

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

-----:
In the Matter of the Petition of

CITY OF NEW BERLIN

Involving Certain Employees of

CITY OF NEW BERLIN, employed in
NEW BERLIN HIGHWAY DEPARTMENT
-----:

Case VI
No. 11246 ME-288
Decision No. 8014

DIRECTION OF ELECTION

City of New Berlin having petitioned the Wisconsin Employment Relations Board to conduct an election among certain employees of the New Berlin Highway Department, pursuant to Section 111.70 of the Wisconsin Statutes; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on February 8, 1967, Examiner Arthur W. Kirby being present; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for employees of the City of New Berlin in the Highway Department;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all employees employed by the City of New Berlin who were employed in the Highway Department, excluding Director of Public Works, Road Superintendent and Road Foreman on April 24, 1967, except such employees as may prior to the election quit their employment or be discharged for cause for the purpose of determining whether a majority of such employees desire to be represented by Teamsters General Local No. 200, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 24th day of April, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Thomas Slavney
Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Zel S. Rice II, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

- - - - - :  
In the Matter of the Petition of :  
CITY OF NEW BERLIN :  
Involving Certain Employees of : Case VI  
CITY OF NEW BERLIN, employed in : No. 11246 ME-288  
NEW BERLIN HIGHWAY DEPARTMENT : Decision No. 8014  
- - - - - :

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Municipal Employer filed a petition requesting the Board to conduct an election among its Highway Department employees, after the Labor Organization claimed that it represented a majority of the employees involved. At the hearing, the parties stipulated to the appropriateness of the unit described in the Direction.

During the course of the hearing, the City Attorney testified that the Board had conducted a previous election among said employees involving a local organization affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO, wherein said employees elected that organization as their representative, and that subsequently, after engaging in collective bargaining with said organization, no agreement was reached between the parties, and subsequently the AFSCME local abandoned its representative status. The gist of the City Attorney's testimony was that the Board took no formal action with respect to terminating the representative status of the AFSCME local.

The Board's records disclose the following. On January 29, 1963, after an election conducted by it, the Board certified New Berlin City Employees, AFSCME, AFL-CIO, as the exclusive collective bargaining representative of the Municipal Employer's Highway and Street Department employees. On March 28, 1966,<sup>1/</sup> the Board issued an Order setting aside said certification on the basis of an oral disclaimer made by such organization on October 27, 1964, during the course of a hearing conducted by the Board at the City Hall, New Berlin, Wisconsin. Said hearing resulted from a petition filed by the Municipal


---


<sup>1/</sup> Dec. No. 7527.

Employer with respect to the representative status of said AFSCME local. The Board's records indicate that the Order setting aside the original certification was mailed to both the Mayor and the City Attorney of the Municipal Employer, said City Attorney at that time being the incumbent City Attorney who represented the Municipal Employer in this instant proceeding. Therefore, as of March 28, 1966, and continuing at least to date, there has been no labor organization certified as representing the employees involved.

Dated at Madison, Wisconsin, this 24th day of April, 1967.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By   
Morris Slavney, Chairman

  
Arvid Anderson, Commissioner

  
Zel S. Rice II, Commissioner