

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

Involving Certain Employees of

CITY OF RACINE

Case CXVIII
No. 25377 ME-1763
Decision No. 17724-C

ORDER SETTING ASIDE CERTIFICATION OF REPRESENTATIVE

Pursuant to a Direction issued by it, the Wisconsin Employment Relations Commission on May 28, 1980, issued a certification of Representative wherein it certified that Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, had been selected by the required number of employees of the City of Racine who voted in said election in the collective bargaining unit consisting of all regular full-time and all regular part-time "clerical and related", as well as "technical" employees, in the employ of the City of Racine, excluding managerial, supervisory, confidential, casual, professional and craft employees, as well as law enforcement personnel with the power of arrest, firefighting personnel, and employees of the Water and Wastewater Utility, as their collective bargaining representatives and thereafter and on October 22, 1980, in a hearing involving a petition for unit clarification filed by the Racine Public Library Board, the Commission having learned that certain employees of the Racine Public Library Board had been inadvertently included in the bargaining unit described above and were among those employees eligible to vote in the above election, and the Commission being satisfied that the results of said election could have been affected by the ballots cast by employees of the Racine Public Library Board, and that therefore the Certification previously issued in the matter should be set aside;

NOW, THEREFORE, it is

ORDERED

That the Certification of Representative issued in the above matter on May 28, 1980 be, and the same hereby is, set aside.

Given under our hands and seal at the
City of Madison, Wisconsin this 9th
day of January, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney /s/
Morris Slavney, Chairman

Gary L. Covelli /s/
Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING
ORDER SETTING ASIDE CERTIFICATION OF REPRESENTATIVE

On November 23, 1979, the Union filed a petition with the Commission requesting the Commission to conduct an election among certain employees of the City to determine whether said employees desired to be represented by the Union for the purposes of collective bargaining. In its petition the Union alleged that the appropriate bargaining unit described previously herein: among the inclusions listed was the "library". Following a hearing in the matter the Commission, on April 2, 1980, directed an election among the employees in the bargaining unit. It should be noted that certain library employees were included among the eligibles to vote in said election. The only issues with regard to library employees involved whether certain employees were professional and whether certain other positions were supervisory. Both the Assistant City Attorney, representing the City, and the Union representative present during the conduct of the hearing in the matter (which concerned many issues involving positions in various City departments) assumed that employees of the library were employed by the City of Racine.

Thirty two library employees voted in the election. The results of the election indicated that of the 148 ballots counted 82 ballots cast in favor of the Union and 66 voted against any representation.

On August 29, 1980, the Racine Public Library Board filed a petition with the Commission claiming that the library employees were employed by the Racine Public Library Board rather than by the City of Racine, and that therefore the library employees should have not been included in the same unit with the employees of the City. During the course of the hearing on the latter petition, representatives of the Union, the City and the Library Board were present and agreed that the employees of the Racine Public Library Board consisted of a unit separate and apart from City employees. They also agreed to two appropriate units of City employees; one consisting of non-law enforcement personnel employed by the Police Department, and the second consisting of the remaining employees involved in the original petition.

Since the original Certification of Representative included employees other than those employed by the City, such unit was inappropriate, we are, therefore, setting aside the Certification involved. It should be noted that the City has voluntarily recognized the Union as the collective bargaining representative of the employees of the two units of City employees. Should the Union claim to represent the Library Board employees, it has the right to initiate a proceeding before the Commission to seek such certified representative status.

Dated at Madison, Wisconsin this 9th day of January, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney /s/
Morris Slavney, Chairman

Gary L. Covelli /s/
Gary L. Covelli, Commissioner