STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
SOCIAL SERVICES WORKERS' ASSOCIATION
Involving Certain Employes of

LINCOLN COUNTY (DEPARTMENT OF SOCIAL SERVICES)

Case XX No. 23622 ME-1590 Decision No. 16845-A

ORDER SETTING ASIDE RESULTS OF ELECTION AND DIRECTION OF NEW ELECTIONS

Pursuant to a Direction of Elections, dated January 16, 1979, the Wisconsin Employment Relations Commission conducted elections on March 16, 1979, among all regular full-time and regular part-time professional employes in the employ of Lincoln County (Department of Social Services) for the purpose of determining whether: (1) a majority of the eligible employes in said voting group desired to be included along with non-professional employes in a bargaining unit of all regular full-time and regular part-time employes of Lincoln County Department of Social Services. Thereafter, within five working days after the elections it was brought to the Commission's attention that the wording of its notices and ballot in the unit determination election was ambiguous. Because of this ambiguity both parties agree that both elections among the professional employes should be re-run by a mail ballot and the Commission is satisfied that the results of the elections conducted on March 16, 1979, be set aside and that said election should be re-run;

NOW, THEREFORE, it is

ORDERED

That the elections conducted on March 16, 1979, among the professional employes in the employ of Lincoln County (Department of Social Services) be, and the same hereby are, set aside; and it is further

ORDERED

That elections by mail ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Order in the following voting group for the following stated purposes:

All regular full-time and regular part-time professional employes in the employ of Lincoln County Department of Social Services, excluding managerial, supervisory, confidential, and all other employes who were employed on February 16, 1979, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining:

(1) Whether a majority of the eligible employes in said voting group vote to be included along with non-professional employes in a bargaining unit consisting of all regular full-time and regular part-time employes in the employ of Lincoln County Department of Social Services, excluding managerial, supervisory and confidential employes.

(2) Whether a majority of such employes voting vote to be represented by Social Services Workers' Association for the purposes of collective bargaining with Lincoln County on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 2nd day of April, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morgis Slavney, Chairman

Herman Torosian, Commissioner

Marshall L. Gratz, Commissioner

LINCOLN COUNTY (DEPARTMENT OF SOCIAL SERVICES), XX, Decision No. 16845-A

MEMORANDUM ACCOMPANYING ORDER SETTING ASIDE RESULTS OF ELECTION AND DIRECTION OF NEW ELECTIONS

On March 16, 1979, pursuant to a Direction issued by it, the Commission directed that elections be conducted in two voting groups of employes employed in the Department of Social Services of Lincoln County. Voting Group No. 1 consisted of all regular full-time and regular part-time employes excluding professional employes. The employes in said voting group were given a ballot to determine whether they desired to be represented by Social Services Workers' Association. The second voting group consisted of all professional employes in the employ of the Department of Social Services of Lincoln County, and said employes were given ballots to determine whether they desired the Social Services Workers' Association to represent them and further whether they desired to be included in a bargaining unit with non-professional employes.

In the representation election conducted among the employes in Voting Group No. 1, 11 employes cast ballots, 6 voted in favor of representation by the Social Services Workers' Association and 5 voted against such representation.

In Voting Group No. 2, 5 out of the 6 eligible professionals voted, 4 voting in favor of representation by said Association and 1 against. In the unit determination election all 5 professionals voting voted against inclusion in a single unit with non-professional employes. Within five days of the issuance of the tally sheet Counsel for the Association filed objections to the elections conducted among the professional employes, contending that the professional employes misunderstood the wording on the unit question 1/ and voted exactly opposite to their intentions. Counsel for the Municipal Employer responded to said objections, contending that it would be improper to order a new election without a new petition or some other evidence regarding the matter. Subsequently, both Counsel agreed to a re-run of both the representation and unit determination elections among the professional employes. We have, therefore, set aside the results of the previous elections among the professional employes and have directed that new elections be conducted wherein said professional employes are given the opportunity to vote on both their representation and the unit question. The parties agreed that said elections could be conducted by mail ballot.

Dated at Madison, Wisconsin this 2nd day of April, 1979.

Markatl L. Gratz, Commissioner

The notice and ballot inadvertently included the words "professional employes" among the listed exclusions in the proposed bargaining unit. It is probable that this error may have caused some employes to vote "no" when their intent was to vote "yes" on the question of the merger of the two units.