

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
In the Matter of the Petition of

GENERAL DRIVERS, DAIRY EMPLOYEES and  
HELPERS LOCAL UNION NO. 579, affiliated  
with the INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
AND HELPERS OF AMERICA

Case II  
No. 18744 ME-1148  
Decision No. 13442

Involving Certain Employees of  
CITY OF MILTON (POLICE DEPARTMENT)

-----  
Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Thomas J. Kennedy and Mr. Fred Fuller, Business Representative, appearing on behalf of the Petitioner.  
Roethe & Buhrow, Attorneys at Law, by Mr. Jeffery T. Roethe, appearing on behalf of the Municipal Employer.

DIRECTION OF ELECTION

General Drivers, Dairy Employees and Helpers Local No. 579, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America having petitioned the Wisconsin Employment Relations Commission to conduct a representation election, pursuant to the Municipal Employment Relations Act, among certain employees of City of Milton (Police Department), and hearing on said petition having been conducted on February 25, 1975 at Milton, Wisconsin, Kay Hutchison, Hearing Officer, having been present; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all sworn full-time Police Officers in the employ of the City of Milton excluding office and clerical employees, supervisory employees, special police officers and all other employees who were employed on February 25, 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 by General Drivers, Dairy Employees and Helpers Local Union No. 579, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen

No. 13442

and Helpers of America, for the purpose of collective bargaining with the above-named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 18<sup>th</sup> day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

Herman Torosian  
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On January 1, 1974, the Municipal Employer and the Milton Police Officers Association became parties to a collective bargaining agreement covering wages, hours and working conditions of police officers in the employ of said Municipal Employer. Said agreement was to continue in full force and effect until December 31, 1974, "unless either party desires to alter, amend or otherwise change this agreement upon written notice to the other party no sooner than June 1, 1974 and no later than July 1, 1974, or between the first day of June and the first day of July in any year thereafter, this agreement shall be automatically renewed from year to year." The evidence adduced at the hearing indicated that the Association failed to give notice to the Municipal Employer that it desired to reopen the agreement, and, therefore, said agreement automatically renewed itself for at least one year through December 31, 1975.

The petition initiating the instant proceeding was filed by Teamsters on January 20, 1975. During the course of the hearing, at which the Association made no attempt to intervene, the former president of the Association testified that the Association was no longer in existence and made no claim to represent the police officers, four in number, and that such officers had abandoned membership in the Association and had become members of the Teamsters.

Absent the defunctness of the Association, the Commission would have deemed the petition to have been untimely filed since the period for the timely filing of same would have been in a 60-day period prior to June 1, 1974, the date upon which the Association could have opened the agreement. However, since the Association is now defunct, there is no labor organization existing which can administer the agreement. Therefore, the Commission shall not apply the timeliness rule for the filing of petitions, under the circumstances described above, and we find that the petition was not untimely filed, and we have directed an election. If the police officers select the Teamsters as their bargaining representative, the Teamsters will administer the existing agreement and will be bound by its terms, as will the Municipal Employer.

Dated at Madison, Wisconsin this 18<sup>th</sup> day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

Herman Torosian  
Herman Torosian, Commissioner