

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
**ROBERT SCHLOTTHAUER**  
Involving Certain Employees of  
**DEPARTMENT OF EMPLOYMENT RELATIONS**

Case 11  
No. 50909  
SE-12

**Decision No. 11245-T**

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**Appearances:**

**Mr. Robert Schlotthauer**, 1300 University Avenue, Madison, Wisconsin 53706, appearing on his own behalf.

Lawton & Cates, S.C., by **Attorney P. Scott Hassett**, Ten East Doty Street, Suite 400, P.O. Box 2965, Madison, Wisconsin 53701-2965, appearing on behalf of Local 171 and Council 24, Wisconsin State Employees Union.

**Attorney David J. Vergeront**, Chief Legal Counsel, Department of Employment Relations, 345 West Washington Avenue, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of the Department of Employment Relations.

**ORDER DISMISSING PETITION FOR UNIT CLARIFICATION**

On March 23, 2001, Robert Schlotthauer, a mortician employed by the State of Wisconsin, filed a petition to clarify bargaining unit with the Wisconsin Employment Relations Commission asserting that he and two other morticians are “. . . licensed, degreed professionals included in a blue collar bargaining unit, and wish to join a union of our peers.”

On April 16, 2001, Local 171 and Council 24, Wisconsin State Employees Union filed a motion to dismiss the petition because existing Commission precedent requires that such petitions be filed by either a labor organization or by the employer.

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By letter dated April 18, 2001, the Commission invited Schlotthauer and the State to respond to the motion to dismiss.

On April 25, 2001, the State filed a statement in support of the motion to dismiss. Schlotthauer subsequently filed a statement in opposition to the motion.

We have long held that a petition for unit clarification can only be filed by a labor organization or the State. STATE OF WISCONSIN, DEC. NO. 13824 (WERC, 7/75); STATE OF WISCONSIN, DEC. NO. 11245-P (WERC, 3/94). Consistent with that precedent, we are persuaded this petition should be dismissed because it was filed by employees.

NOW, THEREFORE, it is

**ORDERED**

The petition for unit clarification is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 18th day of March, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

A. Henry Hempe /s/

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A. Henry Hempe, Commissioner

Paul A. Hahn /s/

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Paul A. Hahn, Commissioner