

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
WISCONSIN COUNCIL OF COUNTY AND :
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO : Case XII
Involving Certain Employes of : No. 24418 ME-1656
PEPIN COUNTY : Decision No. 17073-A

CERTIFICATION OF RESULTS OF ELECTIONS
AND DIRECTION OF ELECTION

The Wisconsin Employment Relations Commission, on June 27, 1979, conducted elections among certain employes of Pepin County, pursuant to a Direction of Elections 1/ previously issued by it, whereby all regular full-time and regular part-time professional social workers employed by the Pepin County Department of Social Services, excluding supervisory and confidential employes (Voting Group No. 2) were given the opportunity to vote on: (1) whether a majority of the employes in said voting group desired to be included in the bargaining unit consisting of all regular full-time and regular part-time non-professional employes of the Pepin County Department of Social Services, the Pepin County Nurses Department, and the Pepin County Office of Aging, excluding managerial, supervisory and confidential employes (Voting Group No. 1); and (2) whether a majority of such employes voting desired to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of collective bargaining with Pepin County on questions of wages, hours and conditions of employment. The results of the unit determination vote among Voting Group No. 2 were as follows:

1. Total number eligible to vote..... 2
2. Total ballots cast..... 1
3. Total valid ballots counted..... 1
4. Ballots cast in favor of inclusion in
Voting Group No. 1..... 1
5. Ballots cast against inclusion in
Voting Group No. 1..... 0

The Commission's elections agent conducting the votes erroneously assumed 2/ that the required number of eligible professional employes in Voting Group No. 2 had voted in favor of inclusion in the non-

professional bargaining unit identified as Voting Group No. 1, and pursuant to the Commission's usual procedure, co-mingled the one ballot cast in that election with the representation ballots cast by the employees in Voting Group No. 1; thus the results of the representation election in Voting Group No. 1, as reflected on the tally sheet, were as follows:

1.	Total number assumed eligible to vote.....	20 <u>3/</u>
2.	Total ballots cast.....	17
3.	Total valid ballots counted.....	17
4.	Ballots cast for Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO.....	11
5.	Ballots cast against Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO.....	6

Based on the above and foregoing, the Commission issues the following

CERTIFICATION OF RESULTS OF ELECTIONS

Since the balloting among the employees in Voting Group No. 2 to determine their desires with respect to the appropriate bargaining unit was properly conducted, the Commission hereby certifies that a majority of all regular full-time and regular part-time professional social workers employed by the Pepin County Department of Social Services, excluding supervisory and confidential employees failed to vote to be included in the same collective bargaining unit along with all regular full-time and regular part-time non-professional employees of the Pepin County Department of Social Services, the Pepin County Nurses Department, and the Pepin County Office of Aging, excluding managerial, supervisory and confidential employees, and, therefore, all regular full-time and regular part-time professional social workers employed by the Pepin County Department of Social Services, excluding supervisory and confidential employees constitutes a distinct and separate bargaining unit from the employees of Pepin County.

IT IS FURTHER CERTIFIED that all regular full-time and regular part-time non-professional employees of the Pepin County Department of Social Services, the Pepin County Nurses Department, and the Pepin County Office of Aging, excluding managerial, supervisory and confidential employees selected Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO as their collective bargaining representative.

IT IS FURTHER DIRECTED that an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive among all regular full-time and regular part-time professional social workers employed by the Pepin County Department of Social Services, excluding supervisory and confidential employees, who were employed


3/ This figure and the other figures included the one ballot which was erroneously co-mingled.

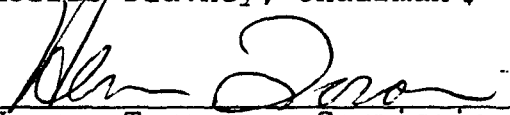
on December 5, 1979, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees voting desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO for the purposes of collective bargaining with Pepin County on questions of wages, hours and conditions of employment.

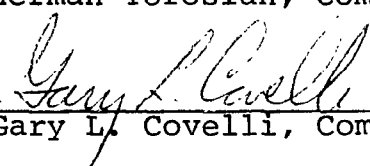
Given under our hands and seal at the City of Madison, Wisconsin, this 5th day of December, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING
CERTIFICATION OF RESULTS OF ELECTIONS
AND DIRECTION OF ELECTION

As indicated previously herein, only one of the eligible professional social workers voted in the election among said employees to determine whether they desired to be included in the non-professional bargaining unit. Only one employee participated in such balloting and although said employee voted to be included in the bargaining unit, said one employee did not constitute a majority of the employees in said professional unit since one employee only constituted 50 percent of the employees in that unit. Therefore, the Commission's agent should not have co-mingled the representation ballot cast by that employee with those ballots cast by those employees in the non-professional voting group. However, said one ballot does not affect the results of the balloting of the non-professional employees on the question of their representation.

Since the tally of the ballots among the professional employees involved was properly conducted, we have certified the results of the balloting among the professional employees with respect to whether those employees desire to be included in the same unit with non-professional employees. Since said balloting did not meet the statutory criteria, namely, a majority of those eligible, the required number of professional employees did not vote to be included with the non-professional employees in the same unit and, therefore, we have certified the results to indicate that said professional employees remain a separate unit.

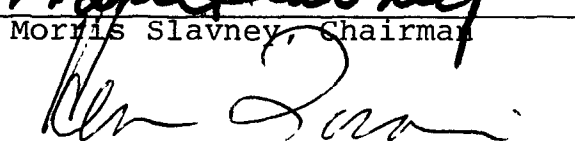
However, since the ballot cast by the one professional employee with respect to representation was not separately counted from the representation ballots cast by the one professional employee, it is necessary to conduct a new representation election among the professional employees to determine whether a majority of those employees voting desire to be represented by the Union involved herein. Therefore, we have directed such an election. We, of course, certified the results of the representation election in the non-professional unit.

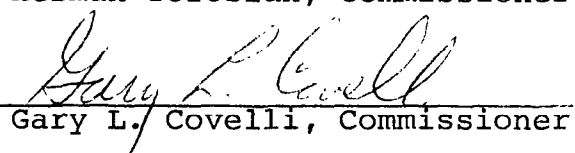
Dated at Madison, Wisconsin, this 5th day of December, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner