

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case LX
No. 20951 MR(I)-64
Decision No. 15134

The above named parties having filed a stipulation requesting the Commission to conduct a referendum among food service employees in the employ of the above named Municipal Employer, and as a part of that stipulation, the parties having agreed upon the employees eligible to participate in the referendum; and the Commission being satisfied that a referendum should be conducted to determine whether a majority of the eligible employees in said collective bargaining unit favor the implementation of a "fair-share agreement" between Madison Metropolitan School District and Municipal Employees Local 60, WCCME, AFSCME, AFL-CIO;

NOW, THEREFORE, it is

DIRECTED


That a referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission among eligible employees in the collective bargaining unit consisting of all food service employees in the employ of Madison Metropolitan School District, excluding managerial, supervisory and confidential employees, as well as school aides performing cashier duties, and student employees, who were employed as of September 13, 1976, except such employees as may prior to the referendum quit their employment or be discharged for cause, to determine whether a majority of those employees eligible to vote favor the implementation of a "fair-share agreement" between the parties. 1/

Given under our hands and seal at the
City of Madison, Wisconsin, this 22nd
day of December, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Morris Slavney, Chairman



Herman Torosian, Commissioner

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

1/ See attached Memorandum with respect to the eligibles.

MEMORANDUM ACCOMPANYING
DIRECTION OF REFERENDUM

As part of the stipulation filed herein the parties included the portion of their collective bargaining agreement containing a fair-share agreement which will be implemented should a simple majority of those eligible to vote favor the implementation thereof. The collective bargaining agreement sets forth said agreement as follows:

"The provisions of this clause shall be subject to the duty of the Wisconsin Employment Relations Commission.

Fair Share: A referendum will be conducted by WERC. A simple majority of those eligible to vote will determine the outcome. Eligibility to vote as of 9-13-76, to be:

- a) All current Union members
- b) All employees working an average of 19 or more hours per week.

If the referendum passes, then Fair Share applies to:

- a) All employees working an average of 19 or more hours per week.
- b) All new hires
- c) All employees who are members as of 9-13-76 or who become Union members thereafter
- d) Fair share/dues shall be voluntary to all employees as of 9-13-76 working less than an average of 19 hours per week."

Along with the stipulation, the parties submitted an eligibility list based on the payroll as of September 13, 1976. Said list contained all current members of the Union regardless of the number of hours worked by them, as well as all food service employees working an average of 19 or more hours per week as of September 13, 1976. Therefore, only employees meeting such requirements will be eligible to vote in the referendum.

Dated at Madison, Wisconsin, this 22nd day of December, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Charles D. Hoofnstra, Commissioner