

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

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 non-professional employees 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 employees, including employees employed in the Human Services Department, as well as courthouse employees, and that the appropriate collective bargaining unit consisted of all regular full-time and regular part-time employees of the Taylor County Courthouse and related departments, and the Human Services Department, excluding professional, managerial, supervisory, confidential, craft, law enforcement employees and blue collar Highway Department employees. The Commission refused to establish a separate unit of employees 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.

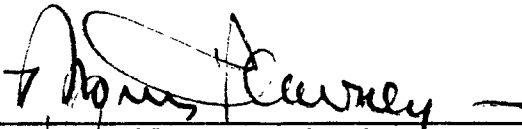
Further, in said decision the Commission indicated that it was directing the Examiner to obtain the position of the parties as to the appropriate professional employee collective bargaining unit or units, and the identity as to the employees to be included or excluded from said professional unit or units, 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 employees employed in the Courthouse and related departments, as well as those professional employees 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 employees, 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 13<sup>th</sup> day of February, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner