

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Stipulation of

SUN PRAIRIE JOINT SCHOOL DISTRICT
NO. 2

and

SUN PRAIRIE EDUCATION ASSOCIATION

For a Referendum Authorizing
Implementation of Fair-Share
Agreement between Said Parties

Case XI
No. 19653 MR(I)-53
Decision No. 14013-A

ORDER DISMISSING OBJECTIONS TO CONDUCT OF
REFERENDUM AND CERTIFICATION OF RESULTS OF REFERENDUM

Pursuant to a Direction of Referendum previously issued by it, the Wisconsin Employment Relations Commission on October 16, 1975, conducted a referendum among certain employes of Sun Prairie Joint School District No. 2, the purpose of which was to determine whether the required number of the employes employed in the collective bargaining unit set forth in the Commission's Direction favored the implementation of a "fair-share agreement" between the parties named above.

The result of the referendum was as follows:

- | | |
|---|-----|
| 1. Total number eligible to vote | 261 |
| 2. Total ballots cast | 158 |
| 3. Total valid ballots counted | 158 |
| 4. Ballots cast in favor of implementation of
Fair-Share Agreement | 124 |
| 5. Ballots cast against implementation of
Fair-Share Agreement | 34 |

That on October 28, 1975, the above named Association filed objections to the conduct of the referendum, some 12 days after the parties had received a copy of the tally of ballots; and the Commission being fully advised in the premises, and being satisfied that the objections were not timely filed within Rule ERB 15.12;

NOW, THEREFORE, it is

ORDERED

That the objections to the conduct of the referendum be, and the same hereby are, dismissed.

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.70(1)(h) and (2), Wisconsin Statutes,

IT IS HEREBY CERTIFIED that the required number of the employes employed in the collective bargaining unit consisting of all professional staff members, excluding principals, business managers, director of instruction, athletic director, social workers, school psychologists and the school district administrator, failed to vote in favor of the implementation of a "fair-share agreement" between Sun Prairie Joint School District No. 2 and Sun Prairie Education Association.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of February, 1976.

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 DISMISSING OBJECTIONS TO CONDUCT OF
REFERENDUM AND CERTIFICATION OF RESULTS OF REFERENDUM

Following the physical conduct of the balloting herein on Thursday, October 16, 1975, representatives of the Municipal Employer and the Association, as well as the Commission's agent conducting the balloting, executed the tally sheet reflecting the results of the balloting, and copies thereof were retained by the parties. On October 28, 1975, the Commission received a letter from the President of the Association, dated October 23, 1975, which, in effect, objected to the conduct of the balloting, contending that the notice with respect to the referendum contained the wrong date, that there was no allowance made for absentee ballots and that the Association was unaware that a mail ballot was possible. It is to be noted that Rule ERB 15.12 sets forth, in effect, that objections to the conduct of a referendum must be filed "within 5 days after the tally of ballots has been furnished . . ." Said objections were filed 12 days after the conduct of the balloting and, thus, were not timely.

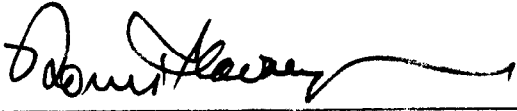
Because of the untimely filing of the objections, the Commission has issued the Certification of the results of the referendum.

In follow-up correspondence dated November 17, 1975, over the signature of the President of the Association, and received by the Commission on November 21, 1975, the President stated that prior to the referendum she spoke to the Commission's election clerk with respect to the incorrect date, who advised her that the date should be changed. The President of the Association did not contend that all the notices were not changed.


It is to be further noted that the instant proceeding was initiated by a stipulation which included an agreement that the referendum be conducted on Thursday, October 16, 1975. Neither party requested absentee ballots nor was there any inquiry made with respect to a mail ballot. It is to be understood that the basis for the dismissal of the objections is premised on the fact that the objections were not timely filed. However, the Commission does not desire to leave the impression that the objections, otherwise, would be meritorious.

Dated at Madison, Wisconsin, this 12th day of February, 1976.

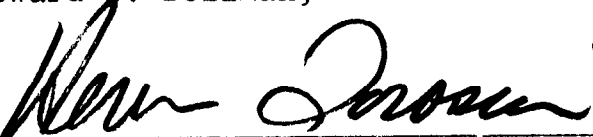
WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 

Morris Slavney, Chairman



Howard S. Bellman, Commissioner



Herman Torosian, Commissioner