

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
LOCAL 317, INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
Involving Certain Employees of  
MENOMONEE FALLS JOINT SCHOOL  
DISTRICT NO. 1  
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Case IX  
No. 17806 ME-1048  
Decision No. 12749

Appearances:

Shneidman & Myers, Attorneys at Law, by Mr. Howard N. Myers,  
appearing on behalf of the Petitioner.  
Mulcahy & Wherry, S.C., Attorneys at Law, by Mr. John F. Maloney,  
appearing on behalf of the Municipal Employer.  
Mr. Robert W. Lyons, Representative, appearing on behalf of  
Wisconsin Council of County and Municipal Employees (District  
Council 40); AFSCME, AFL-CIO.  
Mr. Kenneth L. Tesser, President, appearing on behalf of Menomonee  
Falls Custodians' Association.

ORDER OF DISMISSAL

Local 317, International Union of Operating Engineers having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employees of Menomonee Falls Joint School District No. 1; and hearing on such petition having been conducted at Milwaukee, Wisconsin, on May 21, 1974, Marshall L. Gratz, Hearing Officer, being present; and at the outset of said hearing, the above named Petitioner having indicated, in writing, its intent to withdraw its petition; and no objection from any party having been expressed with respect to said withdrawal; and the Commission having considered the evidence and being satisfied that said petition should be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition in the above-noted case be, and the same hereby is, dismissed.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 3rd  
day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Petitioner in its petition claimed to represent the bargaining unit presently represented by the Menomonee Falls Custodians' Association. That Association and the Municipal Employer are parties to a collective bargaining agreement covering that bargaining unit which agreement terminates by its terms on June 30, 1974. Prior to the hearing in the instant matter, the Commission received correspondence from the Wisconsin Council of County and Municipal Employees expressing a desire to intervene in the instant proceeding and asserting that an expanded unit description would be appropriate.

At the hearing on May 21, 1974, before any motion to intervene was entertained, the Petitioner requested in writing to withdraw its petition. None of the parties appearing objected, and the Hearing Officer thereupon closed the hearing.

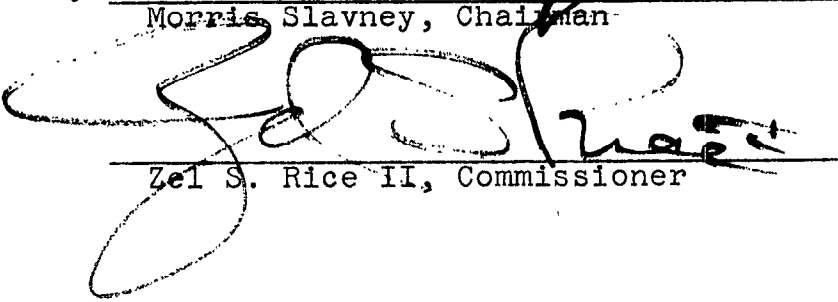
Following the close of said hearing, discussions continued among the Municipal Employer and representatives of Wisconsin Council of County and Municipal Employees (WCCME) and of the Menomonee Falls Custodians' Association. Pursuant to those discussions, WCCME filed a petition of its own, and a hearing was conducted with respect to said petition. A Direction of Election is today being issued with respect to said WCCME petition.1/

Dated at Madison, Wisconsin, this 3rd day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

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1/ Case X, No. 18002, ME-1069, Decision No. 12750 (6/74)