

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Stipulation of
DANE COUNTY and WISCONSIN COUNCIL OF
COUNTY & MUNICIPAL EMPLOYEES, AFSCME,
AFL-CIO
Involving Professional Employees
in the Employ of
DANE COUNTY

Case XXXIV
No. 16154 ME-851
Decision No. 11428-D

Appearances:

Lawton & Cates, Attorneys at Law, by Mr. John C. Carlson,
appearing on behalf of the Union.

Mr. Glenn Henry, Corporation Counsel, Dane County, appearing
on behalf of the Municipal Employer.

ORDER SUSTAINING OBJECTIONS TO CONDUCT
OF ELECTION, SETTING ASIDE RESULTS OF ELECTION
AND DIRECTION OF NEW ELECTION

Pursuant to a Direction of Election issued by it, the Wisconsin Employment Relations Commission, on January 24, 1973, conducted an election among all regular full-time and regular part-time professional employees of Dane County, excluding attorneys, supervisory, confidential and all other employees; that of the 74 employees voting in the election, 72 cast valid ballots, 19 of whom voted in favor of selecting Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Union, as their collective bargaining representative, and the remaining 53 employees voted against such representation; that thereafter, the Union timely filed objections to the conduct of the election;^{1/} that hearing on the objections was conducted on March 1, 1973, Chairman Morris Slavney and Commissioner Jos. B. Kerkman being present; and the Commission having considered the objections and being fully advised in the premises and being satisfied that the pre-election conduct by representatives of the County interfered with the free choice of the employees eligible to vote in said election, and further being satisfied that the objections to the conduct of the election be sustained, and that the results of the election be set aside and that a new election be directed;

NOW, THEREFORE, it is

ORDERED

That the objections to the conduct of the election conducted by the Wisconsin Employment Relations Commission on January 24, 1973, in the instant matter be, and the same hereby are, sustained;

^{1/} The Union also filed a complaint with the Commission alleging that the Municipal Employer had engaged in certain prohibited practices within the meaning of the Municipal Employment Relations Act.

IT IS FURTHER ORDERED that the results of said election be set aside and that a new election be directed and conducted at such time as the Union requests same, prior to December 1, 1973, and further that should no such request be forthcoming by such date, the Commission shall dismiss the petition without prejudice to the Union's right to file a new petition requesting an election among the employees in the unit involved.

Given under our hands and seal at the
City of Madison, Wisconsin, this 4th
day of October, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Blaney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
ORDER SUSTAINING OBJECTIONS TO CONDUCT
OF ELECTION, SETTING ASIDE RESULTS OF ELECTION
AND DIRECTION OF NEW ELECTION


In its objections to the conduct of the election, the Union alleged that the Municipal Employer engaged in certain activity which interfered with the free choice of the employees in the election. Such alleged activity was also contained in a complaint of prohibited practices filed by the Union against the County, its County Board and its Personnel Director. The Commission has today issued its Findings of Fact, Conclusions of Law and Order in said prohibited practice case,^{2/} wherein it concluded that the Municipal Employer, prior to the election conducted herein, engaged in activity which constituted prohibited acts of interference, restraint and coercion.

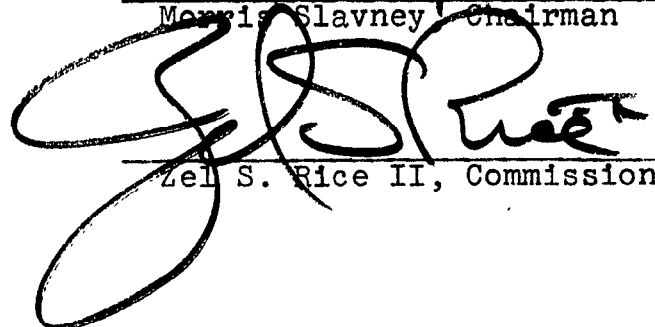
Such acts also are deemed by the Commission to have interfered with the election, and, therefore, we have set aside the results thereof and have directed that a new election be conducted.

Dated at Madison, Wisconsin, this 4th day of October, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

^{2/} Decision No. 11622-A.