

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT DETERMINATION NO. 1-86:

MONTANA PUBLIC EMPLOYEES	)	
ASSOCIATION,	)	
	)	
Petitioner,	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW
MONTANA EDUCATION ASSOCIATION,	)	AND
	)	RECOMMENDED ORDER
and	)	
	)	
GREAT FALLS PUBLIC SCHOOLS,	)	
	)	
Respondent.	)	

\* \* \* \* \*

A petition for new unit determination and election was filed by Petitioner on February 4, 1986, proposing a unit of approximately 90 Teacher Aides and Library Aides in the Great Falls Public Schools.

On March 10, 1986, the Montana Education Association filed a petition to intervene in the same unit.

On March 24, 1986, this Board received a counter-petition from Respondent Great Falls Public Schools. The school district proposed a unit of approximately 216 employees: Library Aides, Teacher Aides, Teacher Assistants, Tutors, Home-School Coordinators, Bus Aides, Crossing Attendants, Laundry/Seamstresses, and Clerks.

A hearing to determine the appropriate unit in this matter was held on August 21, 1986 in Great Falls, Montana. The Montana Public Employees Association was represented by Jim Adams, the Montana Education Association was represented by Emilie Loring and the Great Falls Public Schools were represented by Kenneth W. Kelly. After a careful review of the record including sworn testimony and evidence, I make the following findings of fact:

FINDINGS OF FACT

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1. There are no written job descriptions or list of qualifications for any of the positions in the proposed unit. Individuals desiring employment in one of these positions make application at the Personnel Office in the School Administration Building. The school district fills all vacancies from this list of applicants. If an Aide is needed in a certain school the Personnel Office sends a list of applicants to the principal of that school. The building principal screens and interviews the applicants. The favored candidate is recommended to the Personnel Office where the hiring is approved. Candidates for Tutor, Home-School Coordinator and Library Aide positions are given structured interviews at the Personnel Office. These interviews involve the supervisor and the building principal.

Five or six years ago the school administration developed a salary schedule for all the positions in this proposed unit. Criteria for placement on the salary schedule were difference in responsibility for particular assistance to groups of students. Thus the Teacher Aide who provides general assistance to a general group of students is placed at the low end of the salary schedule. The Profound/Severe Assistant is placed on the upper end of the scale because this position provides specialized services to a very specific group of students.

2. TEACHER AIDES. There are approximately 89 Teacher Aides working in the elementary and secondary schools in the Great Falls school district. They work 3, 4 or possibly 5 hours a day for a wage of \$3.35 or \$3.48 per hour. Duties of the Aides vary and include monitoring study halls, lunchroom duty, hall duty, recess or outside duty, clerical

1 work in the attendance office and resource rooms etc. Their  
2 duties are general, their work is usually support work for a  
3 large group of students: copying papers for a class, recess  
4 duty or lunch room duty. Their job functions are switched  
5 from year to year and while they are occasionally in the  
6 classroom this is the exception rather than the rule. The  
7 principal assigns their duties which are coordinated with  
8 the teacher and the building principal. They are given no  
9 inservice training and are, with the Library Aides, the most  
10 closely supervised of all the positions.

11 The Teacher Aides do not work with special education  
12 students and have no interaction with these students.

13 Dissatisfaction with their low wages led to their  
14 organizational efforts.

15 3. LIBRARY AIDES. Approximately 17 Library Aides  
16 work in the Great Falls elementary schools for \$3.55 an  
17 hour. They work 5 to 6 hours a day under the direction of  
18 the teacher/librarian. Their work is mainly clerical:  
19 typing, filing and computer work. Their schedules are  
20 determined by the teacher and the building principal. They  
21 may occasionally help in the classroom.

22 4. CROSSING ATTENDANTS. Nineteen Crossing Attendants  
23 help elementary students cross the streets on their way to  
24 and from school. Working in the morning, at noon and after  
25 school, they are paid \$20.00 per day for a minimum of 4  
26 hours. While they have direct student and parent contact  
27 they seldom enter the building and have little interaction  
28 with teachers or other staff members. There is no indica-  
29 tion that the Crossing Attendants are interested in union  
30 representation.

31 5. BUS AIDES. Fourteen Bus Aides help special  
32 education students in the Great Falls Public Schools. They

1 ride the busses in the morning, noon and after school  
2 helping the handicapped on and off the bus, maintaining  
3 discipline and order. When necessary they operate the wheel  
4 chair lift. They are paid \$3.35 per hour for a minimum of 2  
5 hours. They work 4 to 6 hours a day. Their work day is  
6 spent on the busses, not in the school.

7 There is no evidence that the Bus Aides have any  
8 interaction with other employees in the proposed unit or are  
9 interested in union representation.

10 6. HOME-SCHOOL COORDINATORS. The six Home-School  
11 Coordinators are paid \$5.36 - 6.27 per hour and work full  
12 time (8 hours per day). Their job is to coordinate home and  
13 school activities with an eye to keeping Indian students in  
14 school. In performing this function they work with stu-  
15 dents, teachers, parents and public agencies such as police  
16 and welfare. They may tutor students in academic areas or  
17 help them with social problems. Responsible to a building  
18 principal they are under the general supervision of the  
19 Director of Indian Education. The Home-School Coordinators  
20 in this federally funded program are not assigned to a  
21 classroom but work with students in their own office/room.  
22 Their coordinating activities require a lot of time away  
23 from the school and a lot of travel in the community.

24 The primary requirement for this position is good  
25 communication skills. Many have college degrees but a  
26 degree is not a requirement of the job.

27 There is no evidence at the Home-School Coordinators  
28 have any interaction with other members of the proposed unit  
29 or are interested in union representation.

30 7. TUTORS. The 14 Tutors in the Great Falls Schools  
31 are paid \$5.36 - \$5.57 or 6.03 - 6.27 per hour and work full  
32 time giving remedial help to students who need special help.

1 Most, if not all, are Math Tutors earning \$6.03 - \$6.27 per  
2 hour. The program is paid for by federal funds and students  
3 are selected for the program using federal guidelines.  
4 While Tutors work in both elementary and high schools they  
5 do not work in all the schools but only in those schools  
6 where students have qualified for the program. The Tutors  
7 work with the students in their own offices or in the  
8 classroom. They work under the supervision of the teacher  
9 and the building principal. They participate on child study  
10 teams, participate in inservice training with the teachers  
11 and develop their own teaching techniques under the supervi-  
12 sion of the teacher.

13 Teacher certification is not a requirement of the  
14 position but the majority of Tutors have been or are cur-  
15 rently certified.

16 Math Tutors were organized for collective bargaining  
17 during 1984-85. Recognized by the School District and  
18 represented by the Montana Education Association, the unit  
19 has since been dissolved.

20 There is no evidence that the Tutors have any inter-  
21 action with other members of the proposed unit or are  
22 interested in union representation at this time.

23 8. TEACHER ASSISTANTS. There are approximately 49  
24 Teacher Assistants helping classroom teachers with special  
25 education students in the Great Falls Schools. Their wages  
26 vary from \$5.05 - \$5.25 per hour for the Resource Room  
27 Assistant to \$5.36 - \$5.57 per hour for the Self-Contained  
28 Assistant and \$6.03 - \$6.27 per hour for the Profound/Severe  
29 and Audio Assistants. Their work is more curricularly  
30 oriented and student centered than that of the Aides. For  
31 example, the Profound/Severe Assistant gives individual  
32 special education students 1:1 attention, feeding, moving

1 and toileting a single student. Teacher Assistants work 3,  
2 4 or 5 hours per day under the direction of the classroom  
3 teacher. They are ultimately responsible to the building  
4 principal.

5 There is no evidence that the Teacher Assistants have  
6 any interaction with Teacher and Library Aides or are  
7 interested in union representation.

8 9. MATERIALS/SUPPLIES AIDE. Two individuals working  
9 in Great Falls High School Swimming Pool were formerly  
10 called Clerks and are now called Materials/Supplies Aides.  
11 In addition, an indeterminate number of Materials/Supplies  
12 Aides work in the Special Education Resource Center. All  
13 are paid \$5.05 to 5.25 per hour. There is no further  
14 information in the record on these positions.

15 10. LAUNDRY/SEAMSTRESSES. There are 2 Laundry/Seam-  
16 stresses who are paid \$4.23 per hour. There is no further  
17 information in the record about the duties and hours of  
18 these positions.

19 11. HIGH SCHOOL ADVISEMENT AIDE. The most highly paid  
20 of all the positions at \$6.40 to \$6.66 per hour, these Aides  
21 work in the advisement centers (resource rooms) in the two  
22 high schools. The positions are a cross-mix between Aide  
23 and Assistant. They give curriculum assistance to the  
24 students or help with homework. There is no further infor-  
25 mation in the record about these positions.

#### 26 27 DISCUSSION

28 In determining an appropriate unit for collective  
29 bargaining the statute directs the Board to consider such  
30 factors as community of interest, wages, hours, fringe  
31 benefits and other working conditions, history of collective  
32 bargaining, common supervision, common personnel policies,

1 Attendants work outside the school and the Bus Aides work on  
2 the buses.

3 3. The Tutors and Home-School Coordinators both work  
4 an 8 hour day helping individual students. The work of the  
5 Tutors is closely coordinated with that of the teachers.  
6 Their work is a teaching function and they attend inservice  
7 training with the teachers. The work of the Home-School  
8 Coordinator is also coordinated with the teachers. Both  
9 groups work with individual students. The level of the  
10 function they perform is considerably higher than the level  
11 of work performed by the other groups. The wages of the  
12 Tutors and Home-School Coordinators are at the upper end of  
13 the salary schedule.

14 4. The Teacher Assistants are among the most highly  
15 paid of all the employees involved in this unit determina-  
16 tion. They work in the classroom under the supervision of  
17 the teacher directly helping with the special education  
18 students. They supply particular services to a very special  
19 group of students.

20 Employees in these four groups perform different work,  
21 they have little interaction with one another and there  
22 appears to be no integration of work function. Are they  
23 appropriately placed in one unit for the purposes of  
24 collective bargaining? The Teacher Aides and Library Aides  
25 have organized around the low wages which they receive.  
26 This economic concern gives them a clear community of  
27 interest in the area of wages. In addition, they work  
28 similar hours and perform many similar duties. There is no  
29 integration of work functions with other employees and there  
30 appears to be little or no interchange with other employees  
31 in the employer's proposed unit. By themselves, the Library  
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1 extent of integration of work functions and interchange  
2 among employees affected and the desires of the employees,  
3 Section 39-31-202 MCA. In determining bargaining units,  
4 this Board, like the NLRB, has never set itself the  
5 impossible task of determining the appropriate unit but  
6 recognizes that in any given situation there may be a number  
7 of combinations which would result in different units  
8 appropriate, to one degree or another, for collective  
9 bargaining, Declaratory Ruling 2-76, June 24, 1976; UD 1-82  
10 MPEA and Flathead Co., October 29, 1982.

11 In this situation, MPEA petitioned for a unit of  
12 Teacher Aides and Library Aides. MEA intervened but agreed  
13 that Teacher Aides and Library Aides were an appropriate  
14 unit. The employer has proposed a much larger unit than the  
15 one proposed by the two unions. In light of this  
16 disagreement our task is to determine a unit which will  
17 assure employees the fullest freedom in exercising their  
18 rights guaranteed under the Act, Section 39-31-202 MCA.

19 Analyzing the facts on the record we find that the  
20 positions naturally fall into 4 groups of employees:

21 1. Teacher Aides and Library Aides. These positions  
22 both work providing support services to the general student  
23 body. Library Aides are mainly clerical. Teacher Aides  
24 also do a lot of clerical work but, in addition, they may  
25 monitor study halls, hallways, the lunch room etc. The two  
26 groups work similar hours: 3, 4 or 5 hours per day and are  
27 paid at the lowest end of the salary schedule.

28 2. The Bus Aides and Crossing Attendants both work  
29 split shifts helping students get to and from school. While  
30 the Crossing Attendants are paid by the day and the Bus  
31 Aides are paid by the hour, the level of wages appears to be  
32 similar. Both groups work 4 to 6 hours a day. The Crossing

1 Aides and Teacher Aides are an appropriate unit for  
2 collective bargaining.

3 Should the Bus Aides and Crossing Attendants be added  
4 to the basic unit of Teacher Aides and Library Aides? While  
5 there may be a community of interest between Crossing  
6 Attendants and Bus Aides established by similarity of work  
7 and low wages, this community of interest does not extend to  
8 the Teacher Aides and Library Aides. The work is dissimilar  
9 and there is no interchange between Crossing Attendants/Bus  
10 Aides and Teacher and Library Aides; there is no integration  
11 of work function. Crossing Attendants and Bus Aides have  
12 evinced no interest in organizing for the purposes of  
13 collective bargaining. Adding Crossing Attendants and Bus  
14 Aides to a unit of Teacher and Library Aides would not  
15 assure either group the fullest freedom in exercising their  
16 rights under the Act.

17 A community of interest can be established between  
18 Tutors and Home-School Coordinators but this community of  
19 interest does not extend to Teacher Aides and Library Aides.  
20 Tutors and Home-School Coordinators each work with individu-  
21 al students. Their work is teaching oriented rather than  
22 clerically oriented. They work with specific students with  
23 specific problems whereas the Teacher Aides and Library  
24 Aides provide general support services for the student body  
25 as a whole. There is no integration of work function or  
26 interaction between the Teacher and Library Aides and the  
27 Tutors and Home-School Coordinators. The wages of Tutors  
28 and Home-School Coordinators are similar to one another but  
29 strikingly dissimilar to the wages of the Teacher Aides and  
30 Library Aides. The minimum difference in wages is \$2.01 per  
31 hour and the maximum difference is \$2.92 an hour. Adding  
32 employees with substantially higher wages to a unit which is

1 organizing around low salaries would dilute the community of  
2 interest of those employees. Adding Tutors and Home-School  
3 Coordinators to a unit of Teacher and Library Aides would  
4 not assure either group the fullest freedom in exercising  
5 their rights under the Act.

6 When applied to the question of including Teacher  
7 Assistants in a unit with Teacher Aides and Library Aides  
8 the argument about wages is compelling. The wages of the  
9 two groups are markedly different. The minimum difference  
10 between Aides and Assistants is \$1.70 per hour with the  
11 maximum difference being \$2.92 per hour. In addition the  
12 Teacher Assistants, Teacher Aides and Library Aides do  
13 markedly different types of work. The Assistants work in  
14 the special education classroom supplying individual  
15 assistance to a very particular group of students. The  
16 nature of this work is very specialized and has little  
17 similarity to that of the Teacher and Library Aides who  
18 supply support services to the general student body. These  
19 factors combined with the lack of interaction between the  
20 groups, lack of integration of work function and lack of  
21 evidence that the Teacher Assistants have any interest in  
22 collective bargaining weigh heavily against placing these  
23 groups in the same unit. We must conclude that a unit of  
24 Teacher Assistants, Teacher and Library Aides would not  
25 assure either group the fullest freedom in exercising their  
26 rights under the Act.

27 Whether the Laundry/Seamstress and Materials/Supply  
28 Aides share a community of interest with the Teacher and  
29 Library Aides sufficient to include them in the same unit is  
30 open to question. The salaries of the Laundry/Seamstresses,  
31 Materials/Supply Aides and Teacher and Library Aides are  
32 substantially different. However, there is very little  
other information about the Laundry/Seamstresses and

1 Materials/Supply Aides on the record. The Laundry/Seam-  
2 stresses and Materials/Supply Aides should be allowed to  
3 vote subject to a challenge.

4 The High School Advisement Aide gives help to individu-  
5 al students and is the highest paid of this group of employ-  
6 ees. Their wages exceed that of the Teacher and Library  
7 Aides by \$3.00 or more per hour. The little information on  
8 the record indicates that these positions should not be  
9 included in a bargaining unit of Teacher and Library Aides.

10 In conclusion it should be noted that the school  
11 district's analysis of these positions which led to the  
12 development of the salary schedule was very helpful in  
13 ultimately making the determination of whether there is  
14 sufficient community of interest among the positions to  
15 include them in a single unit. Using this rationale as an  
16 analytical tool we find that Teacher and Library Aides who  
17 provide general assistance to a general group of students do  
18 not share a similarity of work function and a general  
19 community of interest with Bus Aides and Crossing Attendants  
20 or with Teacher Assistants, Home-School Coordinators and  
21 Tutors who all supply particular assistance to an individual  
22 student or to special groups of students. Limiting the  
23 bargaining unit to Teacher and Library Aides will assure all  
24 these employees the fullest freedom in exercising their  
25 rights guaranteed under Section 39-31-202 MCA.

26  
27 CONCLUSION OF LAW

28 In accordance with Section 39-31-202 MCA the appropri-  
29 ate bargaining unit is one composed of all Teacher Aides and  
30 Library Aides in the Great Falls Public Schools.

RECOMMENDED ORDER

Under the authority of Section 39-31-208 MCA it is hereby ordered that an election by secret ballot be conducted among the members of the bargaining unit defined above in accordance with ARM 24.26.655 et seq.

NOTICE

Written exceptions to these Findings of Fact, Conclusions of Law and Recommended Order may be filed within twenty days. If no exceptions are filed with the Board of Personnel Appeals within that time, the Recommended Order shall become the Order of the Board. Exceptions shall be addressed to the Board of Personnel Appeals, Capitol Station, Helena, MT 59620.

Dated this 3rd day of December, 1986.

BOARD OF PERSONNEL APPEALS

By Linda Skaar  
LINDA SKAAR  
Hearing Examiner

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CERTIFICATE OF MAILING

I, Linda Skaar, do certify that a true and correct copy of this document was mailed to the following on the 3rd day of December, 1986.

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