

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
WISCONSIN COUNCIL OF COUNTY &	:	
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	Case XXIII
Involving Certain Employees of	:	No. 17008 ME-812
GREEN COUNTY (HOSPITAL AND PLEASANT	:	Decision No. 12151-B
VIEW NURSING HOME)	:	

ORDER DETERMINING CERTAIN CHALLENGED BALLOTS
AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Direction and Amended Direction of Election, the Wisconsin Employment Relations Commission ordered that a representation election be conducted among all Green County employees employed at the Green County Hospital and Pleasant View Nursing Home, excluding supervisory, confidential, craft and professional employees, wherein the Commission ordered that the ballots of Bertha Holmes, Ethel Mansheim, Ethel Williams, Mavis Corbett, Peggy Seifert, Arvin Johnson, Russell Sandley, Cindy Powers, Mary Flint, Virginia Hahn, Shirley Hartwick and Linda Sonnenburg be challenged, should said employees appear at the polls to vote, for the reason that the Municipal Employer contended that said employees occupied either supervisory, confidential or professional positions, while the above-named Union contended that said employees were eligible to vote in said election; that such election was conducted on October 23, 1973, the results of which were tallied as follows:

1. Total number eligible to vote	135
2. Total ballots cast	97
3. Total ballots challenged	11
4. Total valid ballots counted	86
5. Ballots cast for the above named Union	46
6. Ballots cast against the above named Union	40

That all of the employees whose eligibility was to be so challenged voted during the election and the ballots of all said employees, except that of Linda Sonnenburg, were cast by challenged ballots, but through an inadvertent error in the eligibility list, Sonnenburg's ballot was cast without challenge; that thereafter, and prior to any further action by the Commission, the Union, in writing, notified the Commission that it agreed that all the employees whose ballots were so challenged, except for those of Russell Sandley and Shirley Hartwick, should be excluded from the unit; and the Commission being satisfied that the remaining challenged ballots do not affect the results of the election, and that therefore the final result of the election is as follows:

1. Total number claimed eligible to vote	135
2. Total ballots cast	97
3. Total ballots challenged	11
4. Total challenged ballots sustained	9
5. Total challenged ballots remaining	2 (a)
6. Total valid ballots counted	86
7. Ballots cast for the above named Union	46
8. Ballots cast against the above named Union	40

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.70 of the Wisconsin Statutes;

IT IS HEREBY CERTIFIED that Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, has been selected by a majority of the eligible employes of Green County employed at the Hospital and Pleasant View Nursing Home who voted at said election in the collective bargaining unit consisting of all Green County employes employed at the Green County Hospital and Pleasant View Nursing Home, excluding supervisory, confidential, craft and professional employes, as their representative; and that pursuant to the provisions of Section 111.70, Wisconsin Statutes, said Union is the exclusive collective bargaining representative of all such employes for the purposes of collective bargaining with the above-named Municipal Employer, or its lawfully authorized representatives, on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
 Morris Slavney, Chairman

 Howard S. Bellman
 Howard S. Bellman, Commissioner

(a) Not including the ballot cast by Sonnenburg.

MEMORANDUM ACCOMPANYING
ORDER DETERMINING CERTAIN CHALLENGED BALLOTS
AND CERTIFICATION OF RESULTS OF ELECTION

During the hearing on the petition filed herein, the parties could not agree as to the eligibility of the following twelve individuals:

Bertha Holmes	Russell Sandley
Ethel Mansheim	Cindy Powers
Ethel Williams	Mary Flint
Mavis Corbett	Virginia Kahn
Peggy Seifert	Shirley Hartwick
Arvin Johnson	Linda Sonnenburg

The Municipal Employer contended that said individuals should be excluded from the unit on the claim that said individuals were either confidential, supervisory or professional employees. The Union contended that said individuals should be included in the unit and therefore eligible to vote. In order to expedite the election, the parties agreed that the ballots of the above individuals, if they presented themselves to vote, should be taken by challenged ballots. In preparing the eligibility list, the Commission's election clerk inadvertently omitted to indicate that the ballot of Sonnenburg should be challenged. All twelve individuals appeared at the polls. Sonnenburg cast a ballot without its being challenged. The ballots of the remaining individuals were challenged.

Prior to any further action by the Commission, the Union, in writing, on October 26 and November 19, 1973, advised the Commission that it agreed that all the above individuals with the exception of Sandley and Hartwick should be excluded from the unit. Thus, the ballots of said two individuals remain in challenge.

Assuming that Sonnenburg cast a ballot in favor of representation and that she should not have voted, the "yes" votes would have totaled 45. Under such an assumption the two remaining challenged ballots would not affect the results of the election. Assuming that Sonnenburg voted "no," the results of the "no" vote would total 39, and, under such circumstances the two challenged ballots would still not affect the results of the election. Therefore, we are today issuing the Certification of Results of Election.

Dated at Madison, Wisconsin, this 21st day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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