

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

JOINT SCHOOL DISTRICT NO. 1 OF THE  
VILLAGES OF BLACK EARTH, MAZOMANIE,  
ET AL, DANE AND IOWA COUNTIES,  
WISCONSIN

Involving Employees of

JOINT SCHOOL DISTRICT NO. 1 OF THE  
VILLAGES OF BLACK EARTH, MAZOMANIE,  
ET AL, DANE AND IOWA COUNTIES,  
WISCONSIN

Case IV  
No. 13811 WE-101  
Decision No. 9719

ORDER OF DISMISSAL

Joint School District No. 1 of the Villages of Black Earth, Mazomanie, et al, Dane and Iowa Counties, Wisconsin, having filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70, Wisconsin Statutes, among teachers in its employ to determine whether said employes desire to continue their representation by Wisconsin Heights Federation of Teachers; and a hearing on such petition having been held at Madison, Wisconsin, on June 9, 1970; Hearing Officer Howard S. Bellman, a member of the Commission's staff, having been present; and Wisconsin Heights Association of Teachers having been permitted to intervene on its claim that it also represents said employes; and the Commission having considered the evidence and arguments of the parties, and being satisfied that the petition initiating the instant proceeding was not supported by a showing of interest sufficient to warrant the processing thereof, and further, that the petition was not timely filed.

NOW, THEREFORE, it is

ORDERED

That the petition filed herein be, and the same hereby is, dismissed.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 9th  
day of June, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Morris Slavney*  
Morris Slavney, Chairman

*John Rice II*  
John Rice II, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

JOINT SCHOOL DISTRICT NO. 1 OF THE  
VILLAGES OF BLACK EARTH, MAZOMANIE,  
ET AL, DANE AND IOWA COUNTIES,  
WISCONSIN

Case IV  
No. 13811 ME-561  
Decision No. 9719

Involving Employes of

JOINT SCHOOL DISTRICT NO. 1 OF THE  
VILLAGES OF BLACK EARTH, MAZOMANIE,  
ET AL, DANE AND IOWA COUNTIES,  
WISCONSIN

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Pursuant to an election conducted by the Commission, on February 27, 1969, the Wisconsin Heights Federation of Teachers was certified as the bargaining representative of teachers in the employ of the Municipal Employer. Thereafter a collective bargaining agreement covering said employes was entered between said parties for the term August 21, 1969 through August 20, 1970, which provided that "at any time after January 1 and prior to February 1 either party may give written notice of its intention to open negotiations for a new agreement." It further provided that "negotiations for subsequent agreements will commence no later than February 15, 1970."

The instant petition was filed on May 19, 1970. The statutory budget deadline date to which the Municipal Employer must adhere is July 27, 1970. This Commission in The City of Milwaukee (Decision No. 8622) provided that a petition must be filed within the sixty day period prior to the date reflected in any pertinent existing collective bargaining agreement, resolution or ordinance, for the "commencement of negotiations ... unless the period for negotiations as set forth therein extends beyond six months prior to the budgetary deadline date of the Municipal Employer involved"; and that, "in the latter event, petitions for elections will be entertained by the Commission if they are filed in good faith within sixty days prior to such six month period."

The Wisconsin Heights Federation of Teachers and the Wisconsin Heights Association of Teachers both agree that the present petition is governed by the latter portion of the aforesaid rule, and that the petition would have been timely between November 27, 1969, and

January 21, 1970. The Municipal Employer contends that the petition should be considered timely for the following two reasons. First, the ruling in The City of Milwaukee case should be reconsidered in the light of current teacher organization tactics, according to the Municipal Employer. Secondly, the Municipal Employer contends that the situation which the parties are experiencing should constitute an exception to the aforesaid ruling inasmuch as that ruling contemplates ongoing negotiations and there are no ongoing negotiations between the present parties.

However, the Wisconsin Heights Federation of Teachers did attempt during the contractually provided period to open the negotiations and several meetings were held between that organization and the Municipal Employer pursuant to said reopening attempt. At those meetings the parties discussed, not substantive provisions to be included in a subsequent agreement, but "ground rules" for the negotiations of same. These "ground rules" involve such things as meeting arrangements and the presence of representatives of the press at negotiation meetings. Thus, it is the contention of the Municipal Employer that these meetings and discussions pertaining to "ground rules" did not constitute negotiations and therefore, in the absence of negotiations, an exception should be made to the ruling in The City of Milwaukee.

The Commission does not agree that the ruling set forth in The City of Milwaukee should be abandoned, nor does it believe that the discussion of "ground rules" does not constitute negotiations with regard to wages, hours and working conditions. It is not unusual for parties to collective bargaining to believe that they must agree upon procedures for bargaining before reaching substantive issues. Therefore, discussion of such procedures must be seen as an integral part of the collective bargaining process. Thus, the petition filed herein is found to be untimely under the above-cited decision.

In Wauwatosa Board of Education (Decision No. 8300-A) the Commission held that when a petition, such as the present one, is filed by an employer, the employer must demonstrate at the hearing by "objective considerations" that it has reasonable cause to believe that the employees involved no longer desire to be represented by their present bargaining representative. The Municipal Employer herein has attempted to so demonstrate by the fact that at the time of the filing of the petition fewer than one half of the members of the unit pertinent herein had authorizations for dues check-off on file with the Municipal Employer. There is no evidence that the number of such authorizations has diminished. This showing is rejected by the

Commission because employees may wish to be represented by a particular bargaining representative even though they do not wish to have their dues checked-off or even to be members of that representative group. Therefore we are dismissing the petition.

Dated at Madison, Wisconsin, this 9th day of June, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Norm Slavney*

Norm Slavney, Chairman

*J. S. Rice II*

J. S. Rice II, Commissioner