STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN COUNCIL OF COUNTY AND : MUNICIPAL EMPLOYEES, #40, AFSCME, AFL-CIO :

Involving Certain Employes of

TAYLOR COUNTY (DEPARTMENT OF HUMAN SERVICES)

Case VIII
No. 25205 ME-1746
Decision No. 17603-A

ORDER DISMISSING PETITION FOR ELECTION AND SETTING ASIDE ORDER

The Wisconsin Employment Relations Commission having, on February 19, 1980, issued Findings of Fact, Conclusion of Law and Order Directing Examiner to Take Further Evidence in the above-entitled matter involving a petition filed by the above-named Union seeking an election in a collective bargaining unit consisting of all employes of the Taylor County Human Services Department, professional and non-professional, full-time and part-time, excluding the Director, managerial, supervisory and confidential employes; and the Examiner, Duane McCrary having, on February 25, 1980, contacted the parties, and prior to any formal action by the Commission, the Union, on February 5, 1981, having advised the Commission that it desired to withdraw its petition; and the Commission being satisfied, therefore, that the petition should be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed, and that the Commission's Order issued on February 19, 1980, be, and the same hereby is, set aside.

Given under our hands and seal at the City of Madison, Wisconsin, this 13 day of February, 1981.

WISCONSIN TEMPLOYMENT RELATIONS COMMISSION

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orris Slavney, Chairman

letman Torosian, Commissioner

Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION FOR ELECTION AND SETTING ASIDE ORDER

On October 10, 1979, the Union filed a petition requesting the Commission to conduct an election among professional and nonprofessional employes employed by the Human Services Department of the County. Examiner McCrary conducted a hearing in the matter on November 6, 1979. After reviewing the record, the Commission, on February 19, 1980, made certain findings of fact and conclusion of law and directed that the Examiner take further evidence in the matter. In that decision the Commission concluded that there existed a community of interest among all of the County's non-professional employes, including employes employed in the Human Services Department, as well as courthouse employes, and that the appropriate collective bargaining unit consisted of all regular full-time and regular parttime employes of the Taylor County Courthouse and related departments, and the Human Services Department, excluding professional, managerial, supervisory, confidential, craft, law enforcement employes and blue collar Highway Department employes. The Commission refused to establish a separate unit of employes employed only in the Department of Human Services on the basis that such a unit would constitute undue fragmentation of bargaining units. At the hearing the Union had indicated that it did not desire an election in a bargaining unit other than the one it claimed to be appropriate in its petition. The record was devoid as to the parties' positions on the questions of unit inclusions and exclusions and, therefore, the Commission directed the Examiner to attempt to obtain a stipulation from the parties as to the positions which were to be included in the unit found to be appropriate by the Commission. In the decision we indicated that the Commission would not direct an election in the unit found to be appropriate until such time as all remaining eligibility questions were resolved.

Further, in said decision the Commission indicated that it was directing the Examiner to obtain the position of the parties as to the appropriate professional employe collective bargaining unit or units, and the identity as to the employes to be included or excluded from said professional unit or units, and the Commission indicated that after said information was obtained it would review the total record and issue the appropriate rulings.

Following the issuance of the decision, the Examiner, on February 25, 1980, contacted the parties and made the necessary inquiries pursuant to the Commission's directive. On May 20, 1980, the Union advised the Examiner that it did not wish to proceed to an election in the non-professional unit found to be appropriate by the Commission, and that, however, it would seek an election among all professional employes employed in the Courthouse and related departments, as well as those professional employes employed in the Human Services Department. Thereafter the Examiner again contacted the parties and learned that they had attempted to enter into a stipulation for an election among professional employes, and in that regard, the County, on January 7, 1981, by letter, advised the Examiner that the County

was awaiting word from the Union as to its intention. On February 5, 1981, the Union, in a letter directed to the Examiner, indicated that it desired to withdraw the petition filed in the instant matter. Therefore, on that basis, the Commission has dismissed the petition filed herein and has set aside its Order directing the Examiner to take further evidence.

Dated at Madison, Wisconsin, this 13th day of February, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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Morris Slavney, Shairman

Herman Torosian, Commissioner

Gary L. Covelli, Commissioner