

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFSCME,	:	Case VII
AFL-CIO	:	No. 17660 ME-1030
	:	Decision No. 12814
Involving Certain Employees of	:	
	:	[WERC is using the following
JUNEAU COUNTY (PLEASANT ACRES	:	electronic file name:
INFIRMARY)	:	12814-A]
	:	
	:	

CERTIFICATION OF REPRESENTATIVES

Pursuant to a Direction of Election issued by the Wisconsin Employment Relations Commission in the above entitled matter, the Commission conducted an election pursuant to Section 111.70 of the Wisconsin Statutes, the purpose of which was to determine whether a majority of the eligible employees of the above named Municipal Employer, in the collective bargaining unit set forth in the Commission's Direction, desired to be represented by the above named Union for the purposes of collective bargaining with the Municipal Employer on questions of wages, hours and conditions of employment.

The result of the election was as follows:

Revised Tally Sheet

- 1. Total number claimed eligible to vote..... 34
- 2. Total ballots cast..... 32
- 3. Total ballots remaining challenged..... 4
- 4. Total valid ballots counted..... 28
- 5. Ballots cast for the above named Union..... 17
- 6. Ballots cast against the above named Union..... 11

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.70 of the Wisconsin Statutes;

IT IS HEREBY CERTIFIED that Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, has been selected by a majority of the eligible employees of Juneau County (Pleasant Acres Infirmary) who voted at said election in the collective bargaining unit consisting of all regular full-time and regular part-time employees employed by Juneau County at the Pleasant Acres Infirmary, but excluding the Superintendent, professional employees, craft employees, supervisory employees, and confidential employees, as their representative; and that, pursuant to the provisions of Section 111.70, Wisconsin Statutes,

said Union is the exclusive collective bargaining representative of all the employes in said unit for the purposes of collective bargaining with the above named Municipal Employer, or its lawfully authorized representatives, on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney
Thomas Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING CERTIFICATION OF REPRESENTATIVES

In its Direction of Election previously issued herein the Commission established March 18, 1974 as the eligibility date and any employe who quit their employment or was discharged for cause prior to the date on which the election was to be conducted would not be eligible to vote. Subsequently the Commission set the election for July 25, 1974 and the election was conducted on said date. During the conduct of the election the ballots of Andrew Boyles and Helen Lunde were challenged. The ballot of Boyles was challenged by the Union on the basis that Boyles was the father-in-law of the Superintendent of the institution. The ballot of Helen Lunde was challenged by the County on the basis of the number of hours worked by her. Also during the conduct of the balloting four individuals, whose names were not on the original eligibility list, appeared at the polls to vote. Said individuals were Jo Ann Salava, LaVon Nelson, Nora Hollis and Gladys Miller. The ballot of Jo Ann Salava was challenged by the Union on the basis of Salava's alleged "professional" status. The ballots of Nelson, Miller and Hollis were challenged by the Commission's Elections Agent for the reason that they were terminated prior to the conduct of the balloting. Neither the Union nor the Employer contested said challenges by the Elections Agent. The challenged ballot envelopes indicate that Nelson was terminated on December 16, 1973, that Hollis was terminated on July 15, 1974, and that Miller was terminated on December 28, 1973. The Elections Agent should have informed the first two individuals that they had no right to cast ballots, since they had been terminated prior to the conduct of the balloting. Nelson and Miller had been terminated in December 1973, approximately three months prior to the eligibility date. However, Miller's termination is being contested in a prohibited practice complaint case presently pending before a Hearing Examiner of the Commission, ^{1/} and thus Miller's employment status, as of the date of the election, has not been determined. Miller's ballot therefore will remain challenged. Hollis had been terminated on July 15, 1974, a date between the eligibility date and the date on which the election was conducted.

The Commission concludes that the ballots of Nelson and Hollis should not have been taken as challenged ballots and therefore such challenges are overruled. The Commission has prepared a revised tally sheet, as reflected in the formal portion of the Certification, and since the remaining four challenged ballots would not affect the final results of the election we have issued the Certification.

Should the parties be unable to agree as to the inclusion in, or exclusion of Boyles, Lunde and Salava from, the unit, upon the request of either, the Commission will set hearing to take evidence to determine if any of them should be included in the unit. The determination of Miller's employment status will be determined in the decision rendered in the prohibited practice complaint case.

Dated at Madison, Wisconsin, this 12th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slayney
Morris Slayney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

1/ Juneau County VIII. The Union waived the allegations in the complaint as having any affect on the election.