

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

LOCAL 587, AFFILIATED WITH :
MILWAUKEE DISTRICT COUNCIL 48, :
AFSCME, AFL-CIO :

Case XXII
No. 15497 ME-773
Decision No. 11267

Involving Certain Employees of :

DISTRICT #9 AREA BOARD OF :
VOCATIONAL, TECHNICAL AND :
ADULT EDUCATION :
Milwaukee, Wisconsin :

DIRECTION OF ELECTION

Local 587, affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70, among certain employees of District #9 Area Board of Vocational, Technical and Adult Education; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on May 17, 1972, Zel S. Rice II, Commissioner, being present; and the Commission having considered the evidence and being satisfied that questions concerning appropriate units and representation have arisen involving certain employees of the above named Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the following voting groups:

VOTING GROUP NO. 1

All cafeteria employees, and teacher aides except those included in the unit of para-professionals, but excluding supervisory, managerial, craft, and all other employees, who were employed on September 6, 1972, except such employees as may prior to the election quit their employment or be discharged for cause for the purpose of determining whether a majority of such employees desire to accrete to a presently existing bargaining unit consisting of all employees of District #9 Area Board of Vocational, Technical and Adult Education classified as Clerk I, II, III, Stores Clerk I, II, III, Clerk Typist I, II, III, Clerk Stenographer I, II, III, Student Service Coordinator I, Key Punch Operator I, II, Telephone Operator, Maintenance Worker I, II, III, Assistant Stage Manager, Security Officer, Engineering Aide, Foundry Helper, Custodial Worker I, II, III, Public Service Assistant, Audio Visual Aides Assistant, Bindery Assistant Trainee, and Bindery Assistant I and II, excluding supervisory personnel, craft employees, professional employees, technical employees, confidential employees and student interns subsidized by federal funds.

VOTING GROUP NO. 2

All technical employees employed by District #9 Area Board of Vocational, Technical and Adult Education, but excluding certificated, supervisory, managerial, craft and all other employees, who were employed on September 6, 1972, except such employees as may prior to the election quit their employment or be discharged for cause for the purpose of determining whether a majority of such employees desire to be represented by Local 587, affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO.

VOTING GROUP NO. 3

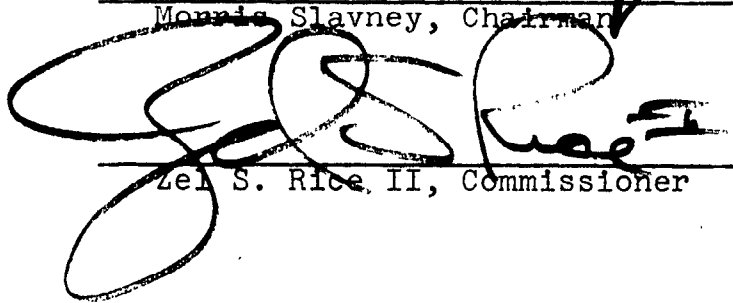
All non-certificated professional employees employed by District #9 Area Board of Vocational, Technical and Adult Education, but excluding certificated, supervisory, managerial, confidential, craft and all other employees, who were employed on September 6, 1972, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of such employees desire to be included in one single bargaining unit set forth in Voting Group No. 2 above; and, (2) whether a majority of such employees desire to be represented by Local 587, affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO.

Given under our hands and seal at the
City of Madison, Wisconsin, this 6th
day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition initiating the instant proceeding the Union sought a residual unit consisting of all unrepresented employees of the Employer, excluding certificated employees, craft employees, teaching professionals and confidential and supervisory employees. The presently unrepresented employees consist of cafeteria employees, teachers aides not included in the unit of teaching para-professionals, non-certificated professional employees and technical employees. Both Local 587 and the Employer agreed that the cafeteria employees, and the teachers aides not included in the unit of teaching para-professionals should have the opportunity to accrete to the bargaining unit presently represented by the Union and consisting of all employees of District #9 Area Board of Vocational, Technical and Adult Education classified as Clerk I, II, III, Stores Clerk I, II, III, Clerk Typist I, II, III, Clerk Stenographer I, II, III, Student Service Coordinator I, Key Punch Operator I, II, Telephone Operator, Maintenance Worker I, II, III, Assistant Stage Manager, Security Officer, Engineering Aide, Foundry Helper, Custodial Worker I, II, III, Public Service Assistant, Audio Visual Aides Assistant, Bindery Assistant Trainee and Bindery Assistant I, II, excluding supervisory personnel, craft employees, professional employees, technical employees, confidential employees and student interns subsidized by federal funds.^{1/} The Commission has directed an election among the cafeteria employees and teachers aides not included in the unit of teaching para-professionals ^{2/} to determine whether they desire to accrete to the bargaining unit now represented by Local 587.

During the course of the hearing the Union indicated it also desired to represent the technical and non-certificated professional employees. During the course of the hearing the parties stipulated to the appropriateness of the unit described in Voting Group No. 2. Section 111.70(4)(d)2a permits the establishment of separate units of craft and professional employees and also permits craft and professional employees to indicate their desire to be included in a unit with non-professional or non-craft employees. The Commission has directed an election among the technical employees to determine whether they desire to be represented by the Union for the purpose of collective bargaining, and further it has directed elections among the non-certificated professional employees to determine whether such professional employees desire to be included in the unit with technical employees and whether they desire to be represented for the purposes of collective bargaining by the Union.

The representation ballots cast by the non-certificated professional employees will be impounded by the Commission agent who conducts the balloting. The sequence of counting the ballots would be as follows:

1. The ballots cast by the employees in Voting Group No. 1 will be tallied first. Should the cafeteria, and teachers aides not included in the unit of teaching para-professionals, vote to accrete to the unit now represented by Local 587, the appropriate bargaining unit shall consist of all employees of District #9 Area Board of Vocational, Technical and Adult Education classified as Clerk I, II, III, Stores Clerk I, II, III, Clerk Typist, I, II, III, Clerk Stenographer I, II, III,

^{1/} Decision No. 8736, 12/68.

^{2/} Teaching para-professionals are presently represented by Local 212, AFT, Decision No. 10882, 4/72.

Student Service Coordinator I, Key Punch Operator I, II, Telephone Operator, Maintenance Worker I, II, III, Assistant Stage Manager, Security Officer, Engineering Aide, Foundry Helper, Custodial Worker I, II, III, Public Service Assistant, Audio Visual Aides Assistant, Bindery Assistant Trainee, Bindery Assistant I, II, all cafeteria employees, and all teachers aides except those included in the unit of teaching para-professionals, but excluding supervisory personnel, craft employees, professional employees, technical employees, confidential employees and student interns subsidized by federal funds. Should the employees in Voting Group No. 1 not vote in favor of accreting to such present unit, then the present unit shall remain as is.

2. The ballots cast by the non-certificated professional employees as to their desire to be included in the technical unit will then be tallied.

3. If a majority of the non-certificated professional employees vote in favor of being included in a unit with the technical employees, the Commission agent will co-mingle their representation ballots with the ballots of the technical employees in such manner so as to protect the secrecy of the ballots. After the ballots are co-mingled, the ballots cast by the non-certificated professional employees and those cast by the technical employees shall be tallied together and the representation ballots cast by both the non-certificated professional employees and the technical employees shall be tallied together.

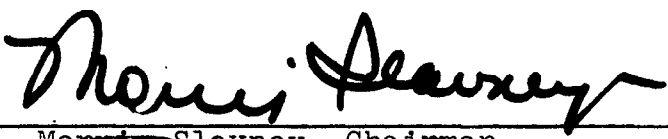
4. If a majority of the eligible non-certificated professional employees do not vote in favor of inclusion in a unit with the technical employees, the representation ballots of the non-certificated professional employees and of the technical employees will be tallied separately.

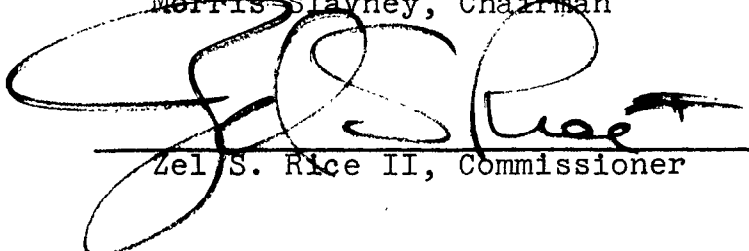
Should the non-certificated professional employees vote for inclusion in the technical unit, the appropriate bargaining unit shall consist of all technical employees and all non-certificated professional employees employed by District #9 Area Board of Vocational, Technical and Adult Education, but excluding certificated, supervisory, managerial, craft and all other employees. Should the non-certificated professional employees reject inclusion in the technical unit, then there shall be two separate appropriate units consisting of (1) all technical employees employed by District #9 Area Board of Vocational, Technical and Adult Education, but excluding certificated, supervisory, managerial, craft and all other employees; and, (2) all non-certificated professional employees employed by District #9 Area Board of Vocational, Technical and Adult Education, but excluding certificated, supervisory, managerial, confidential, craft and all other employees.

Dated at Madison, Wisconsin, this 6th day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner