

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| In the Matter of the Petition of | : | |
| STATE HIGHWAY ENGINEERS ASSOCIATION | : | |
| Requesting a Referendum Among | : | |
| Professional Engineers Employes | : | Case XLIV |
| On the Question of Directing Said | : | No. 17541 SR(I)-6 |
| Petitioner and the | : | Decision No. 12463-B |
| STATE OF WISCONSIN | : | |
| To Enter Into a Fair-Share Agreement | : | |

ORDER GRANTING PETITION REQUESTING COMMISSION TO
SET ASIDE ORDER DIRECTING NEW REFERENDUM
AND CERTIFYING RESULTS OF REFERENDUM

On April 29, 1974, the Wisconsin Employment Relations Commission issued an Order setting aside a previous referendum conducted in the above entitled matter and directing a new referendum among the employes involved; and on May 14, 1974, State Highway Engineers Association filed a petition with the Commission requesting the Commission to set aside its Order directing a new referendum, contending that the Commission's basis for setting aside the previous referendum was a mathematical error and further that certification of the original referendum should issue as a matter of law; and the Commission being fully advised in the premises and being satisfied that the petition requesting the Commission to set aside the Direction of New Referendum be granted and that such certification should issue;

NOW, THEREFORE, it is

ORDERED

That the petition filed by State Highway Engineers Association to dismiss the Direction of New Referendum and to certify the results of the previous referendum be, and the same hereby is, granted.

IT IS HEREBY CERTIFIED that the required number of the employes employed in the collective bargaining unit consisting of engineering employes in the classified service of the State of Wisconsin, specified in the Direction of Referendum herein, have directed the State Highway Engineers Association and the State of Wisconsin to enter into a fair-share agreement.

Given under our hands and seal at the City of Madison, Wisconsin, this 5th day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 Morris Slavney, Chairman

Zel S. Rice II
 Zel S. Rice II, Commissioner

Howard S. Bellman
 Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER GRANTING PETITION REQUESTING COMMISSION TO
SET ASIDE ORDER DIRECTING NEW REFERENDUM
AND CERTIFYING RESULTS OF REFERENDUM

On April 29, 1974, the Commission issued an Order setting aside a previous referendum held among all professional - engineering employes in the employ of the State of Wisconsin on the stated basis that 16 employes, who were otherwise eligible, had been inadvertently omitted from the eligibility list. Thereupon, the Commission being satisfied that had said 16 employes been sent ballots, their ballots may have affected the results of the referendum, and, therefore, the Commission set aside the results of the initial referendum and directed that a new referendum be conducted. In its petition the State Highway Engineers Association argues that even if the 16 employes, who did not receive ballots, had received such ballots and cast a "no" vote, the results would have been as follows:

- 1. Total ballots cast 827
- 2. Ballots cast in favor of implementation
of Fair-Share Agreement 552
- 3. Ballots cast against implementation of
Fair-Share Agreement 275

The Association contends that the computation of such results would indicate that 66.74727 percent of the employes voting would have constituted more than two-thirds of the employes voting, and, therefore, the 16 ballots could not have affected the final results of the referendum.

The Commission recognizes the accuracy of these calculations and corresponding error in the Commission's mathematics set forth in the aforesaid direction of a second referendum.

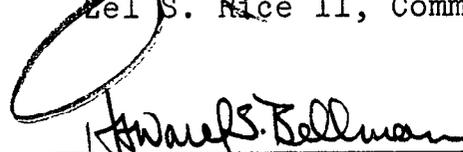
As we stated previously in this matter, in a referendum proceeding the Commission deems that it is the responsibility of the State Employer, as well as the Union involved, to make certain that the eligibility list furnished to the Commission for the conduct of the referendum is an accurate list and contains the names of all the employes in the unit as of the eligibility date, since the requirement for the implementation of a fair-share agreement in state employment requires only two-thirds of the employes voting for the implementation of such an agreement.

Dated at Madison, Wisconsin, this 5th day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, chairman


Del S. Rice II, Commissioner


Howard S. Bellman, Commissioner