STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN COUNCIL 40, AFSCME, AFL-CIO

Involving Certain Employes of

OZAUKEE COUNTY (DEPARTMENT OF SOCIAL SERVICES)

Case VIII No. 24999 ME-1715 Decision No. 17457

DIRECTION OF ELECTIONS

The Petitioner and the Municipal Employer named above having filed a stipulation with the Wisconsin Employment Relations Commission, requesting the Commission to conduct elections among certain employes of the above named Municipal Employer, pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act; 1/

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this Directive in the following voting groups for the following stated purposes:

Voting Group No. 1

All regular full-time and regular part-time employes in the employ of the Ozaukee County Department of Social Services, but conditionally excluding professional employes, and fully excluding managerial, supervisory and confidential employes, elected officials and all other employes, who were employed on November 26, 1979, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes voting desire to be represented by Wisconsin Council 40, AFSCME, AFL-CIO, for the purposes of collective bargaining with Ozaukee County (Department of Social Services) on questions of wages, hours and conditions of employment.

Voting Group No. 2

All regular full-time and regular part-time professional employes in the employ of the Ozaukee County Department of Social Services, excluding managerial, supervisory, and confidential employes, elected officials and all other employes, who were employed on November 26, 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 employes 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 employes voting desire to be represented by Wisconsin Council 40, AFSCME, AFL-CIO, for the purposes of collective bargain-

^{1/} The instant proceeding was initiated by a petition filed by the Union. However, after the hearing conducted on September 12, 1979, and on November 15, 1979, the parties executed a Stipulation for Election.

ing with Ozaukee County (Department of Social Services) on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 26th day of November, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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Herman Torosian, Commissioner

Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

When a union in an election proceeding desires to include professional employes in a single unit with non-professional employes, Section 111.70(4)(d) of the Municipal Employment Relations Act requires that the professional employes be given an opportunity to vote to determine whether they desire to be included with the non-professional employes in a single unit. In order to be included in a unit with non-professional employes, a majority of the eligible professional employes must vote for such inclusion. Therefore, in this proceeding, the professional employes (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 employes (Voting Group No. 1) and, (2) whether they desire to be represented by the Union. The professional employes 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 employes will be instructed to deposit their unit determination ballots in the ballot box.

The unit determination ballots cast by the professional employes will be initially counted, and should a majority of the eligible professional employes vote in favor of being included in a unit with non-professional employes, 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 employes, and thereafter the tally will include the representation ballots cast by all employes.

Should a majority of the professional employes eligible not vote in favor of being combined in a unit with non-professional employes, then the professional employes shall constitute a separate unit, and their representation ballots will not be co-mingled with the representation ballots cast by the non-professional employes. Should that end result the representation ballots cast by the professional employes will be tallied to determine whether the professional employes desire to be represented by Wisconsin Council 40, AFSCME, AFL-CIO, for the purposes of collective bargaining.

Dated at Madison, Wisconsin, this 26th day of November, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

Herman Torosian, Commissioner

Gary L/ Covelli, Commissioner