

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES #40, AFSCME,	:	
AFL-CIO	:	
	:	Case I
Involving Certain Employes of	:	No. 14359 ME-616
	:	Decision No. 10216
JOINT SCHOOL DISTRICT NO. 1, TOWN	:	
OF GOODMAN-TOWN OF ARMSTRONG CREEK,	:	
ET AL	:	
	:	

Appearances:

- Mr. William Sandoval, Representative, appearing on behalf of Petitioner.
- Mr. Ray Nevins, Administrator, appearing on behalf of Municipal Employer.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of Joint School District No. 1, Town of Goodman-Town of Armstrong Creek, et al, Goodman, Wisconsin; and a hearing on such petition having been conducted at Goodman, Wisconsin, on February 9, 1971 before Marvin L. Schurke, Hearing Officer; and the Commission having considered the evidence and arguments and being satisfied that a question has arisen concerning representation for certain employes of Joint School District No. 1, Town of Goodman-Town of Armstrong Creek, et al;

NOW, THEREFORE, it is

DIRECTED

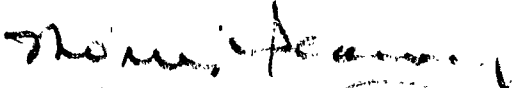
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full time and part time employes of Joint School District No. 1, Town of Goodman-Town of Armstrong Creek, et al, working as custodians, cooks and bus drivers but excluding all professional, confidential, clerical and supervisory employes, who were employed by the Municipal Employer on February 9, 1971, except such employes as may prior to the election quit their employment or be discharged for just cause for the purpose of determining whether or not a majority of such employes desire to be represented by Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, for the purposes of conferences and negotiations


with Joint School District No. 1, Town of Goodman-Town of Armstrong
Creek, et al on questions of wages, hours and conditions of employment.

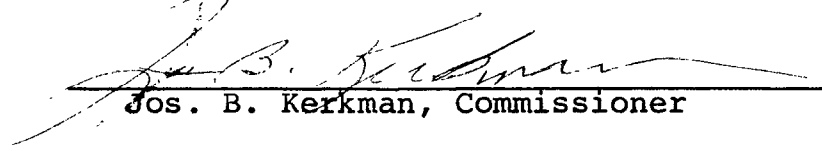
Given under our hands and seal at the
City of Madison, Wisconsin, this 17th
day of March, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Glayney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing an issue arose as to the eligibility of Tony Edelbeck, Kenneth Raboin, Edna Arnold, Donald Hawley and Jack Duda to participate in the election.

Tony Edelbeck and Kenneth Raboin are students in the high school operated by the Municipal Employer. Edelbeck works no more than 4 hours per week under a Neighborhood Youth Corps Program. Kenneth Raboin works approximately 20 hours per week and is employed as a temporary employe to replace his father, who suffered a heart attack during the month of January 1971 and is considered by the Employer to be a regular employe on sick leave. Kenneth Raboin will be employed as a replacement for his father only until such time as his father is able to return to work or the Municipal Employer is advised that the father will not be able to return to work, at which time the Employer would expect to find a permanent full time replacement for Norman Raboin. Neither Edelbeck nor Kenneth Raboin have any expectation for continuation of their employment beyond the end of the present school year and are temporary employes and are therefore not eligible to vote in the election which we have directed today.

Edna Arnold is a retired individual who has served as a substitute cook on two occasions during the 1970-71 school year up to the date of hearing. Mrs. Arnold has refused regular employment with the Employer and works each year only within the limits of the earnings disqualification under the Federal Social Security Act. She is employed by the Municipal Employer only as a substitute when a regular employe is unable to work. We conclude that she is a casual employe and is not eligible to vote in the election which we have directed today.

Donald Hawley is employed as a full time employe of the Marinette County Sheriff's Department. He drove bus for the Joint School District No. 1, et al during a brief period in October and November, 1970. Hawley was also scheduled for a number of bus runs in connection with high school basketball games and did work on the first such scheduled assignment. He subsequently requested that he not be scheduled as a bus driver for any regular schedule and indicated to the Municipal Employer that he would only be available as a bus driver in cases of

extreme emergencies. He has not worked for the Municipal Employer since that time, is no longer an employe of Joint School District No. 1, Town of Goodman-Town of Armstrong Creek, et al, and is therefore not eligible to vote in the election which we have directed today.

Jack Duda also drove a bus for the Municipal Employer on a regular basis during a brief period in October and November, 1970. Subsequently the Municipal Employer hired other regular bus drivers and advised Duda that he would be a substitute bus driver. Duda was scheduled for 4 bus runs in connection with basketball games during the 1970-71 school year, of which only 3 runs were actually made, and has also filled in as a substitute bus driver on 3 - 1/2 regular school days. When not employed as a bus driver for the Municipal Employer, Duda is self-employed in the operation of his farm. The Municipal Employer has not give Duda any assurances that he would be given regular employment at any future time, but has only indicated that request by Duda for regular employment would be considered at such time as the Municipal Employer had a suitable vacancy. We conclude that Duda is a casual employe and is therefore not eligible to vote in the election which we have directed today.

Dated at Madison, Wisconsin, this ~~17th~~ day of March, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

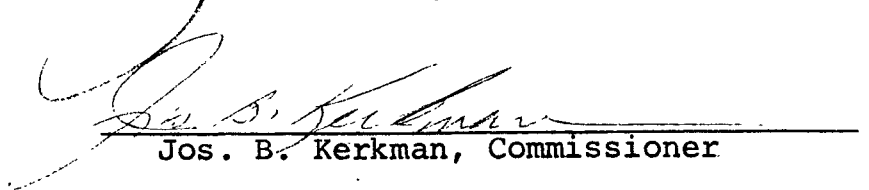
By



Morris Slavney, Chairman



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