficult to determine Gerrits' legal status because – as related in Finding of Fact 12 above - he only started work on the day before the first day of hearing. Edwards testified without contradiction that he hired Gerrits to take over many of his own managerial duties. Until there is a track record which establishes the division of labor between Edwards and Gerrits and because we are unsure whether there is sufficient managerial authority to exercise in the technology area to warrant excluding both Edwards and Gerrits on that basis, we cannot determine Gerrits' status. It is also unclear whether Gerrits is a professional employe within the meaning of Sec. 111.70(1)(L), Stats. If the parties are unable to voluntarily resolve the issue, additional hearing will be needed.

The Agency argues that Heifner is the Title I Program Coordinator at the Agency's Menomonie facility – is a managerial employe. Heifner's duties are spelled out in Finding of Fact 13 above and show that she does not help prepare the Agency's budget; that she writes grants; that she has helped a school district secure a grant; and that she performs some administrative responsibilities; and that she helps coordinate the two-week activities for Cray Academy. However, she neither formulates nor implements policy on behalf of the Agency.

We conclude that Heifner is not a managerial employe. In contrast to Moe and Norman, her role is primarily that of a "master teacher". Because she does not participate sufficiently in the formulation, determination or implementation of management policy and because she lacks sufficient independent authority to commit the Agency's financial resources to such a degree that it affects the nature and direction of the Agency's operations, she is not managerial.

The Agency contends that Distance Learning Coordinator Manske - whose duties are set forth in Finding of Fact 14 above – is a managerial employe and/or a supervisor.

We conclude Manske is a managerial employe. Her duties as manager of the distance learning function (which include administering a grant of over \$1 million dollars) give her substantial authority over the expenditure of CESA #11 resources and the implementation of a significant programmatic function.

The Agency contends that Title I and VI Program Coordinators Moe and Norman are managerial employes.

Moe performs all of the job duties set forth in Finding of Fact 15. She thus helps monitor Title I funds for about 42 school districts; she uses grant funds to purchase equipment; she helps develop the Agency's own budget as it relates to her salary and the salary of several other employes; and she effectively recommends changes in that budget. As related in Finding of Fact 15 above, fellow Coordinator Norman performs almost all of the same duties as Moe.

Because of their budgetary involvement and ability to commit the Agency's financial resources to such a degree that they affect the nature and direction of the Agency's operations, we conclude that both Moe and Norman are managerial employes within the meaning of Sec. 111.70(1)(i), Stats.

The Agency claims that Math and Science Development Coordinator Ramin - whose duties are set forth in Finding of Fact 16 above – occupies an exempt managerial/supervisory position. Ramin works on grants; helps prepare her department's budget; and has helped hire consultants for staff development. Based on these responsibilities, she thus commits the Agency's financial resources to such a degree that she affects the nature and direction of the Agency's operations, thereby making her a managerial employe under Sec. 111.70(1)(i), Stats.

The Agency contends that Grant/Staff Development Coordinator Selbin is a managerial employe. Selbin's duties are set forth in Finding of Fact 17 and show that she hires consultants; writes grants; and is involved in the grant process; engages in staff development and marketing strategies; performs research for various projects; coordinates conferences; helps prepare her department's budget; and moves funds around within grants and use those funds as she sees fit.

We find that Selbin is a managerial employe under Sec. 111.70(1)(i) Stats., because she possessed sufficient financial authority to affect the nature and direction of the Agency's operations.

Summary

In summary, we conclude that only Heifner (Title I Program Coordinator – Menomonie) should be clarified into the existing professional unit. Gerrits status remains to be resolved. All other disputed employes are managerial employes and are therefore ineligible for inclusion in the unit.

Dated at Madison, Wisconsin this 21st day of December, 1998.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

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