

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DODGE COUNTY EMPLOYEES, LOCAL 1323,
AFSCME, AFL-CIO, affiliated with
WISCONSIN COUNCIL OF COUNTY AND
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO

Case VII
No. 12389 ME-405
Decision No. 8734

Involving Employes of

DODGE COUNTY (CLEARVIEW HOME)

DIRECTION OF ELECTION

Dodge County Employees, Local 1323, AFSCME, AFL-CIO, affiliated with Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among employes of Dodge County Clearview Home, Juneau, Wisconsin; and hearing on such petition having been conducted at Juneau, Wisconsin on October 22, 1968, by Byron Yaffe, Hearing Examiner, and the Commission having considered the evidence and arguments of counsel and being satisfied that a question has arisen concerning representation for certain employes of Dodge County Clearview Home;

NOW, THEREFORE, it is

DIRECTED

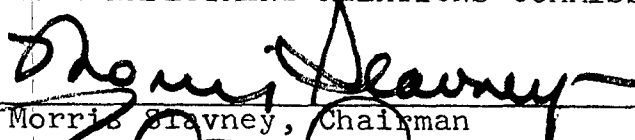
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive among all regular part-time and regular full-time employes of the Dodge County Clearview Home, but excluding the Superintendent, supervisory personnel, and confidential clerical employes, who were employed by the Dodge County Clearview Home on October 30, 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 the eligible employes voting desire to be represented by Dodge County Employees, Local 1323, AFSCME, AFL-CIO, affiliated with Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purpose of

conferences and negotiations with the Dodge County Clearview Home on questions of wages, hours and conditions of employment.

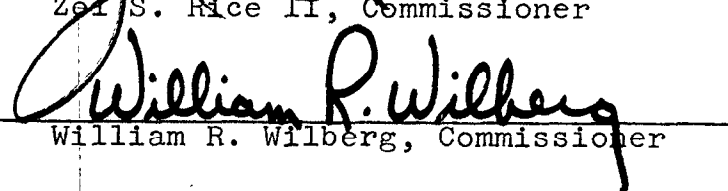
Given under our hands and seal at the City of Madison, Wisconsin, this 30th day of October, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Counsel for the Municipal Employer moved to dismiss the petition during the hearing on the ground that the petitioning Union has failed, both in the petition and at the hearing, to make any showing of interest which should be required by the Commission in order for a petitioning union to raise a question of representation. Counsel for the Municipal Employer notes that the Commission has recently adopted a showing of interest where there is, at the time of the petition, a recognized bargaining agent for the employes covered by the petition,^{1/} and argues that it is a logical extension of this principle to require a showing of interest by a petitioning union where there is no recognized bargaining agent for the employes covered by the petition.

Pursuant to Section 111.70(4)(d), Wisconsin Statutes, proceedings in representation cases in municipal employment are administered by the Commission "in accordance with Sections 111.02(6) and 111.05 of the Wisconsin Employment Peace Act insofar as applicable." There has been no previous representation election conducted among any of the employes of the Municipal Employer covered by the petition filed herein, nor has the Municipal Employer voluntarily recognized any organization as the bargaining representative of said employes. In administering the Wisconsin Employment Peace Act it has long been the practice of the Commission with respect to petitions for representation

1/ Wauwatosa Board of Education, Decision No. 8300-A, 2/28/68; City of Milwaukee Truck Drivers, Decision No. 8622, 7/23/68.

elections in private employment not to require that an organization petitioning for an election for the first time make any showing of interest.^{2/} The Wisconsin Employment Peace Act contemplates, at least with respect to first elections, that it is the Commission's duty to determine the question by directing and conducting the election, thus giving the employees an opportunity, by secret ballot, to express their desires. The filing of the petition in itself constitutes a claim by the petitioner that it represents a majority of the employees.^{3/} Thus, the Commission is satisfied in this instance that a question of representation exists on the basis of the Union's filing of the election petition and the Municipal Employer's refusal to recognize the Union's claim that it represents a majority of the employees.

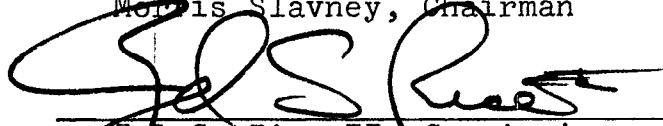
Dated at Madison, Wisconsin this 30th day of October, 1968.

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2/ Wausau Colonial Manor, Decision No. 8717, 10/68; Holy Family Hospital, Decision No. 7119, 4/65; St. Mary's Hospital, Decision No. 6952, 11/64; Kiekhafer Aerospace Machinists Corp., Decision No. 1364, 6/47.

3/ Avon Manor Nursing Home, Decision No. 6987, 12/64; A. O. Smith Corp., Decision No. 867, 1/46.