

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
WISCONSIN COUNCIL OF COUNTY AND :
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO :
Involving Certain Employes of :
BROWN COUNTY (DEPARTMENT OF SOCIAL :
SERVICES) :

Case XX
No. 16630 ME-901
Decision No. 11862

Appearances:

Mr. James W. Miller, Representative, appearing on behalf of the
Petitioner.
Mr. Robert R. Flatley, Corporation Counsel, appearing on behalf
of the Municipal Employer.
Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. John S.
Williamson, appearing on behalf of the Intervenor.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO,
having petitioned the Wisconsin Employment Relations Commission to conduct
an election pursuant to Section 111.70 of the Wisconsin Statutes, among
certain employes of Brown County (Department of Social Services); and a
hearing on said petition having been conducted at Green Bay, Wisconsin,
on May 2, 1973, Douglas V. Knudson, Hearing Officer, having been
present; and Drivers, Warehouse and Dairy Employees, Local No. 75,
affiliated with the International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America, having been allowed to intervene
in the matter; and the Commission having considered the evidence and
being satisfied that a question of representation has arisen concerning
certain employes of the Municipal Employer;

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 the collective bargaining unit con-
sisting of all professional employes employed by Brown County (Department
of Social Services) but excluding supervisors, the Director, clerical
employes and all other employes of Brown County, who were employed by
the Municipal Employer on May 2, 1973, 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 Wisconsin Council of County and Municipal Employees,
AFSCME, AFL-CIO, or by Drivers, Warehouse and Dairy Employees, Local No.
75, affiliated with the International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America, or by neither of said organizations,
for the purpose of collective bargaining with Brown County (Department of
Social Services) on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 18th
day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slawney, Chairman

Zel S. Rice II, Commissioner

Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, filed two separate petitions with the Wisconsin Employment Relations Commission seeking representation elections in two separate units of employees employed by Brown County in its Department of Social Services. One alleged appropriate unit (Case XX) consists of all professional employees, excluding supervisors, the Director, clerical employees and all other employees of Brown County, while the other alleged appropriate unit consists of all non-professional employees, excluding professional employees, the Director, supervisors and all other employees of Brown County. During the course of the hearing on said petitions, Drivers, Warehouse and Dairy Employees, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America was permitted to intervene in both cases, on the claim of the Intervenor that it represented employees in both units.

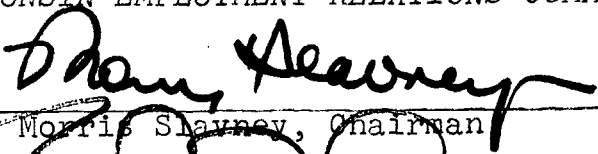
During the course of the hearing the Municipal Employer proposed that the professional employees be afforded the opportunity to determine for themselves whether they desired to be included in the same bargaining unit with the non-professional employees. Section 111.70(4)(d)2.a. provides, in part, that "The commission shall not decide, however, that any unit is appropriate if the unit includes both professional and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit . . . ." Under said subsection, professional employees constitute an appropriate unit as do the non-professional employees. The section of the statute cited above permits professional employees to be included in a unit of non-professionals.

In the instant matter the Commission is confronted with the issue as to whether it should permit the professional employees to be included in the unit of non-professionals when the Municipal Employer has made such request. Under the circumstances in the instant cases, we are denying the Municipal Employer's request, since both unions claiming to represent the professional and non-professional employees involved desire to represent said employees in two separate bargaining units. If either of the employee organizations had requested that the professional employees be given the opportunity to determine whether the professional employees desire to be included in the unit with non-professional employees, the Commission would have granted the professional employees such opportunity. Since neither of the organizations have made such a request, the Commission has ordered separate representation elections in the two separate bargaining units.

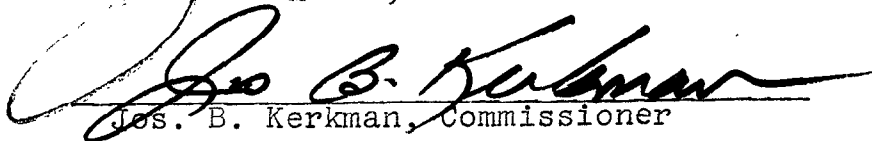
Dated at Madison, Wisconsin, this 18<sup>th</sup> day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slawney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner