

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
SAM A. CLARK : Case XVII
Involving Certain Employes of : No. 15132 ME-732
GREEN COUNTY (HIGHWAY DEPARTMENT) : Decision No. 10720

ORDER OF DISMISSAL

Petition having been filed with the Wisconsin Employment Relations Commission by Sam A. Clark requesting that an election to determine bargaining representative be conducted pursuant to Section 111.70, Wisconsin Statutes, among certain employes of Green County, Highway Department; and General Drivers, Dairy Employees and Helpers Local Union No. 579, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America having been permitted to intervene on the basis of their status as the recognized bargaining representative of said employes; and a hearing having been held in the matter on January 13, 1972, at Monroe, Wisconsin; and the Commission being satisfied that said petition was untimely filed;

NOW, THEREFORE, it is

ORDERED

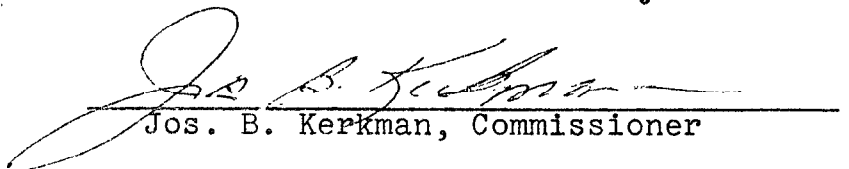
That the aforesaid petition be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 14th day of January, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

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MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

The petition in this matter which is, in effect, an attempt to decertify the Intervenor Union, was filed by the Petitioner, an employe of the Municipal Employer, on December 8, 1971. On such date there existed a collective bargaining agreement between the Municipal Employer and the Intervenor which provided in part as follows:

"ARTICLE XXX - TERMINATION

THIS AGREEMENT shall go into effect January 1, 1971, and continue until December 31, 1971, and shall be considered automatically renewed from year to year thereafter, unless at least sixty (60) days prior to the end of the effective period either party shall serve written notice upon the other that it desires to renegotiate, revise or modify this Agreement. In the event such notice is served, the parties shall operate temporarily under the terms and provisions of this contract until a new contract is entered into, at which time, the new contract shall be retroactive as of the last date of termination of this Agreement, except money which shall be negotiated. Both parties shall have the right to notify the other that they desire to negotiate the next year's contract commencing September 1."

Pursuant to the above quoted provision the Intervenor, during September, 1971, notified the Municipal Employer of its desire to commence negotiations for a 1972 contract and at the time of the hearing herein a meeting was scheduled for the commencement of said negotiations.


This Commission in Wauwatosa Board of Education (Dec. No. 8300-A) held that, "Where there presently exists a collective bargaining agreement covering the wages, hours and conditions of employment of employes in an appropriate collective bargaining unit, the petition (in cases such as this) must be filed within the sixty (60) day period prior to the date reflected in the agreement, resolution or ordinance for the commencement of negotiations for changes in wages, hours and working conditions of the employes in the unit covered by said agreement, resolution or ordinance."

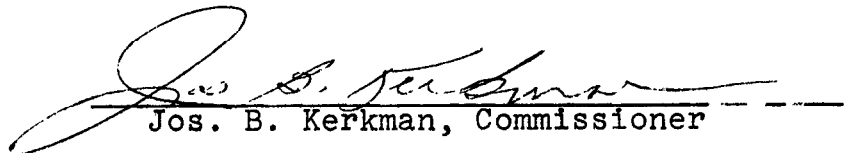
In the instant matter the Intervenor and the Municipal Employer had agreed that negotiations for a new agreement could be reopened at least sixty days prior to December 31, 1971. The petition herein was filed December 8, 1971, and thus not within the time period permitted under the policy of the Commission established in the Wauwatosa case.

Dated at Madison, Wisconsin, this 14th day of January, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner