

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	Case XII
Involving Certain Employes of	:	No. 18854 ME-1160
JANESVILLE JOINT SCHOOL DISTRICT	:	Decision No. 13617-A
NO. 1	:	
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ORDER DENYING MOTION

The Wisconsin Employment Relations Commission, following a hearing conducted in the matter on March 19, 1975, issued a Direction of Election on May 7, 1975, wherein it directed that an election be conducted among all full-time and regular part-time clerical employes and instructional aides employed by Janesville Joint School District No. 1, excluding supervisors, professional, craft and confidential employes, and all other employes, to determine whether said employes desired to be represented for the purposes of collective bargaining by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; that subsequently and on May 14, 1975, the Commission forwarded copies of the Notice of Election to said Municipal Employer and said Labor Organization, which Notices indicate that the election was to be conducted on May 28, 1975; that on May 22, 1975, the Commission received a letter from the President of the Janesville Education Association wherein it was indicated that a certain number of employes of said Municipal Employer, who were employed in the bargaining unit involved in the election, had requested said Association to represent them for the purposes of collective bargaining, and in said letter said Association requested to be placed on the ballot; that on May 22, 1975, the Commission, in writing, notified said Association that the request to intervene was untimely; that thereafter and on May 27, 1975, the Commission received a formal motion from the Association to be placed on the ballot and that said motion was supported by a showing of interest executed by a number of employes in the bargaining unit; and the Commission being satisfied that said motion to intervene received by the Commission one day prior to the balloting is deemed untimely filed and further being satisfied that the motion to intervene be denied; therefore, on May 27, 1975, following the receipt of said formal motion, the Commission notified the parties, by wire, that said motion was denied and that a formal Order, incorporating such denial, would be issued by the Commission;

NOW, THEREFORE, it is

ORDERED

That the motion of the Janesville Education Association to intervene in the instant proceeding and to be placed on the ballot in the election conducted herein be, and the same hereby is, denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
 Morris Slavney, Chairman

Howard S. Bellman
 Howard S. Bellman, Commissioner

Herman Torosian
 Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION

The petition in the instant matter was filed on February 20, 1975. Notices of hearing were sent to the Municipal Employer and to the Petitioner, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO. Pursuant to said Notice, hearing was conducted on the petition on March 19, 1975. Appearances were made by the Petitioner and the Municipal Employer. At no time during the hearing was any evidence adduced or any statement made that any other organization claimed, or might claim, to represent the employees involved. The hearing was closed on March 19, 1975. On May 7, 1975, the Commission issued its Direction of Election, with Accompanying Memorandum, disposing of a number of issues that were raised during the hearing with respect to federally funded positions, part-time employees, Recreation Department employees and confidential employees. On May 14, 1975, the Commission forwarded copies of the Notice of the election to the Municipal Employer and to the Petitioner, which Notice indicated that the election was to be held on May 28, 1975, and further said Notice contained a copy of the sample ballot.

On May 20, 1975, the President of the Janesville Education Association, hereinafter referred to as the Association, directed a letter to the Commission which was received on May 22, 1975, wherein the Association advised that it had not received any notification of the hearing and, therefore, did not have any opportunity to intervene at the hearing. The Association further indicated that it first had knowledge of the election on or about May 19, 1975. In its letter the Association requested to be placed on the ballot. On May 22, 1975, the Commission, over the signature of the Chairman, directed a letter to the Association wherein the Commission indicated that it deemed the request to intervene to be untimely. Thereafter, and on May 27, 1975, the Commission received a formal motion to intervene filed by the Association to be placed on the ballot. In its motion the Association alleged that at the time of the organizational activity by the Petitioner certain employees involved were laboring under an erroneous assumption that representation by the Association was still not possible since previously the Association's constitution did not permit representation of non-professional employees.

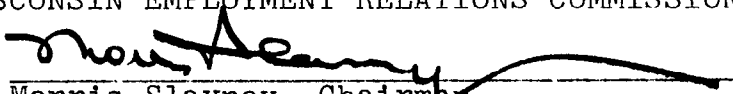
It should be noted that the Association's motion was supported by individual signatures of a number of employees indicating a desire to be represented by the Association. It should further be noted that said showing of interest indicated that the individual employees who executed same all executed the showing of interest on May 27, 1975.

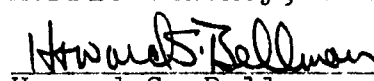
To accept the motion of the Association informally filed on May 22, 1975, six days prior to the election, and the formal motion filed one day prior to the conduct of the election would interfere with the orderly process of the Commission's election proceedings. Furthermore, it should be noted that if the motion were to be granted, the Commission would be required to prepare new ballots and notices, and, in all probability, the Commission could not schedule a new election before the end of the school year.

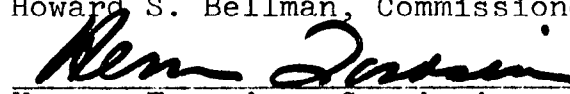
Dated at Madison, Wisconsin, this 29th day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner