

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	
Involving Certain Employes of	:	Case X
	:	No. 18002 ME-1069
	:	Decision No. 12750
MENOMONEE FALLS JOINT SCHOOL DISTRICT	:	
#1 OF THE VILLAGES OF MENOMONEE FALLS,	:	
BUTLER AND LANNON, WAUKESHA COUNTY,	:	
WISCONSIN	:	

Appearances:

Mulcahy & Wherry, S.C., Attorneys at Law, by Mr. John F. Maloney; and Mr. Richard Philipson, Director of Business Services, appearing on behalf of the Municipal Employer.

Mr. Robert W. Lyons, Representative, appearing on behalf of the Petitioner.

Mr. Kenneth L. Tesser, President, appearing on behalf of Menomonee Falls Custodians' Association.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employes of Menomonee Falls Joint School District #1 of the Villages of Menomonee Falls, Butler and Lannon, Waukesha County, Wisconsin; and hearing on such petition having been conducted on May 21, 1974, at Milwaukee, Wisconsin, Marshall L. Gratz, Hearing Officer, having been present; and Menomonee Falls Custodians' Association being permitted to intervene in the proceeding on its claim that it presently represents the employes involved; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of Menomonee Falls Joint School District #1 of the Villages of Menomonee Falls, Butler and Lannon, Waukesha County, Wisconsin;

NOW, THEREFORE, it is


DIRECTED

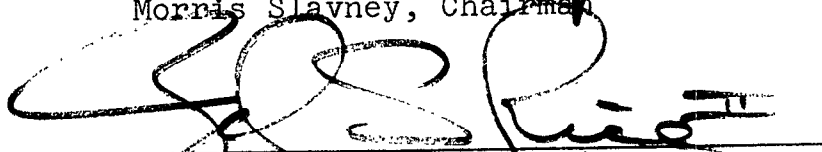
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time maintenance and custodial employes, including the laundry operator of Menomonee Falls Joint School District #1, excluding managerial, professional, supervisory, food service, clerical, teachers' aides and casual employes, who were employed on May 21, 1974, except such employes as may prior to the

election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Menomonee Falls Custodians' Association or by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by neither of those labor organizations, for the purposes of collective bargaining with Menomonee Falls Joint School District #1 concerning wages, hours and conditions of employment.

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 DIRECTION OF ELECTION

The instant petition was drafted and filed in the presence of the parties on May 21, 1974, following the withdrawal of a similar petition which had been filed by a third labor organization and which was withdrawn on the date of hearing.1/

The parties stipulated that the Menomonee Falls Custodians' Association is presently the voluntarily recognized representative of the full-time maintenance and custodial employes of the Municipal Employer and that those parties have a collective bargaining agreement terminating as of June 30, 1974.

The parties further stipulated that the instant petition could be processed without further hearing on the condition that WCCME provide to the Commission a 30 percent showing of interest with respect to the bargaining unit claimed. On May 27, 1974, WCCME supplied the Hearing Officer with such showing of interest.2/

Pursuant to stipulation, the Municipal Employer, on May 24, 1974, supplied the Hearing Officer with an eligibility list with respect to which no objection has been raised within the period for such objections agreed upon by the parties.

There were no objections raised as to the appropriateness of the bargaining unit claimed, and the Commission has directed an election in that unit. The parties stipulated that the food service, clerical, teacher aide and professional teaching employes of the Municipal Employer are presently represented by other labor organizations.


The parties also reached the following understandings: (1) That student sweepers as presently utilized by the Municipal Employer constitute casual employes within the meaning of the unit description; (2) That the "custodian A" now performing catering work ten months of the year and custodial work two months of the year is to be included with custodial employes and does not come within the "food service" exclusion in the unit description; and (3) That by reason of their present mix of duties and responsibilities, the following persons are ineligible to vote due to the supervisory status of their positions: the maintenance department foreman, the superintendent of buildings and grounds, and the operations foremen at North and East High Schools and at Franklin and Jefferson Schools.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rise II, Commissioner

1/ Said petition was dismissed (Decision No. 12749), and the instant Petitioner, which had intervened in that matter, was left in the position of being an intervenor in a case which was to be dismissed. For that reason, the instant petition was filed under the above-noted circumstances without objection from any party.

2/ An administrative determination by the Commission indicates that the showing of interest was sufficient to warrant the processing of the petition.