STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DISTRICT ONE TECHNICAL INSTITUTE STAFF AND CLERICAL FEDERATION LOCAL 12398

Involving Certain Employes of

AREA VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICT ONE Eau Claire, Wisconsin

Case XXXII No. 16521 ME-882 Decision No. 11683-A

ORDER DENYING REQUEST TO BE REMOVED FROM BALLOT

District One Technical Institute Staff and Clerical Federation Local 12398 having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes in a bargaining unit of office, clerical and related employes of the above named Municipal Employer; and a hearing on said petition having been conducted at Eau Claire, Wisconsin, on March 6, 1973, by Commissioner Zel S. Rice II; and Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having been allowed to intervene in the matter on the claim that it represents certain employes of the Municipal Employer in the bargaining unit set out in the petition; and on March 13, 1973, the Commission having issued a Direction of Election among the employes in said unit wherein they have been given the opportunity to select District One Technical Institute Staff and Clerical Federation Local 12398, or Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or no organization, and their collective bergeining representative; and on March 30, 1973 as their collective bargaining representative; and on March 30, 1973, the Commission having forwarded copies of notices of said election to the parties wherein Wednesday, April 11, 1973, was set forth as the date on which said election would be conducted; that because of a heavy snow storm which occurred on the date prior to the date set heavy snow storm which occurred on the date prior to the date set for the election, the Commission postponed the conduct of said election to Tuesday, April 24, 1973, and, in that regard, on April 13, 1973, the Commission forwarded copies of new notices of said election to the parties, which notices indicated the date on which the election would be conducted; that the ballots, which are to be utilized in the conduct of the election, had been printed prior to Wednesday, April 11, 1973; and on April 19, 1973, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having, in writing, advised the Commission that its name be removed from the ballot: and the Commission having that its name be removed from the ballot; and the Commission, having considered said request as a motion to be removed from the ballot, being satisfied that said motion, under the circumstances described above, has not been timely filed;

NOW, THEREFORE, it is

ORDERED

That the motion filed by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, to be removed from the ballot to be utilized in the election involved in the instant matter be, and the same hereby is, denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 20th day of April, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

Zel/S. Rice II, Commissioner

Jos. B. Kerkman, Commissioner

AREA VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICT ONE, XXXII, Decision No. 11683-A

MEMORANDUM ACCOMPANYING ORDER DENYING REQUEST TO BE REMOVED FROM BALLOT

The facts relating to the motion of Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, are set forth in the preface of the Commission's Order.

It should be noted that a lapse of 17 days occurred between the Direction of Election and the date upon which the Commission forwarded notices of the election, which contained a sample ballot, to all parties. In addition, approximately 11 days elapsed between the receipt of said notices and the date on which the election was originally scheduled. The election was timely postponed due to a snow storm, which made it impossible for the election agent to travel to Eau Claire to conduct the election, and new notices of the election were sent to the parties on April 13, 1973. AFSCME waited until 5 days prior to the date on which the election will now be conducted to advise the Commission that it desired to withdraw from the election. Since there is more than one union on the ballot, there still exists a question of representation among the employes involved, and we deem, under the circumstances described above, that AFSCME's motion requesting that it be removed from the ballot, filed at such a late date, would constitute an abuse of the Commission's processes, and, therefore, we are denying such motion.

Dated at Madison, Wisconsin, this 20th day of April, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney, Chairman

Zel S. Rice II, Commissioner

Jos. B. Kerkman, Commissioner