

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
In the Matter of the Petition of

DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES  
UNION, LOCAL NO. 75 affiliated with the  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF  
AMERICA

Case XXII  
No. 16791 ME-936  
Decision No. 11983

Involving Certain Employees of

BROWN COUNTY  
-----

Appearances:

Mr. Steven L. Hotchkiss, Recording Secretary, appearing on behalf  
of the Petitioner.

Mr. Robert R. Flatley, Corporation Counsel, appearing on behalf  
of the Municipal Employer.

Mr. James W. Miller, Representative, appearing on behalf of the  
Intervenor.

DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees Union, Local No. 75,  
affiliated with the International Brotherhood of Teamsters, Chauffeurs,  
Warehousemen and Helpers of America, having petitioned the Wisconsin  
Employment Relations Commission to conduct an election pursuant to  
Section 111.70 of the Wisconsin Statutes among certain employees of  
Brown County; and a hearing on said petition having been conducted  
at Green Bay, Wisconsin, on June 6, 1973, Douglas V. Knudson, Hearing  
Officer, having been present; and the Commission having considered the  
evidence and being satisfied that a question of representation has  
arisen concerning certain employees 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  
consisting of all employees of Brown County employed in the Courthouse,  
Safety Building, Courthouse Annex, Northern Building, Reforestation  
Camp and University Extension (Agricultural Agents Department),  
excluding department heads, supervisors, craft and professional  
employees, police officers, elected and appointed officials, and  
confidential employees, who were employed by Brown County on June 29,  
1973, except such employees as may prior to the election quit their  
employment or be discharged for cause, for the purpose of determining

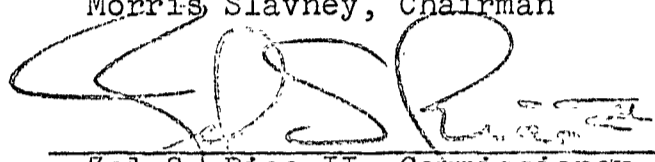
No. 11983

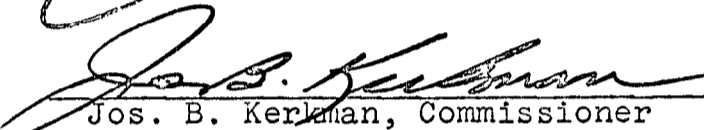
whether a majority of such employes desire to be represented by Drivers, Warehouse and Dairy Employees Union, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, for the purposes of collective bargaining with Brown County on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America filed a petition requesting that the Commission conduct a representation election among employees of the Municipal Employer in a bargaining unit consisting of "all employees of Brown County Courthouse, Safety Building, Courthouse Annex, Northern Building, Reforestation Camp, Guidance Clinic, University Extension (Agricultural Agents Department), excluding department heads, supervisors, professional employees, police officers, elected and appointed officials, and confidential employees." The employees in the petitioned for bargaining unit are presently represented by the Brown County Court House Complex Employees Association and are covered by a collective bargaining agreement which is scheduled to be reopened by July 15, 1973. The Petitioner timely filed its petition during the 60-day period preceding July 15, 1973, and provided an appropriate showing of interest. At the outset of the hearing the incumbent Association stated that it did not desire to appear on the ballot, if an election were directed. At the outset of the hearing, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, petitioned to intervene and was allowed to participate in the hearing with the understanding that unless it provided a ten percent showing of interest within seven days following the hearing its name would not appear on the ballot. Inasmuch as Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, has failed to provide said showing of interest, it will not appear on the ballot in the election directed herein.

The parties stipulated to the list of eligible voters, which stipulation, inter alia, excluded three positions (the clerk-steno in the Corporation Counsel office, the secretary to the County Executive, and the payroll supervisor in the Finance office) as confidential, excluded craft employees, and deleted the Guidance Clinic employees from the petitioned for bargaining unit on the basis they were more appropriately included in a different existing bargaining unit.

During the course of the hearing, the Petitioner amended its petition to request elections among the following voting groups, (1) all employees of Brown County Courthouse, Safety Building, Courthouse Annex, Northern Building, Reforestation Camp and University Extension (Agricultural Agents Department), excluding department heads, supervisors, craft and professional employees, police officers, elected and appointed officials, and confidential employees, and, (2) all professional nurses in the Brown County Nurse's Office, excluding supervisors and all other employees, to determine whether said professionals desire to be included in the non-professional collective bargaining unit in which the election is directed herein or in a separate professional unit. The Municipal Employer did not object to said amendment.

Given the fact that the Petitioner has not petitioned for a unit of all professional nurses employed by the Municipal Employer, but rather only for the professional nurses employed in one department, 1/ such a unit would not effectuate the policies of the Act, expressed in Section 111.70(4)(d)2.a.

---

1/ Professional nurses are employed by the County in the Brown County Hospital and Sanitarium.

Therefore, the Commission has not directed either a representation election or a unit preference election among the professional nurses in the Brown County Nurse's office.

Dated at Madison, Wisconsin, this 29th day of June, 1973.

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