STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

NORTHWEST UNITED EDUCATORS

Involving Certain Employes of

BARRON JOINT SCHOOL DISTRICT NO. 1

Case II No. 17790 ME-1044 Decision No. 12771-A

ORDER DENYING PETITION

Petition having been filed with the Wisconsin Employment Relations Commission by Northwest United Educators requesting that a representation election be conducted pursuant to sec. 111.70(4)(d) of the Municipal Employment Relations Act, among non-supervisory cooks and custodians employed by Barron Joint School District No. 1, for the purpose of determining what, if any, representation such employes desired for collective bargaining; and the commission by its hearing officer, Robert M. McCormick, having conducted a hearing in the matter on June 4, 1974, at Barron, Wisconsin, during the course of which the petitioner requested that it be permitted to withdraw its petition; and the municipal employer having stipulated at the hearing that said petition should be dismissed; and the parties having agreed to execute a voluntary recognition agreement covering "nonsupervisory food service personnel" employed by the municipal employer; and, on the basis of said request and stipulation, the commission having issued an order dismissing said petition 1/; and thereafter, on March 21, 1977, said municipal employer having filed a petition with the commission requesting that the commission issue an order decertifying said union as the representative of said employes, based on a stipulation executed by Northwest United Educators that it agreed to the entry of such an order because it no longer represented a majority of said employes; and the commission being fully advised in the premises and being satisfied that said petition for decertification be denied for the reason that Northwest United Educators has never been certified by the commission as the collective bargaining representative of the employes involved;

NOW, THEREFORE, it is

ORDERED

That the petition seeking decertification of Northwest United Educators as the representative of food service employes employed

Decision No. 12771, dated June 7, 1974.

by Barron Joint School District No. 1, be, and the same hereby is, denied.

Given under our hands and seal at the City of Madison, Wisconsin this 31st day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

Herman Torosian, Commissioner

Charles D. Hoornstra, Commissioner

BARRON JOINT SCHOOL DISTRICT NO. 1, II, Decision No. 12771-A

MEMORANDUM ACCOMPANYING ORDER DENYING PETITION

As indicated in the preface of our order, the district extended voluntary recognition to the Northwest United Educators as the collective bargaining representative of the employes involved, therefore the commission dismissed the election petition filed prior thereto, requesting an election among said employes, and no election was conducted and no certification was issued by the commission.

In its petition seeking a "decertification" order, the district attached a copy of a letter distributed to employes in the unit, dated February 17, 1977, indicating that Northwest United Educators, as of July 1, 1977, "will no longer be serving as your collective bargaining agent. It is apparent that we lack the majority in the bargaining unit." While we are satisfied that following June 30, 1977, Northwest United Educators will no longer represent, or claim to represent, the employes involved, since the Northwest United Educators was not certified as the bargaining representative, there is no certification to be set aside.

Dated at Madison, Wisconsin this 31st day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney,

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Herman Torosian, Commissioner

Charles D. Hoornstra, Commissioner

Chairman