

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

NORTHERN COMMUNITY MENTAL HEALTH
CENTER, INC.

Case I
No. 23153 ME-1556
Decision No. 16479

Northern Mental Health Employee Association, having filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act, among certain employees in the employ of Northern Community Mental Health Center, Inc., Ashland, Wisconsin, for the purpose of determining whether the required number of such employees desired to be represented by the said Association; and prior to the conduct of the hearing on said petition said Association having, in writing, advised the Commission that it wished to withdraw its petition; and the Commission being satisfied that the petition should be dismissed without prejudice;

ORDERED

That the petition filed in the above matter be, and the same hereby is, dismissed without prejudice.

Given under our hands and seal at the
City of Madison, Wisconsin, this 3rd
day of August, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney / Chairman

Herman Torosian, Commissioner

Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

The petition herein was filed by the Association on July 16, 1978, and on June 27, 1978, a notice was issued setting hearing for July 25, 1978. On July 7, 1978, the Commission received a letter from Counsel for the Employer requesting another hearing date, and in addition, advised that the Employer objected to the Commission's jurisdiction to proceed under the Municipal Employment Relations Act, contending that the Employer was not a municipal employer as defined in Section 111.70(1)(a) of the Municipal Employment Relations Act. Employer's Counsel further objected to the description of the bargaining unit set forth in the petition and claimed to be appropriate by the Association.

On July 11, 1978, the Commission's Hearing Examiner issued a notice rescheduling the hearing for Monday, July 24, 1978. On July 17, 1978, the representative of the Association telephonically advised the Hearing Examiner that the Association intended to file a petition for an election with the National Labor Relations Board, and thereupon hearing in the matter was cancelled. On July 26, 1978, the Commission received a written communication from the Association indicating that it had determined to file a petition with the National Labor Relations Board, and further it requested the Commission to dismiss the petition filed herein.

The Commission is dismissing the petition without prejudice to permit the Association to refile a petition under the Wisconsin Employment Peace Act or the Municipal Employment Relations Act, whichever is appropriate, should the National Labor Relations Board decline to exercise its jurisdiction over the instant Employer.

Dated at Madison, Wisconsin this 3rd 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