

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of	:	
BUFFALO COUNTY HIGHWAY DEPARTMENT	:	
ASSOCIATION	:	Case III
	:	No. 10418 ME-205
Involving Employees of	:	Decision No. 7528
BUFFALO COUNTY	:	
Employed in the Highway Department	:	
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ORDER

Buffalo County Highway Department Association having filed, with the Wisconsin Employment Relations Board, a petition requesting the Board to conduct an election among all employees of Buffalo County employed in its Highway Department, excluding supervisory and clerical personnel; and hearing on such petition having been conducted at the Buffalo County Courthouse, Alma, Wisconsin, on November 10, 1965, Commissioner Arvid Anderson being present; and during the course of the hearing, International Union of Operating Engineers having been permitted to intervene in the instant proceeding on the basis that it had previously been certified as the exclusive collective bargaining representative for such employees in a previous Board proceeding; and the Board having considered all the evidence and arguments of the parties, and being satisfied that no question of representation presently exists among such employees, for the reason that said Municipal Employer has legally recognized and bargained with the Association as the exclusive collective bargaining representative for such employees, and further being satisfied that the petition therefor be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.

IT IS FURTHER ORDERED that the Certification of Representatives issued by the Board on July 18, 1962, wherein the Board had certified

No. 7528

International Union of Operating Engineers, Local No. 319 as the exclusive collective bargaining representative for all regular full time and regular part time employees working for the Buffalo County Highway Department, excluding supervisors, be, and the same hereby is, set aside.

Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of March, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By *Morris Slavney*
Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Zel S. Rice II
Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING ORDER

The Buffalo County Highway Department Association, hereinafter referred to as the Association, on September 3, 1965, filed a petition requesting the Board to conduct an election among the employees employed in the Highway Department of Buffalo County. International Union of Operating Engineers, Local 319, hereinafter referred to as Local 319, was permitted to intervene on the basis that it had been certified as the collective bargaining representative for said employees. Local 319 contends that a contract with the Municipal Employer and the November 9, 1965 resolution adopted by the County Board constitute a bar to an election. The Association contends that the entire membership of Local 319 disaffiliated from such labor union and formed the Association, and that the Board should direct an election. The Municipal Employer maintains a neutral position regarding the competing claims of the two labor organizations.

On July 18, 1962, Local 319 was certified by the Wisconsin Employment Relations Board, after an election conducted by it,^{1/} as the exclusive collective bargaining representative of all regular full time and regular part time employees working for the Buffalo County Highway Department, excluding supervisors. Officials of the International Union with which Local 319 is affiliated assisted the local bargaining committee in conferences and negotiations with the Municipal Employer following its certification which resulted

^{1/} Dec. No. 6030.

in a collective bargaining agreement being entered into on November 14, 1962 covering the following calendar year. In 1963, the bargaining committee met and negotiated with the Municipal Employer and reached an agreement for the year 1964 without any assistance by representatives of the International Union with which Local 319 was affiliated. Although an agreement was negotiated in February, 1965 with the bargaining committee of the highway employees covering the conditions of employment for the year 1965, such agreement was never executed by any representative of Local 319.

On June 22, 1965, the members of Local 319 employed by the Municipal Employer disaffiliated from the International Union of Operating Engineers and formed the Buffalo County Highway Department Association, an independent labor organization, and on September 3, 1965, the Association filed the instant petition. Prior to the hearing, which was held on November 10, 1965, representatives of the Association met with the Personnel Committee of the Buffalo County Board in negotiations, and as a result, on November 9, 1965, representatives of the Association and the Personnel Committee of the Buffalo County Board reached an agreement with respect to wages, hours and conditions of employment for said employees. During the course of the hearing, International Union of Operating Engineers indicated that, if the Board were to direct an election, it did not desire to be on the ballot.


We are satisfied that since June 22, 1965, none of the employees who were formerly members of Local 319 have continued their membership in said organization, and that said organization, since the latter date, and at least since the date of the hearing herein, claims no such membership. The claim of Local 319, that the previously executed labor agreement and the subsequent resolution agreed upon on November 9, 1965, constitute a bar to the present determination of the bargaining representative, is an attempt to persuade the Board to dismiss the petition on the basis that Local 319 is still the collective bargaining representative. Regardless of the fact that the 1965 agreement was not executed, it has expired. Representatives of Local 319 had nothing to do, and was in no way connected, with the resolution covering conditions of employment for 1966, resulting from negotiations between the Municipal Employer and the Association.


We conclude, as reflected in the resolution, that the Municipal Employer has legally recognized the Association as the exclusive collective bargaining representative of all employees of Buffalo County employed in its Highway Department, excluding supervisory and clerical personnel, and in that regard, has engaged in collective bargaining with the Association, and reached an agreement with respect to wages, hours and conditions of employment for said employees for the year 1966. Therefore, no question of representation presently exists, and we are dismissing the petition.

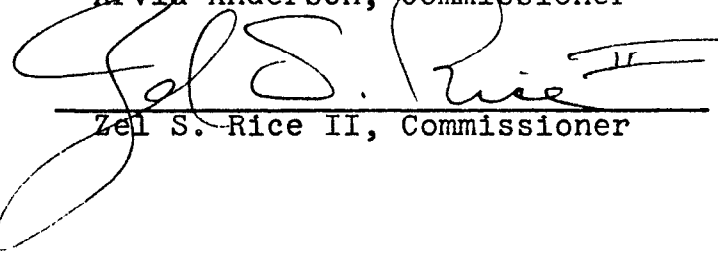
Dated at Madison, Wisconsin, this 29th day of March, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By


Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner