

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 In the Matter of the Petition of :
 :
 GREEN BAY PUBLIC WORKS DEPARTMENT :
 EMPLOYEES ASSOCIATION :
 :
 Involving Certain Employees of :
 :
 CITY OF GREEN BAY (DEPARTMENT OF :
 PUBLIC WORKS) :
 :

Case LXV
 No. 22801 ME-1523
 Decision No. 16399-B

ORDER FOR HEARING

The Wisconsin Employment Relations Commission having, on June 28, 1978, conducted an election among certain employees of the City of Green Bay (Department of Public Works) for the purpose of determining whether said employees desire to be represented for the purposes of collective bargaining by Green Bay Public Works Department Employees Association, or by Teamsters Local No. 75, or by Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, or by none of said organizations; and during the course of the election the Commission's agent conducting the election having challenged the ballot of David Heath, and also during the course of the election the Municipal Employer having challenged the ballot of James DeGreef; and thereafter the City having notified the Commission that it desired to withdraw its challenge to the ballot of James DeGreef, while Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, having advised the Commission that it desired to challenge the ballot of James DeGreef; and further following the conduct of the election the Commission having, in writing, contacted the parties indicating that if no objection was received by the Commission, on July 31, 1978, it would open the ballot of David Heath and include his ballot in the tally of ballots; and no such objection having been filed by any party and the Commission having opened the ballot of David Heath and included same in the tally of ballots; however, the Commission being satisfied that the ballot of James DeGreef might affect the results of the election, therefore, the Commission being satisfied that a hearing be conducted to determine the challenge of James DeGreef;

NOW, THEREFORE, it is

ORDERED

That a hearing be conducted by an Examiner on the Commission's staff on Monday, August 21, 1978 at 9:30 a.m. in the City Hall, for the purpose of taking evidence with regard to the challenged ballot of James DeGreef.

Given under our hands and seal at the
 City of Madison, Wisconsin, this 15th
 day of August, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 Morris Slavney, Chairman

Berman Torosian
 Berman Torosian, Commissioner

Marshall L. Gratz
 Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER FOR HEARING

Pursuant to a Direction issued by it, the Commission conducted an election among the employes involved on June 28, 1978. The original tally of ballots indicated the following:

1.	Eligible to vote	170
2.	Ballots cast	141
3.	Ballots challenged	2
4.	Valid ballots counted.	139
5.	Ballots cast for Green Bay Public Works Department Employees Association	13
6.	Ballots cast for Teamsters Local No. 75.	70
7.	Ballots cast for Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO	56
8.	Ballots cast for no representation	0

During the election the Municipal Employer challenged the ballot of James DeGreef contending that he was a supervisor. The ballot of David Heath was challenged by the Commission's agent only because Heath's name did not appear on the eligibility list. Subsequent to the election the Commission solicited the positions of the parties with respect to the two challenged ballots. None of the parties objected to the eligibility of David Heath to vote in the election and therefore on July 31, 1978, pursuant to advance notice to the parties, the Commission opened the ballot of David Heath. The inclusion of Heath's ballot in the results of the election indicated the results now to be as follows:

1.	Eligible to vote	170
2.	Ballots cast	141
3.	Ballots challenged	1
4.	Valid ballots counted.	140
5.	Ballots cast for Green Bay Public Works Department Employees Association	13
6.	Ballots cast for Teamsters Local No. 75.	70
7.	Ballots cast for Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO	57
8.	Ballots cast for no representation	0

Prior to the opening of Heath's ballot the City indicated its desire to withdraw its challenge to the ballot of James DeGreef. However, Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, indicated that had not the City challenged DeGreef's ballot it would have challenged DeGreef's ballot. Since it appears that DeGreef's ballot may affect the outcome of the election, we are ordering a hearing to take evidence in order for the Commission to determine whether DeGreef is eligible to vote in the election.

Dated at Madison, Wisconsin, this 15th day of August, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Marshall L. Gratz
Marshall L. Gratz, Commissioner