

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 In the Matter of the Petition of
 LOCAL 1749, WISCONSIN COUNCIL OF
 COUNTY AND MUNICIPAL EMPLOYEES,
 AFSCME, AFL-CIO,
 Involving Employees of
 SHEBOYGAN COUNTY (COURTHOUSE)

Case VIII
 No. 11690 ME-334
 Decision No. 8256-B

ORDER SETTING ASIDE OBJECTIONS TO CONDUCT OF ELECTION
 AND DIRECTION OF NEW ELECTION

Pursuant to a direction of elections previously issued by the Wisconsin Employment Relations Commission in the above entitled matter, the Commission, on November 29, 1967, conducted a representation election among certain clerical employes employed by Sheboygan County in its Welfare Department for the purpose of determining whether or not the employes in said voting group desired to be represented for the purposes of collective bargaining by Local 1749, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; that in said election the eligible employes rejected said Union as their bargaining representative; that thereafter said Union timely filed objections to the conduct of said election and thereupon the Commission set hearing on said objections for January 10, 1968; that prior to any further action by the Commission, representatives of the said Municipal Employer and said Union jointly executed and filed a stipulation with the Commission requesting that a new election be conducted among said clerical employes to determine whether or not they desire to be represented for the purposes of collective bargaining by said Union; and the Commission, being fully advised in the premises, makes and issues the following

ORDER

1. That the results of the representation election conducted by the Wisconsin Employment Relations Commission on November 29, 1967, among certain clerical employes of the Welfare Department of Sheboygan County be, and the same hereby are, set aside.

2. That the objections to the conduct of said election filed by Local 1749, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, be, and the same hereby are, set aside, and in that regard, the hearing on said objections is hereby deemed cancelled.

3. That a new election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time clerical employes employed in the Sheboygan County Public Welfare Department, excluding elected public officials, professional employes, supervisors and all other employes who were employed by the Municipal Employer on January 2, 1968, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employes desire to be represented by Local 1749, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, 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 10th
day of January 10, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

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

William R. Wilberg
William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING ORDER SETTING ASIDE OBJECTIONS TO
 CONDUCT OF ELECTION AND DIRECTION OF NEW ELECTION

Local 1749, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO initiated the instant proceeding by filing a petition with the Wisconsin Employment Relations Commission requesting that a representation election be conducted among all regular full-time and regular part-time employees employed by Sheboygan County in its Courthouse, including, among others, clerical employees employed in its Welfare Department. During the course of the hearing on said petition, Sheboygan County, hereinafter referred to as the Municipal Employer, requested that the clerical employees in the Welfare Department be given an opportunity to determine for themselves whether or not they desired to constitute a separate collective bargaining unit. After considering the evidence and arguments of counsel, the Commission, on October 31, 1967, issued a direction of elections in the matter, wherein elections were directed among the clerical employees in the Public Welfare Department for the purpose of determining whether or not said employees desired to constitute a bargaining unit separate and apart from the remaining Courthouse employees and whether or not said clerical employees desired to be represented for the purposes of collective bargaining by the Union. An election also was directed among certain remaining personnel in the Courthouse for the purpose of determining whether or not the employees in said appropriate unit desired to be represented for the purposes of collective bargaining by the Union. In its direction the Commission further declared that should the conduct of the unit determination election among the clerical employees in the Welfare Department not result in a separate collective bargaining unit, then the employees of the Courthouse would be included

in one overall unit and the ballots with respect to representation cast by the employes in both voting groups would be tallied together for the purpose of determining whether or not a majority of the employes in the single overall unit desired to be represented by the Union. The elections were conducted by the Commission on Wednesday, November 29, 1967. The results of the unit determination election among the Welfare Department clerical employes indicated that of the 11 employes eligible to vote, 8 cast ballots in favor of establishing a separate unit, while 3 voted against such establishment. With respect to the choice of representation, 11 ballots were cast, 1 being blank and the remaining 10 ballots indicating a vote against any representation.

In the large unit, 51 of 57 employes cast ballots, 1 of which was challenged. Of the 50 valid ballots which were counted, 34 voted in favor of representation by the Union, while the remaining 16 opposed such representation.

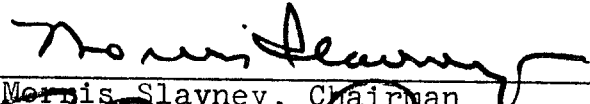
Following the receipt of the tally sheet, the Union timely filed objections to the conduct of the representation vote conducted among the clerical employes in the Welfare Department voting group, wherein the Union contended that when voting on the question of representation, the employes involved were confused "because it was their impression from information provided by the Employer prior to the election that they could not vote 'yes' on both ballots." Upon receipt of the objections, the Commission issued an order setting hearing thereon for January 10, 1968. On December 21, 1967, the Commission received a communication from the Municipal Employer indicating, among other things, that it would be willing to stipulate to the holding of another election for the clerical employes involved. Thereafter, and on January 8, 1968, a stipulation executed by representatives of the Union and the Municipal Employer was filed with the Commission requesting that an election to determine bargaining representatives be conducted among the clerical employes employed in the Welfare Department. In view of the fact that the clerical employes in the unit determination election established a separate unit,^{1/} and in considering the objections and the subsequent stipulation filed by the parties, the Commission is satisfied that a new election be conducted among the clerical employes in the Welfare Department to determine their desires as to representation. We have, therefore, with respect to the clerical employes in the Welfare Department, issued a certification of bargaining unit and order setting aside

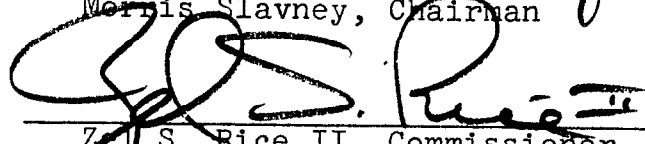
^{1/} The objections did not pertain to the balloting involving the unit determination vote.

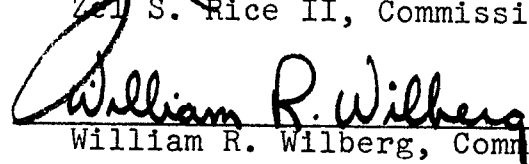
objections and directing a new election. We are also today issuing a certification of representatives resulting from the representation election conducted among the remaining employes of the Courthouse of the Municipal Employer.

Dated at Madison, Wisconsin, this 10th day of January, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner