

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

LACROSSE COUNTY

Case XXVIII
No. 18520 ME-1131
Decision No. 13405-A

ORDER DISMISSING OBJECTIONS TO CONDUCT OF ELECTION

Pursuant to a Direction 1/ previously issued by it, the Wisconsin Employment Relations Commission, on March 27, 1975, conducted an election among certain specified employes of the LaCrosse County, for the purpose of determining whether a majority of such employes voting desired to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; and on March 27, 1975, immediately following the conduct of such election the Commission's agent served upon representatives of said Municipal Employer and labor organization a tally sheet indicating that a majority of such employes voting desired such representation; and on April 4, 1975, the Municipal Employer filed objections to said election; and the Commission having considered said objections and being convinced that they are untimely, and therefore should be dismissed;

NOW, THEREFORE, it is

ORDERED

That the objections to the conduct of the election filed herein be, and the same hereby are, denied.

Given under our hands and seal at the
City of Madison, Wisconsin this 8th
day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney

Morris Slavney, Chairman

Howard S. Bellman

Howard S. Bellman, Commissioner

Handwritten initials and a circled number '7'

MEMORANDUM ACCOMPANYING ORDER DISMISSING
OBJECTIONS TO CONDUCT OF ELECTION


ERB. 11.10 of the Commission's rules provides that post-election objections may be filed within five days after the tally of ballots has been furnished. In this case the tally was so furnished on March 25, 1975. The instant objections were received by the Commission, and therefore "filed" under ERB. 10.08(4), on April 4, 1975. Applying ERB. 10.08(1), which prescribes the method for computing the passage of time in such cases, and not considering Good Friday, which fell on March 28, 1975, to be a "legal holiday" under that rule, the objections were filed six days after the tally of ballots was furnished, and therefore were not timely.


The document considered herein characterizes itself as a "notice of objection," addresses the matter of timeliness for post-election objections, and requests that no certification of the results of the election be issued until its allegations are considered. On that basis we have ruled herein under the rules specified.

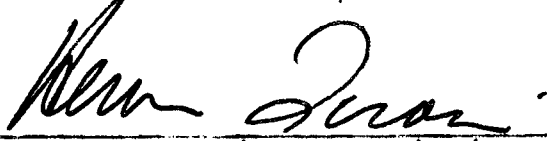
However, the document also refers to "unfair labor practices," speaks of a "complaint," and alleges prohibited practices under Section 111.70(3)(b)1 and (c) of the Municipal Employment Relations. Should the Municipal Employer desire to file an unambiguous complaint of prohibited practices on the basis of the same allegations, the instant determination will not preclude our proceeding on such a complaint. However, in the absence of timely objections, a certification will issue in the instant election proceeding.

Dated at Madison, Wisconsin this 8th day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner