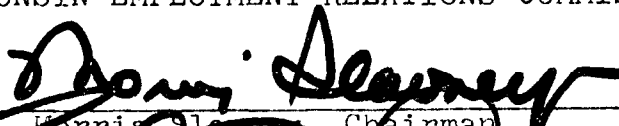


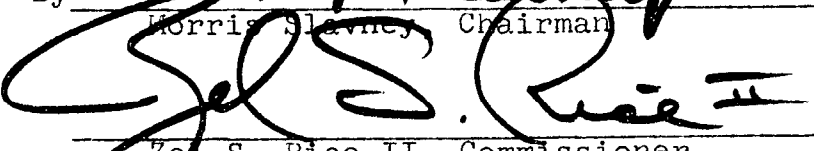
Employer on June 15, 1968, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, and its affiliate Local 73, Appleton City Employees or School Maintenance Employees Association, or by neither, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of salaries, hours and conditions of employment.

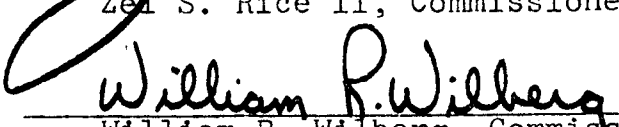
Given under our hands and seal at the
City of Madison, Wisconsin, this 3rd
day of July, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL
EMPLOYEES, AFSCME, AND ITS AFFILIATE
LOCAL 73, APPLETON CITY EMPLOYEES

Involving Employes of

APPLETON BOARD OF EDUCATION

Case V
No. 12214 ME-386
Decision No. 8606

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Municipal Employer contends that the petition, which was filed on June 14, 1968 was untimely. On that date a collective bargaining agreement between the Municipal Employer and the Intervenor, the term of which was July 1, 1967 to June 30, 1968, was still in effect.

In Wauwatosa Board of Education (Dec. No. 8300-A) we held that

"Where there presently exists a collective bargaining agreement covering the wages, hours and conditions of employment of employes in an appropriate collective bargaining unit, the petition must be filed within the sixty (60) day period prior to the date provided in said agreement for its reopening."

In the present case the agreement provided no date for its reopening. Furthermore, the record indicates that during the eight years that the Municipal Employer and the Intervenor have had agreements the negotiations have begun on various dates in March, April, May and June and subsequent to the Municipal Employer's having acted upon teachers' salaries. Thus, the absence of a specified reopening date is not overcome by a historically normal practice but rather a variable and unpredictable one that should not be imposed so as to unuly limit the right of the employes to change their representative.

The record discloses that the Intervenor initiated negotiations for the 1968-1969 school year on May 20, 1968, but there is no evidence on the record that the raising of a question concerning representation on the petition date disturbed the progress or stability of a substantial negotiation process.

In Whitewater Unified School District (Dec. No. 8034) we
stated:

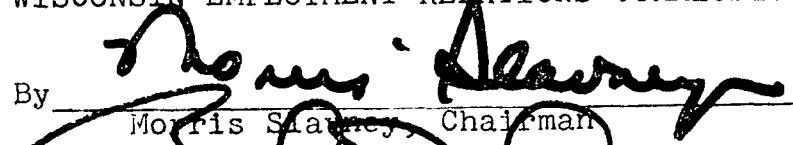
"The Board in entertaining petitions for elections to be conducted among municipal employes, must balance the right of the employes to select and change their collective bargaining representative with the interest of preserving the stability of a collective bargaining relationship. In attempting to achieve this balance, the Board examines many factors, only one of which is an existing agreement between the municipal employer and the recognized bargaining representative. In addition in municipal employment, the Board must consider budget ... deadlines, bargaining history, the opportunities the employes have had to select their representative, and any other factor which affects the stability of the relationship between the employes, their chosen representative, and the municipal employer."

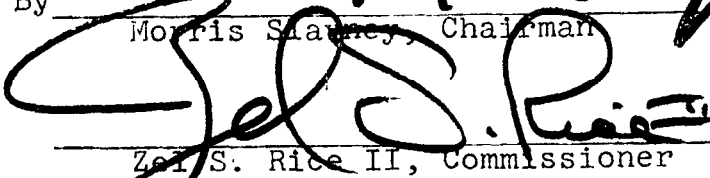
In view of the foregoing and the record as a whole, we conclude that the petition is timely.

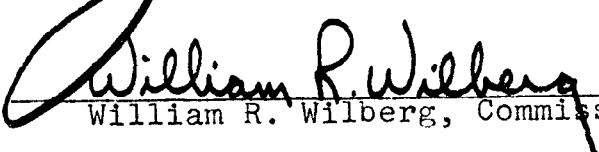
Dated at Madison, Wisconsin, this 3rd day of July, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slattery, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner