

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of :
WISCONSIN STATE EMPLOYEES ASSOCIATION :
COUNCIL 24 (and its appropriate :
affiliated local unions), American :
Federation of State, County and :
Municipal Employees, AFL-CIO :
and :
DEPARTMENT OF PUBLIC WELFARE and :
EMPLOYMENT RELATIONS DIVISION of the :
Bureau of Personnel of the State of :
Wisconsin :
-----:

Case II
No. 11411 SE-9
Decision No. 7984-B

SECOND AMENDED DIRECTION OF ELECTION

The Wisconsin Employment Relations Board having heretofore and on May 5, 1967 issued an Amended Direction of Election in the above entitled matter, wherein it Ordered that in the election originally directed herein, the ballots of all employees holding the classifications of "Craftsman" and "Craftsman Foreman" in the employ of the Department of Public Welfare at the Wisconsin School for Boys, Wales, Wisconsin, would be taken by challenge and would be impounded pending determination by the Board of the proceeding involving the petition filed by Milwaukee Building & Construction Trades Council, wherein said Labor Organization requested the Board to conduct an election among employees of said State Employer in a unit claimed to be appropriate, consisting of all said craft employees; and the Board having set hearing on such petition for Friday, June 2, 1967; and on May 16, 1967, said Labor Organization having filed with the Board a motion requesting the Board to postpone the election herein, scheduled for May 24, 1967, until such time as the issues involved in the proceeding with respect to its petition were resolved, or in the alternative, to permit said employes an opportunity to cast a ballot for said Labor Organization in the election on May 24, 1967; and as part of that motion, said Labor Organization attached copies of correspondence exchanged between it and representatives of the Division of Employment Relations, agents of the State Employer, indicating that on January 9, 1967, said Labor Organization, by its Counsel, claimed to represent

craftsmen employed at the Wisconsin School for Boys, Wales, Wisconsin, and wherein said Labor Organization requested recognition for said employes, and further indicating that on January 12, 1967, the Employment Relations Division, on behalf of the State Employer, acknowledged the recognition request and in effect advised said Labor Organization that recognition would not be voluntarily granted; and the Board being fully advised in the premises, and being satisfied that the Direction should be further amended;

NOW, THEREFORE, it is

DIRECTED

That in the election scheduled by the Board involving certain employes of the Department of Public Welfare of the State of Wisconsin to be conducted at the Wisconsin School for Boys, Wales, Wisconsin, on May 24, 1967, the employes in the classifications of "Craftsman" and "Craftsman Foreman" who were employed by the State Employer on April 30, 1967, except those employes who have since that date quit their employment or have been discharged for cause, shall vote on the question of whether or not they desire to be represented for the purposes of collective bargaining with said State Employer, as provided in the State Employment Labor Relations Act, by Wisconsin State Employees Association, Council 24, and its appropriate affiliated local unions, American Federation of State, County and Municipal Employees, AFL-CIO, or by Milwaukee Building & Construction Trades Council (and its affiliated local unions), or by neither organization.

Should a majority of the employes voting select the latter Labor Organization as their collective bargaining representative, then all "Craftsman" and "Craftsman Foreman" employed by the Department of Public Welfare at the Wisconsin School for Boys, Wales, Wisconsin will constitute a single appropriate collective bargaining unit. If the result is otherwise, said employes will be considered in the overall departmental unit.

Given under our hands and seal at the City of Madison, Wisconsin, this 17th day of May, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Thomas Slavney

Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Del S. Rice II
Del S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING SECOND AMENDED
DIRECTION OF ELECTION

The initial proceeding was initiated by the filing of a stipulation for election executed by representatives of the State Employer and the Wisconsin State Employees Association. At no time prior to the issuance of the Direction had any representative of the State Employer informed the Board of the claim of representation made by the Milwaukee Building & Construction Trades Council as set forth in the Second Amended Direction. Following notification that the Board had issued its Direction, the Milwaukee Building & Construction Trades Council filed a petition requesting the Board to conduct an election among the Craftsman and Craftsman Foreman employed by the State Employer at Wales. Said petition had been filed on April 14, 1967, after the Board had prepared, but not forwarded to the parties, the Notices of the election, including lists, by classification, of employees eligible and not eligible to vote, and as to those classifications which would be permitted to vote by challenged ballot.

Upon receipt of said petition, the Board set the matter for hearing for June 2, 1967, and issued an Amended Direction of Election, wherein it was directed that the ballots of the Craftsman and Craftsman Foreman would be impounded pending the determination of the petition.

Under the circumstances described herein, and because of the large number of employes involved and the extensive preparation required by the Board with respect to the election which has been scheduled to be conducted during the entire week of May 22, at approximately 19 locations, the Board has determined not to postpone the election but, rather, based on the motion filed by Milwaukee Building & Construction Trades Council and the evidence contained therein, the exchange of letters having been acknowledged by the Employment Relations Division, the Board is satisfied that the craftsmen involved should be given an opportunity to select either the Wisconsin State Employees Association, Council 24, and its appropriate affiliated local unions, American Federation of State, County and Municipal Employees, AFL-CIO, or Milwaukee Building & Construction Trades Council (and its appropriate Locals), or neither of said Organizations, as their exclusive collective bargaining representative. If a majority of the craftsmen voting select the Milwaukee Building & Construction Trades Council as their representative, then all craftsmen in the employ of the Wisconsin School for Boys, Wales, Wisconsin, will constitute a separate and distinct collective bargaining unit, and the Milwaukee Building & Construction Trades Council will be certified as the exclusive collective bargaining representative of said employes. If the result is otherwise, said craftsmen will not constitute a separate collective bargaining unit, but will be considered as part of the overall unit of employes in the Department of Public Welfare, and the results of the craftsmen vote will be included in the results of the balloting in the overall unit.

The action by the Board herein is not intended to establish any precedent with respect to the establishment of separate units, craft or otherwise, involving state employes. The Board's determination herein is based solely on the fact that the original stipulation for election executed by representatives of the State Employer and the Wisconsin State Employees Association ignored the representative claim and demand for recognition by Milwaukee Building & Construction Trades Council, and at this late date the Board deems that it would be prejudicial to the Milwaukee Building & Construction Trades Council to do otherwise.

Dated at Madison, Wisconsin, this 17th day of May, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Thomas J. Slayney
Morris Slayney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Zel S. Rice II
Zel S. Rice II, Commissioner No. 7984-B