

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
MRS. ROBERT W. KELLY  
Involving Certain Employees of  
SHOREWOOD JOINT SCHOOL DISTRICT  
NO. 4  
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Case IX  
No. 16616 ME-896  
Decision No. 12649

Appearances:

Mrs. Robert W. Kelly, appearing on behalf of Petitioner.  
Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. John S. Williamson, Jr., and Mr. Howard Janco, appearing on behalf of the Union.  
Mr. Laurence C. Hammond, Jr., Attorney at Law and School Board Member, appearing on behalf of the Municipal Employer.

DIRECTION OF ELECTION

Mrs. Robert W. Kelly having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission conduct an election pursuant to Sec. 111.70 of the Wisconsin Statutes among certain employees of Shorewood Joint School District No. 4; and hearings on such petition having been conducted at Milwaukee, Wisconsin on April 19, 1973, March 13 and April 19, 1974, Marshall L. Gratz, Hearing Officer, being present; and during the course of said hearings, the parties having agreed to the unit appropriate for collective bargaining; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the above-named 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 thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time aides employed by Shorewood Public School District No. 4, including clerical and instructional aides, but excluding cafeteria aides, instructional material aides at the Lake Bluff, Atwater and Intermediate Schools of the District, supervisors, confidential employees, managerial employees and executives employed by the Municipal Employer on April 24, 1974, except such employees as may prior to the election quit their employment or be discharged for cause, for the

purpose of determining whether or not a majority of such employees voting desire to be represented by Local 1486 affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, for the purposes of collective bargaining with the above-named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 24th day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant Petition, filed on March 9, 1973, requested a decertification election. An initial hearing was held on April 19, 1973 at which time the parties stipulated to the appropriateness of a modification <sup>1/</sup> of the unit description set forth in the existing certification <sup>2/</sup> by which modification instructional material aides who work at three designated locations were specifically excluded. At that hearing the Union took the position that a complaint of prohibited practices filed by the Union against the above-named Municipal Employer <sup>3/</sup> should block processing of the Petition. Thereafter, the Petition was held in abeyance until Case VII was resolved by Order of the Commission dated January 4, 1974. <sup>3/</sup>

Hearing was reconvened on March 31, 1974 at which time the Union again asserted that the instant Petition was blocked by the pendency of a new complaint filed by the Union against the Municipal Employer. <sup>4/</sup> Again, the instant Petition was held in abeyance pending a resolution of that Complaint.

Then, on April 19, 1974, the complaint in Case XII was withdrawn with prejudice by Complainant, pursuant to an agreement between Complainant and the Municipal Employer entered into on that date. Consequently, there being no further bar to the proceeding, the Commission has ordered an election in the stipulated bargaining unit.

In view of the small number of eligibles involved and of the considerable passage of time between the first hearing herein and the date of Direction, the Municipal Employer shall transmit a tentative list of eligibles to both the Petitioner and the Union, a vote shall be conducted as expeditiously as possible and any disputes concerning eligibility shall be resolved by way of challenge.

Dated at Madison, Wisconsin, this 24th day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

1/ Shorewood Joint School District No. 4, Dec. No. 10685 (1/72).

2/ Case VII, filed on 11/6/72.

3/ Decision No. 11410-C (1/74).

4/ Case XII, filed on 3/12/74.