

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

DISTRICT COUNCIL 40, AFSCME, AFL-CIO

Involving Certain Employees of

GERMANTOWN JOINT SCHOOL DISTRICT NO. 1  
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Case III

No. 18593 ME-1137

Decision No. 13320

DIRECTION OF ELECTION

The above-named Petitioner having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employees of the above named Municipal Employer; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on January 31, 1975, Marshall L. Gratz, Hearing Officer, appearing on behalf of the Commission; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer named above;

NOW, THEREFORE, it is

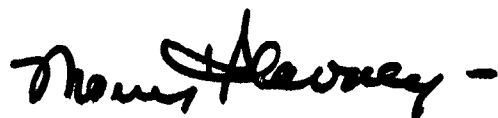
DIRECTED

That an election by secret ballot shall 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 employees of the Germantown Joint School District No. 1, excluding managerial employees, professional employees, supervisory employees, confidential employees, seasonal employees, and employees who work fifteen (15) hours per week or less during either the school year or the calendar year, who were employed by the Municipal Employer on January 31, 1975, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by the above named Union.


Given under our hands and seal at the  
City of Madison, Wisconsin, this 4th  
day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Howard S. Bellman, Commissioner

No. 13320

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the hearing, after considerable discussion, the parties were able to agree that the bargaining unit described in the foregoing Direction of Election is appropriate.

Thereupon, an eligibility list proposed by the Municipal Employer was reviewed. During the course of that review, a dispute arose over the Municipal Employer's assertion that its Head Custodians, Wally Vanderpool and Mel Christofferson, and its Head Cooks, Lorna Backes and Laura Neidhardt, should be excluded from the unit as supervisors.

The parties, recognizing that any time and effort spent on developing a record on and determining those eligibility issues would be wasted in the event that the Union lost the election, agreed as follows:

1. That the election be conducted without delay with the ballots of the four individuals named above being challenged by stipulation;
2. If ballots cast by one or more of the four employees named above could affect the outcome of the election, a hearing would be scheduled forthwith by the Hearing Officer and a determination would be made by the Commission as to the eligibility of such individuals prior to the submission of a final tally and the issuance of a certification of the results of the election;
3. If the ballots of none of the four above mentioned individuals could affect the outcome of the election and the Union prevails in the election, a certification of that result would be issued and the status of said four employees would be determined pursuant to a subsequent Stipulation for Declaratory Ruling to be filed by the parties; following such certification, bargaining would proceed except that bargaining as to items specifically relating to the four above-noted positions would await the Commission's determination in the aforesaid Declaratory Ruling proceeding;
4. If none of the ballots cast by the four employees named above could affect the outcome of the election and the Union does not prevail in the election, a certification of that result would be issued and the challenges, being moot, would not require determination.

The Commission is satisfied that the agreed upon bargaining unit and the mode of proceeding noted above are appropriate. It is our understanding that the Municipal Employer will supply to the Union and to the Commission an alphabetized list of eligibles pursuant to discussions had at the hearing.

Dated at Madison, Wisconsin, this 4th day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner