

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
JUDITH A. HANSON
Involving Certain Employes of
GREEN COUNTY

Case XXII
No. 16100 ME-847
Decision No. 11465

DIRECTION OF ELECTION

Petition having been filed with the Wisconsin Employment Relations Commission by Judith A. Hanson, an employe of Green County, requesting that an election to determine a bargaining representative be conducted pursuant to Section 111.70, Wisconsin Statutes, among certain employes of Green County Courthouse; and General Drivers, Dairy Employees and Helpers Local Union No. 579, International Brotherhood of Teamsters, Chauffeurs and Warehousemen of North America having been permitted to intervene on the basis of their status as the present bargaining representative of said employes; and a hearing having been held in the matter on November 14, 1972, at Monroe, Wisconsin; and the Commission being satisfied that said petition was timely filed and being satisfied that a question concerning representation exists among the employes involved;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in a collective bargaining unit consisting of all full-time employes of the Green County Agricultural Department, excluding confidential, part-time, professional and supervisory employes, who were employed on November 14, 1972, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by General Drivers, Dairy Employees and Helpers Local Union No. 579, International Brotherhood of Teamsters, Chauffeurs and Warehousemen of North America for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and working conditions.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of December, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Petition in this matter which is, in effect, an attempt to de-certify the Intervenor Union was filed by the Petitioner, an employe of the Municipal Employer, on October 12, 1972. On such date there existed a collective bargaining agreement between the Municipal Employer and the Intervenor which provided in part as follows:

"THIS AGREEMENT shall go into effect July 1, 1972 and continue until December 31, 1972, 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 re-negotiate, 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. Both parties shall have the right to notify the other that they desire to negotiate the next year's contract commencing September 1."

The Intervenor, by letter dated August 24, 1972, notified the Municipal Employer of its desire to commence negotiations for a 1973 collective bargaining agreement. Although the parties, at the time of the hearing herein, had not yet commenced negotiations, a meeting was scheduled for the week of November 14, 1972.

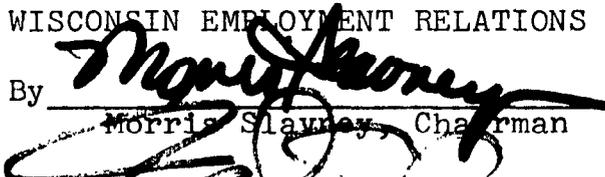
There is no dispute in the instant case over the appropriate collective bargaining unit. Both parties stipulated that if the Commission directs an election in the instant case, the appropriate collective bargaining unit should consist of all employes of the Green County Courthouse, excluding confidential, professional and supervisory employes. It is the Intervenor's position, however, that the instant petition filed on October 12, 1972, was not timely filed. It is argued by the Intervenor that the date for reopening the current contract is September 1 while the Petitioner takes the position that the reopening date for the contract is sixty days prior to December 31, 1972, which is the termination date of the agreement.

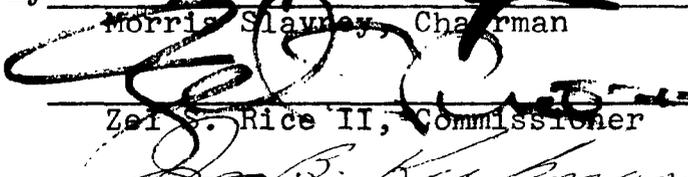
The Commission, in a companion case 1/ issued today, involving another employe Petitioner but the same Intervenor Union and Municipal Employer, fully discussed the issue presented in the instant case. For the same reasons stated in that decision the Commission concludes that the date for reopening the current agreement is sixty days prior to December 31, 1972, the termination date of the contract, and not September 1 as argued by the Intervenor. The Commission concludes that the petition was timely filed herein.

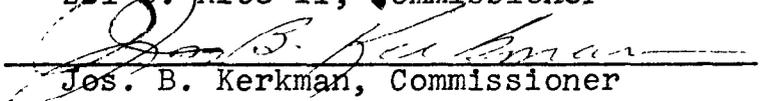
Dated at Madison, Wisconsin, this 12th day of December, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawley, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ Green County, XXI, (11466) 12/72.