STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WESTERN WISCONSIN TECHNICAL INSTITUTE FACULTY FEDERATION, WFT, AFT, AFL-CIO

Involving Certain Employes of

WESTERN WISCONSIN TECHNICAL INSTITUTE

Case I No. 17152 ME-977 Decision No. 12257-C

ORDER DISMISSING PETITION

On August 2, 1974, the Wisconsin Employment Relations Commission issued an Order, wherein, in part, it sustained certain objections to the conduct of an election which had been held in the above entitled matter on December 6, 1973, and in the same Order, the Commission directed a new election and indicated that it would conduct said new election if, prior to October 1, 1974, the Petitioner requested same, and further that should no such request be forthcoming by that date, that the Commission would dismiss the petition; that said Petitioner did not, by October 1, 1974, request the conduct of such new election; and, therefore, the Commission being satisfied that the petition initiating the instant proceeding be dismissed;

NOW, THEREFORE, it is

ORDERED

. That the petition filed in the above entitled matter be, and the same hereby is, dismissed.

> Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Ву

Morris Slavney, Chairn

Rice II, Commissioner

M. Bellman

Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION

In ruling on the underlying objections herein, the Commission's August 2, 1974 Order provided that the Petitioner would be given until October 1, 1974, to indicate whether it wished to participate in a new election, and that, if it did not manifest such an intent by that date, the petition would be dismissed. Pursuant thereto, and inasmuch as the Petitioner has failed to indicate by October 1, 1974, that it desired a new election, the Commission is hereby dismissing the instant petition.

In so doing, the Commission desires to make clear to the parties involved that the instant dismissal does not affect the Commission's determination in the related prohibited practice casel/ to the effect the Municipal Employer's prohibited conduct of manifesting preference for a particular labor organization which did not appear on the ballot interferred with the election, or the Commission's order therein that the Municipal Employer "refrain from bargaining and/or recognizing any formal organization or informal organization of employes for one year following the holding of a newly directed election, unless such organization has first been certified as the collective bargaining representative for the employes herein in a Commission-directed election." Said Order was issued in anticipation that the Petitioner would request the Commission to conduct a new election.

However, as indicated, the Petitioner did not so request. Therefore, in order to effectuate the Commission's Order in the prohibited practice case, the Municipal Employer cannot voluntarily recognize any organization for a period of one year commencing August 2, 1974, and, further, should any organization desire to file a petition for a representation election among the employes involved, the timely filing of such petition shall commence after June 2, 1975. Any petition filed prior to that date shall be deemed to be untimely filed and shall be dismissed.

Dated at Madison, Wisconsin, this 10th day of October, 1974.

Ву

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Zel S. Rice II, Commissioner

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Howard S. Bellman, Commissioner

 $[\]frac{1}{2}$ Decision No. 12355-B, 8-2-74.