STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of MILWAUKEE TEACHER AIDES UNION Involving Certain Employes of MILWAUKEE BOARD OF SCHOOL DIRECTORS

ORDER DENYING MOTION

Milwaukee Teacher Aides Union having filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among teacher aides in the employ of the Milwaukee Board of School Directors, and the Milwaukee Teacher Aides Union having submitted authorization cards as a showing of interest in support of its petition; and the Commission having administratively determined that said showing of interest was sufficient for the processing of said petition; and hearing on the petition having been conducted at Milwaukee, Wisconsin, on July 10, 1972, during which evidence was adduced with respect to the appropriate unit and other matters relating to the election proceeding; and prior to any further action by the Commission, and on July 19, 1972, the Milwaukee Teachers Education Association, the certified collective bargaining representative of the employes involved, having filed a Motion with the Commission requesting the Commission to redetermine whether the showing of interest submitted by the Petitioner is sufficient to warrant further processing of the petition, contending that the petition had originally indicated that there were approximately 1,400 employes in the bargaining unit, and during the course of the hearing it was disclosed that there were some 1,794 employes in the bargaining unit as of June 1, 1972, and as a result the Milwaukee Teachers Education Association stated that it was "highly unlikely" that the petitioning organization could have submitted a 30 percent showing of interest in the matter, and that on such basis the petition should be dismissed; and the Commission having reviewed said Motion and being satisfied that it should be denied;

NOW, THEREFORE, it is

ORDERED

That the Motion filed herein by the Milwaukee Teachers Education Association to dismiss the petition be, and the same hereby is, denied.

> Given under our hands and seal at the City of Madison, Wisconsin, this 24th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION Bv Morris Slavney, Chairman _ ~ II, Commissioner lee B. Kerkman, Commissioner

No. 11165

MILWAUKEE BOARD OF SCHOOL DIRECTORS, XXXVIII, Decision No. 11165

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION

Prior to setting hearing on the petition the Commission made an administrative determination that the showing of interest submitted by the petitioning organization was sufficient to warrant further processing of the petition. In its Motion the Milwaukee Teachers Education Association contended it was highly unlikely that the Petitioner could have submitted a sufficient showing of interest among 1,794 employes which was the actual number of employes in the employ of the School District. In its petition the Petitioner estimated that there were approximately 1,400 employes in the unit.

Prior to setting hearing in the matter the Commission administratively determined that the showing of interest was sufficient. Since such a determination is administrative, it is not subject to review by the parties.

It should be noted that when the original election was conducted in the spring of 1969 there were approximately 1,173 teacher aides eligible to vote. Of that number only 431 cast ballots, 4 of which were challenged. Four hundred and twenty-seven valid ballots were counted, and of that number 381 voted in favor of the Milwaukee Teachers Education Association as their bargaining representative.

The Commission is not absolutely bound to apply the showing of interest rule in every case. It is a general policy rule. Even if the Commission in this proceeding were satisfied that the showing of interest was not adequate, it may very well have not applied this rule in the instant matter since from the date of the original election the bargaining unit has increased by over 600 employes. The ballots cast for the present certified bargaining representative (Milwaukee Teachers Education Association) in the original election was only 381. The total number of employes participating in that election was less than 36 percent of the eligible employes involved. Milwaukee Teachers Education Association was selected as the bargaining representative by only approximately 32 percent of the employes in the unit.

We have, therefore, denied the Motion and will, within the next few days, issue the Direction of Election in the matter.

Dated at Madison, Wisconsin, this 24th day of July, 1972.

By Slavney, Chairman ١ Rice Commissioner Zel II, Kerkman, Commissioner Jos. Β.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION