

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SAUK COUNTY

Case XIII  
No. 21269 ME-1401  
Decision No. 15315-B

The Wisconsin Employment Relations Commission, having on October 6, 1981, issued Findings of Fact, Conclusions of Law and Order Clarifying Bargaining Unit in the above-entitled matter, wherein, among other issues, the Commission determined that certain employees employed by Sauk County in its Commission on Aging were properly included in a collective bargaining unit consisting of all employees of Sauk County Courthouse, and clerical employees of the Sauk County Highway Department, excluding supervisory, professional, confidential and craft employees, and law enforcement employees with the power of arrest, which unit is presently represented by Teamsters Union Local 695 for the purpose of collective bargaining; and on October 26, 1981, said Local 695 having filed a Motion requesting the Commission to supplement said Order with a ruling that Sauk County submit fair share deductions, taken from the wages of certain employees employed in said unit, and being held in escrow by Sauk County, to said Local 695; and Sauk County having submitted a response to said Motion, contending that the subject matter thereof is not properly before the Commission in the instant proceeding; and the Commission, being fully advised in the premises, and being satisfied that the Motion should be denied;

ORDERED

Given under our hands and seal at the  
City of Madison, Wisconsin this 24th  
day of November, 1981.

By Gary L. Covelli  
Gary L. Covelli, Chairman

Morris Slavney  
Morris Slavney, Commissioner

Herman Torosian  
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION TO SUPPLEMENT

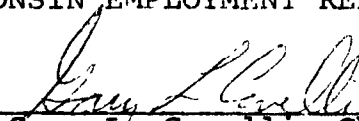
We conclude that a unit clarification proceeding is not the appropriate forum for a resolution of the issue as to the proper disposition of the escrowed fair share funds, and therefore, we have denied the motion made by Local 695.

However, in a complaint proceeding initiated by Local 695 in February 1980, said union alleged, among other things, that the County had committed certain prohibited practices by failing to turn over certain fair-share deductions to it in violation of the collective bargaining agreement then existing between the parties. Hearing in the matter was conducted on May 27, 1980, and during the course of said hearing the parties agreed to hold that portion of the complaint in abeyance pending the Commission's determination of the issue involved in the unit clarification petition. The Examiner issued his decision in the complaint case on March 23, 1981. 1/ A petition requesting review thereof was filed with the Commission on May 13, 1981. Such matter is presently pending before the Commission. However, there is nothing to prevent Local 695 from now requesting that the allegation, which was held in abeyance, severed and heard in a separate prohibited practice proceeding.

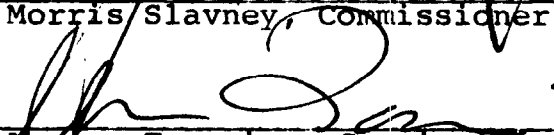
Dated at Madison, Wisconsin this 24th day of November, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
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Gary I. Covelli, Chairman

  
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Morris Slavney, Commissioner

  
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Norman Torosian, Commissioner

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1/ Sauk County, Dec. No. 17657-C