

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SOJOURNER TRUTH HOUSE

ORDER SETTING ASIDE DIRECTION OF ELECTION
AND ORDER OF DISMISSAL

NOW, THEREFORE, it is

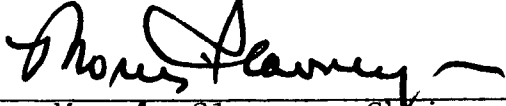
ORDERED

No. 18063-A

the matter be, and the same hereby is, dismissed with prejudice to refiling another petition or stipulation within six months from the date hereof.

Given under our hands and seal at the City of Madison, Wisconsin, this 27th day of October, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING ORDER SETTING ASIDE DIRECTION
OF ELECTION AND ORDER OF DISMISSAL

The Commission directed an election among certain employees of the Employer to determine whether they desire to be represented by District Council 48, AFSCME, AFL-CIO. While the proceeding was initiated by a petition filed by the Union prior to the issuance of the Direction, the parties executed a Stipulation for Election wherein they agreed upon the appropriate unit, as well as the employees eligible to participate in the election. The Direction was issued on September 12, 1980. On the same date, the Commission sent to the parties Notices containing the details with regard to the election as well as a copy of the sample ballot. The Notices indicated that the election was to be held between 11:00 a.m. and 12:00 noon on Friday, September 19, 1980 at the place of business of the Employer.

The Commission's election agent 1/ appeared at the polling place for the purpose of conducting the election. Upon his arrival he was told by one of the eligible employees that the employees were under the impression that the election had been cancelled. The election agent contacted the Commission's office and was advised that the election was not cancelled by the Commission and the election agent was ordered to remain at the polling place for the period of time originally set for the conduct of the vote. The Commission's agent remained on the premises during this entire period. No employees present themselves to vote.

On September 26, 1980, the Commission received a letter, dated September 24, 1980, from a representative of the Union indicating that he had intended to withdraw his request that the election be conducted and that however, he had forgotten to submit such request to any representative of the Commission. In the letter said representative requested that the election be cancelled.


On September 26, 1980, the Commission directed a letter to said representative with a copy to the Employer, indicating that the Commission would withhold action in the matter in light of a possible response from the Employer. Therein the Commission stated that should the Employer advise the Commission, in writing, at least by October 6, 1980, that the Employer had no objection to the request, the Commission would grant same, and, that if no answer was forthcoming, the Commission would make a formal determination based on the request of the Union representative.

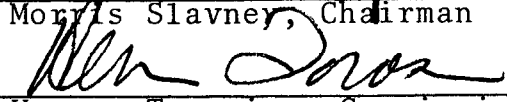
The Employer has not responded in any way. Since no one appeared to vote, and in light of the Union's request, the Commission has set aside the Direction of Election and dismissed the instant proceeding with prejudice. The Commission will not entertain another petition or stipulation for election involving the same employees of the Employer for a period of six months.


Dated at Madison, Wisconsin, this 27th day of October, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavner, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

1/ Oscar N. Eisendrath, the election agent, at the request of the Commission, filed a report with the Commission on September 22, 1980, setting forth the facts relating to his participation in the matter.