

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

LOCAL #695 TEAMSTERS

Involving Certain Employees of

DANE COUNTY

Case VII

No. 14146 DL-594

Decision No. 10017

ORDER OF DISMISSAL

Local #695, Teamsters having on October 20, 1970 filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted among certain employees in the employ of Dane County, Wisconsin, pursuant to Section 111.70, Wisconsin Statutes; and hearing on such petition having been conducted on November 2, 1970 at Madison, Wisconsin, before Chairman Morris Slavney, and during the course of the hearing, Dane County Joint Council of Unions, AFSCME, AFL-CIO having been permitted to intervene in the proceeding on its claim that it presently represents the employees involved in the petition, and further, that the wages, hours and conditions of employment of said employees are covered in a collective bargaining agreement executed between it and Dane County, in effect from January 1, 1970 through December 31, 1970; and prior to the close of the hearing, the Petitioner, having become aware that its petition was not timely filed, requested to withdraw its petition;

NOW, THEREFORE, it is

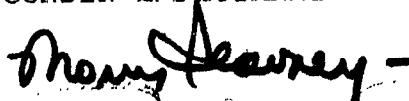
ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.

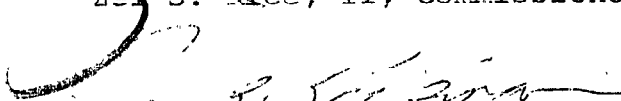
Given under our hands and seal at the  
City of Madison, Wisconsin, this 20th  
day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice, II, Commissioner

  
Jos. B. Kerkman, Commissioner

No. 10017

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DANE COUNTY

Case VII  
No. 14146 ME-594  
Decision No. 10017

Local #695 Teamsters, on October 28, 1970 filed a petition with the Commission requesting that an election be conducted pursuant to Section 111.70, Wisconsin Statutes, among "all regular full-time and regular part-time employees in the employ of Dane County, excluding supervisors and all other employees". Pursuant to notice, hearing was commenced in the matter on November 9, 1970, during which Dane County Joint Council of Unions, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, was permitted to intervene on the claim that it presently represented the employees involved in the petition, and in that regard, introduced as the exhibit was a copy of a collective bargaining agreement which had been executed by Dane County and AFSCME, on January 20, 1970, which by its terms was to be effective from January 1, 1970 through December 31, 1970.

In said agreement the County recognized AFSCME as the exclusive collective bargaining representative for "all regular full-time and regular part-time employees, except law enforcement personnel employed in the Sheriff's Department and in the Traffic Department, and supervisors and confidential employees".

Article XVIII provided, in addition to the fact that the agreement would become effective January 1, 1970 and would remain in effect through December 31, 1970, that said agreement could be reopened by AFSCME by notifying the other party on or before August 1, 1970 that it desired to modify the agreement.

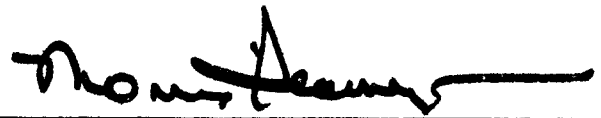
During the course of the hearing the evidence indicated that AFSCME prior to August 1 notified the County that it desired to modify the agreement, and in fact, had been engaged in negotiations with the County when the instant petition had been filed.

The Petitioner, upon being advised by the Chairman, who was acting as the Hearing Officer, that pursuant to a policy established by the Commission that the petition herein was untimely filed since it was not filed within the 60 day period prior to August 1, 1970, the date reflected in the agreement for the reopening of same, that, in all probability, the Commission would dismiss the petition as being untimely filed. Thereupon, the Petitioner requested permission to withdraw its petition and we have today issued an order dismissing the petition herein.

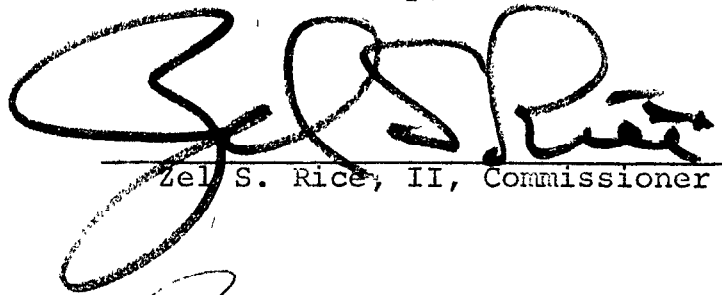
Given under our hands and seal at the  
City of Madison, Wisconsin, this 20th  
day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

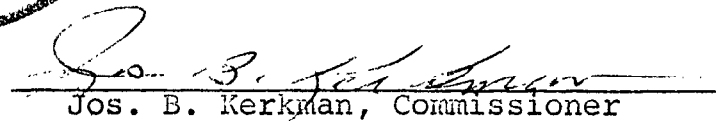
By



Morris Slavney, Chairman



Zel S. Rice, II, Commissioner



Jos. B. Kerkman, Commissioner