

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Stipulation of

BLACKHAWK TECHNICAL FACULTY FEDERATION,
AFL-CIO, AFT LOCAL #2308

and

BLACKHAWK VOCATIONAL, TECHNICAL & ADULT
EDUCATION DISTRICT #5

For a Referendum Authorizing Implementa-
tion of Fair-Share Agreement between
Said Parties

Case VIII
No. 17636 MR(I)-28
Decision No. 12523

CERTIFICATION OF REFERENDUM

Pursuant to a Direction of Referendum previously issued, the Wisconsin Employment Relations Commission conducted a referendum among certain employes employed by Blackhawk Vocational, Technical & Adult Education District #5. The purpose of the referendum was to determine whether a majority of the employes employed in the collective bargaining unit set forth in the Commission's Direction favored the implementation of a "fair-share" agreement between the parties named above.

The result of the referendum was as follows:

- 1. Total number eligible to vote..... 70
- 2. Total ballots cast..... 47
- 3. Total valid ballots counted..... 47
- 4. Ballots cast in favor of implementation
of "Fair-Share" agreement..... 44
- 5. Ballots cast against implementation of
"Fair-Share" agreement..... 3

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.70(1)(h) and (2), Wisconsin Statutes,

IT IS HEREBY CERTIFIED that a majority of the employes eligible to vote in the collective bargaining unit consisting of all teaching staff members, including librarians and Counselors, but excluding all supervisory, clerical and custodial personnel, voted in favor of the implementation of a "fair-share" agreement between Blackhawk Vocational, Technical & Adult Education District #5 and Blackhawk Technical Faculty Federation, AFL-CIO, AFT Local #2308.

Given under our hands and seal at the City of Madison, Wisconsin, this 26th day of March, 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 CERTIFICATION OF REFERENDUM

Following the conduct of the balloting the Commission on March 15, 1974, received a letter from Jack E. Martin, Chairman, Business Division of the Employer, an individual who is not listed among the eligibles in the bargaining unit, wherein he contended, in effect, that notices with regard to the election were not properly posted and as a result only the members of the Union were fully aware of the referendum. Upon receipt of said letter a call was directed to the Employer with regard to the posting of the notices, and the Commission was advised that notices were posted on bulletin boards in various areas except one school where the school secretary failed to open the envelope containing the notice.

It should be noted that the number of employes stipulated as being eligible to vote numbered 70. Forty-seven employes cast ballots, 44 of whom voted in favor of the implementation of the fair-share agreement while three voted against such implementation. Assuming that the 23 employes who did not vote had all voted, and had voted against the implementation of the fair-share agreement, the results would have then been 44 in favor as opposed to 27 against. Said results would have established that a majority of the employes in the unit favored the fair-share agreement, and, therefore, the protest to the referendum is denied.

We do not consider the letter sent by a supervisory employe on behalf of employes, under the circumstances involved herein, especially where the Employer has advised that proper notices were posted, except in one instance, to constitute objections to the conduct of the referendum under the rules of the Commission. In any event, had the form of the objections been proper, our determination would have been the same.

Dated at Madison, Wisconsin, this 26th day of March, 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