

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----	:	
In the Matter of the Petition of	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	Case XXIX
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	No. 14874 ME-691
	:	Decision No. 10506-A
Involving Certain Employes of	:	
	:	
DOUGLAS COUNTY DEPARTMENT OF	:	
SOCIAL SERVICES	:	
-----	:	

ORDER PARTIALLY DISMISSING PETITION AND STIPULATION FOR ELECTION, SETTING ASIDE RESULTS OF ELECTION, AND PARTIALLY SETTING ASIDE CERTIFICATION OF REPRESENTATIVES

Following the conduct of elections among employes employed by Douglas County Department of Social Services in two separate collective bargaining units, one unit consisting of professional employes, and the other consisting of non-professional employes, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, was, on September 28, 1971, certified by the Wisconsin Employment Relations Commission as the exclusive bargaining representative for the employes in said two units; that following the issuance of said certification, the Commission was advised by the Communications Workers of America that it had not been given notice of the elections involved herein, despite the fact that it was the certified representative of all courthouse clerical employes employed by Douglas County, which included clerical employes employed in the Douglas County Department of Social Services; and the Commission being satisfied that the failure to notify Communications Workers of America in the matter resulted from the fact that neither the Petitioner nor the Municipal Employer involved herein advised the Commission of such fact prior to the Direction of Election; and the Commission, being fully advised in the premises, being satisfied that that portion of the petition and stipulation involving the clerical employes in the employ of Douglas County Department of Social Services be dismissed; that the results of the election involving such employes be set aside; and that that portion of the certification of representatives relating to said employes be set aside;

NOW, THEREFORE, it is

ORDERED

That that portion of the petition filed by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO requesting an election among all regular full-time and regular part-time supportive service employes of Douglas County Department of Social Services, be, and the same hereby is, set aside, and that the portion of the stipulation filed by said labor organization and Douglas County with respect to such employes be, and the same hereby is, dismissed.

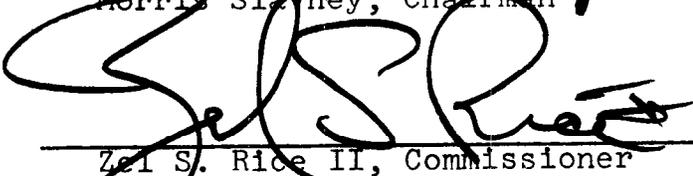
IT IS FURTHER ORDERED that the results of the election conducted on Friday, September 17, 1971, among all regular full-time and regular part-time supportive service employes of Douglas County Department of Social Services be, and the same hereby is, set aside;

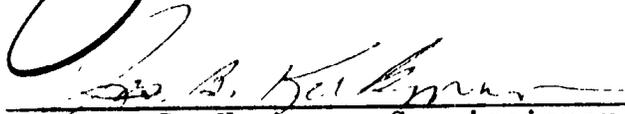
IT IS ALSO ORDERED that that portion of the certification of representatives issued by the Wisconsin Employment Relations Commission on September 28, 1971, wherein Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO was certified as the exclusive bargaining representative for all regular full-time and regular part-time supportive service employes of Douglas County Department of Social Services, excluding the Director, social workers, Administrative Assistant II and all other employes be, and the same hereby is, set aside.

Given under our hands and seal at the City of Madison, Wisconsin, this 15th day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slayney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----	:	
In the Matter of the Petition of	:	
WISCONSIN COUNCIL OF COUNTY AND	:	Case XXIX
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	No. 14874 ME-691
Involving Certain Employes of	:	Decision No. 10506-A
DOUGLAS COUNTY DEPARTMENT OF	:	
SOCIAL SERVICES	:	
-----	:	

MEMORANDUM ACCOMPANYING ORDER
PARTIALLY DISMISSING PETITION AND STIPULATION
FOR ELECTION, SETTING ASIDE RESULTS OF ELECTION, AND
PARTIALLY SETTING ASIDE CERTIFICATION OF REPRESENTATIVES

In its petition filed on August 13, 1971, initiating the instant proceeding, the Petitioner requested two representation elections in the following two alleged appropriate units:

"Section 1 - All regular full-time and regular part-time social workers and trainees but excluding the director and all other employees of the employer. |

Section 2 - All regular full-time and regular part-time, non-professional employees in the Department of Social Services but excluding the director, professionals and all other employees of the employer."

The Petitioner further indicated, in its petition, that:

"No other organizations have claimed to represent any other employees involved; However, the Teamsters organization represents the Sheriffs Department and the Highway Department. The Communications Worker's Union represents the Courthouse employees."

After the matter had been set for hearing, but prior to the conduct thereof, the Petitioner and the Employer executed a stipulation requesting elections in the units described above, filing said stipulation with the Commission on August 25, 1971, and pursuant to said stipulation the Commission, on September 7, 1971, issued a Direction of Elections in the matter. Said elections were conducted among the employes in both units on September 17, 1971, the results of which resulted in certifying the Petitioner as the collective bargaining representative of the employes in both units. Said certification was issued on September 28, 1971.

On February 2, 1972, the Communications Workers of America, hereinafter referred to as the CWA, in writing, requested that the above noted certification be set aside since the CWA had been previously certified as the collective bargaining representative of Employer's Courthouse employes, including clericals employed in the Department of Social Services, and that CWA had negotiated several collective bargaining agreements on an annual basis with the Employer covering the wages, hours and conditions of employment of the clerical employes, including those employed in the Department of Social Services, and, further, that CWA and the Employer were engaged in negotiations with respect to a collective bargaining agreement to become effective January 1, 1972.

The records of the Commission indicate that, following an election conducted by it among Courthouse clerical employes, which included "stenographers and clerks" in the Department of Social Services, CWA was, on November 30, 1966, certified as the exclusive collective bargaining representative for the Courthouse clerical employes.^{1/} It should be noted that the Petitioner was also on the ballot in that election.

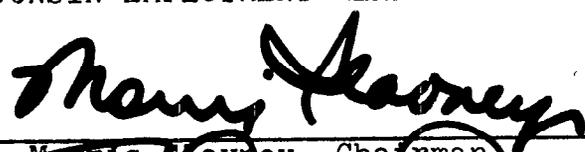
Thus, when the petition initiating this proceeding was filed, and when the subsequent stipulation was filed, the Petitioner, as well as the Employer, should have known that CWA had been so certified, and therefore the petition should have been accompanied by a showing of interest for the further processing of the petition.^{2/} If the showing of interest had been sufficient the Commission would have notified CWA and would have permitted it to intervene in the matter.

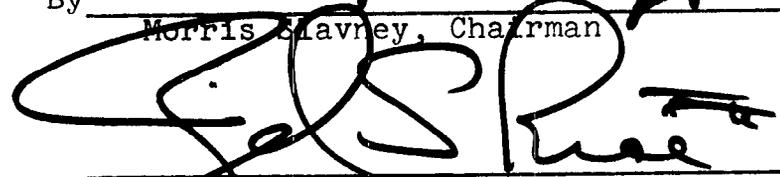
Therefore, since there was no showing of interest produced to warrant the processing of the petition, and, further, since CWA had no knowledge of the proceeding as it affected the Courthouse clerical employes, the Commission has determined to dismiss the petition, as well as the subsequently filed stipulation executed by the Petitioner and the Employer as such documents affect the Courthouse clerical employes, and to also set aside the results of the election involving said employes, and to amend the Certification issued in the matter.

Dated at Madison, Wisconsin, this 15th day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

^{1/} Decision No. 7831.

^{2/} Wauwatosa Board of Education (8300-A) 2/68 (Aff. Dane County Cir. Ct. 8/68).