

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XXXV
No. 24766 ME-1689
Decision No. 17170

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, having on May 31, 1979, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election, pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act, among certain employees of the City of Sheboygan, to determine whether said employees desire to be represented by said Petitioner for the purposes of collective bargaining; and prior to any further action by the Commission, the Municipal Employer, the Petitioner, and the Association of City Hall Employees, executed a Stipulation for Election; and the Commission being satisfied that a question has arisen concerning representation of certain employees of said Municipal Employer;

DIRECTED

Voting Group No. 1

All regular full-time and regular part-time employees of the City of Sheboygan in its City Hall and Associated Departments, conditionally excluding professional employees, and fully excluding elected officials, department heads, supervisory, managerial, executive, confidential employees, library employees and employees in other recognized bargaining units, who were employed on July 20, 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, or by the Association of City Hall Employees, or by neither of said organizations, for the purpose of collective bargaining with the City of Sheboygan on questions of wages, hours and conditions of employment.

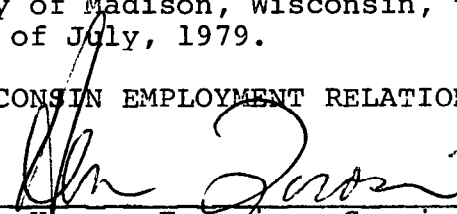
Voting Group No. 2


All regular full-time and regular part-time professional employees of the City of Sheboygan excluding elected officials, department heads, supervisory, managerial, executive, confidential employees, library employees and employees in other recognized bargaining units, who were employed on July 20, 1979, except such employees 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 employees in said voting group desire to be included in the bargaining unit described as Voting Group No. 1; and (2) whether a majority of such employees voting desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by the Association of City Hall Employees, or by neither of said organizations, for the purposes of collective bargaining with the City of Sheboygan on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 31st
day of July, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

When a union in an election proceeding desires to include professional employees in a single unit with non-professional employees, Section 111.70(4)(d) of the Municipal Employment Relations Act requires that the professional employees be given an opportunity to vote to determine whether they desire to be included with the non-professional employees in a single unit. In order to be included in a unit with non-professional employees, a majority of the eligible professional employees must vote for such inclusion. Therefore, in this proceeding, the professional employees (Voting Group No. 2) will be given two ballots (1) to determine whether they desire to be included in a single unit with non-professional employees (Voting Group No. 1) and, (2) whether they desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by the Association of City Hall Employees, or by neither of said organizations. The professional employees who appear to vote will be instructed to place their representation ballots in a furnished blank white envelope and to seal such envelope and deposit same in the ballot box. The unit determination ballot will be a separate colored ballot and the professional employees will be instructed to deposit their unit determination ballots in the ballot box.

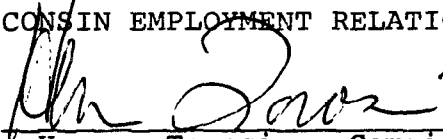
The unit determination ballots cast by the professional employees will be initially counted, and should a majority of the eligible professional employees vote in favor of being included in a unit with non-professional employees, the sealed envelopes, containing the ballots of the professionals with respect to representation will be opened and their ballots will be co-mingled with the representation ballots cast by the non-professional employees, and thereafter the tally will include the representation ballots cast by all employees.


Should a majority of the professional employees eligible not vote in favor of being combined in a unit with non-professional employees, then the professional employees shall constitute a separate unit, and their representation ballots will not be co-mingled with the representation ballots cast by the non-professional employees. Should that end result, the representation ballots cast by the professional employees will be tallied to determine whether the professional employees desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by the Association of City Hall Employees, or by neither of said organizations, for the purposes of collective bargaining.

Dated at Madison, Wisconsin, this 31st day of July, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner