

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case VI
No. 14639 SE-30
Decision No. 10342

Wisconsin School for the Deaf Education Association having filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that the Commission conduct an election pursuant to Section 111.83 of the Wisconsin Statutes among certain employees of the Department of Public Instruction, State of Wisconsin; and hearing on said petition having been held at Janesville, Wisconsin, on June 2, 1971, Howard S. Bellman, Hearing Officer being present; and during the course of said hearing Wisconsin State Employees Association, Council 24, AFSCME, AFL-CIO, having been permitted to intervene in the proceeding on the basis of its claim to continue to represent the employees involved in the matter; and the Commission having reviewed the evidence and arguments of the parties, and being fully advised in the premises, and being satisfied that a question has arisen concerning representation for certain employees of the Department of Public Instruction, State of Wisconsin;

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the time of this Directive among the employees employed in the appropriate collective bargaining unit consisting of all classroom teachers of the Department of Public Instruction employed at the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped, excluding confidential, supervisory and managerial employees and also excluding all other employees who were employed by said State Employer on April 26, 1971, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of

determining whether or not the majority of employees desire to be represented for the purposes of collective bargaining by the Wisconsin School for the Deaf Education Association or the Wisconsin State Employees Association, Council 24, AFSCME, AFL-CIO, or by neither of said organizations.

Given under our hands and seal at the
City of Madison, Wisconsin, this 9th
day of June, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney -
Morris Slavney, Chairman

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

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WISCONSIN DEPARTMENT OF PUBLIC
INSTRUCTION

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The Intervenor, contrary to the Petitioner, contends that the petition in the instant matter is untimely. The State Employer takes no position on the issue. On January 16, 1970, following an election in which both the present Intervenor and the present Petitioner participated, the Intervenor was certified as the bargaining representative of the Employer in the bargaining unit described in the attached Direction of Election. The record herein discloses that negotiations with regard to collective bargaining did not commence between the Intervenor and the State Employer until two days subsequent to the filing of the instant petition on April 26, 1971. Further, although a tentative agreement was reached in such negotiations it has not been executed because of the pendency of this proceeding.

Based upon the aforesaid facts the Commission concludes that an election is appropriate. Over fifteen months elapsed between the prior certification and the commencement of negotiations. Whatever the reasons for this, and without implying any impropriety or dereliction on the part of the parties involved, we believe it is in the interest of the employees that they be allowed once again to express their preference, and that no material disruption of a stabilized bargaining relationship will occur by our doing so.

The parties were also somewhat in disagreement with regard to the mechanics of any election conducted in this proceeding. However, all agreed that a prompt election conducted among as many as possible of the present members of the collective bargaining unit is best. This is complicated by the fact that many of the unit members are presently leaving their jobs for the summer. Therefore, we shall conduct this election by mail ballot and the date for voting eligibility is the date upon which the petition was filed.

Dated at Madison, Wisconsin, this 9th day of June, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Jos. B. Kerkman, Commissioner