

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
DISTRICT COUNCIL 48, AMERICAN	:	Case LXII
FEDERATION OF STATE, COUNTY AND	:	No. 26792 ME-1899
MUNICIPAL EMPLOYEES, AFL-CIO	:	Decision No. 18303-B
	:	
Involving Certain Employes of	:	
	:	
CITY OF GREENFIELD	:	
	:	

CERTIFICATION OF THE RESULTS OF REPRESENTATION ELECTION

Pursuant to a Direction of Election previously issued by it in the above-entitled matter, the Wisconsin Employment Relations Commission conducted an election on December 23, 1980, among all regular full-time and regular part-time employes of the Department of Public Works of the City of Greenfield, including garage mechanics, operators, truck drivers, maintenance, engineering aide, supply clerk, and custodian, but excluding supervisory, managerial, confidential, professional and craft employes, and further excluding all temporary and seasonal employes, for the purpose of determining whether a majority of such employes voting in said bargaining unit desired to be represented by District Council 48, AFSCME, AFL-CIO, or by Teamsters Union Local 200, or by neither of said organizations, for the purposes of collective bargaining with the City of Greenfield with respect to wages, hours, and conditions of employment; and that the final tally of the valid ballots cast in said election indicated the results to be as follows:

1. Total number eligible to vote..... 24
2. Total ballots cast..... 24
3. Total valid ballots counted..... 24
4. Ballots cast for District Council 48, AFSCME, AFL-CIO... 12
5. Ballots cast for Teamsters Union Local 200..... 12
6. Ballots cast for no representation..... 0

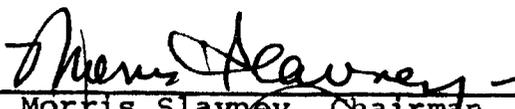
NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.70(4)(d) of the Municipal Employment Relations Act;

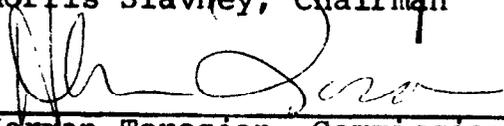
IT IS HEREBY CERTIFIED that none of the choices listed on the ballot involved in the instant election received a majority of the

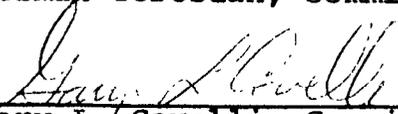
votes cast and therefore a majority of the employes in the bargaining unit set forth above did not select any labor organization to represent them for the purposes of collective bargaining.

Given under our hands and seal at the City of Madison, Wisconsin, this 3rd day of February, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING CERTIFICATION OF
THE RESULTS OF REPRESENTATION ELECTION

The election involved herein was conducted by an Election Clerk of the Commission on December 23, 1980. Following the close of the polls and during the counting of the ballots, said Election Clerk considered one ballot to be void because of extraneous marking on the ballot and thereupon executed the tally of the results of the election which indicated that of the twenty-four employes eligible to vote, one cast the void ballot, and of the remaining twenty-three valid ballots, twelve of these voted for AFSCME as their bargaining representative and that the remaining eleven employes voted in favor of Teamsters. None of the eligible employes cast ballots against representation. Both the City and Teamsters filed objections to the Election Clerk's determination that one of the ballots was void. The Commission today has issued an order sustaining such objections on the basis that the ballot was valid 1/ and should have been included in the tally. As noted in the certification, the final tally of ballots indicates that both unions, which were on the ballot, received an equal number of votes, while the choice of No representation received none.

Section 111.70(4)(d)4 provides that whenever the results of a representation election is inconclusive, the Commission, on the request of any party to the election, may conduct a run-off election and in that regard, the Commission may drop from the ballot the name of the choice receiving the least number of votes. The results in this election are unique in that all employes voted, that both organizations received an equal number of votes, and further, no employe voted against representation. Normally in a run-off election, the Commission drops the choice which received the least number of votes. If we should conduct a run-off election the Commission would drop the choice of "No representation" from the ballot. However, said choice received no votes and it is more than probable that the results of the run-off would be identical to the original election. Therefore, we are not inclined to conduct a run-off election in this matter.

The election indicates that not one employe opposes collective bargaining, and that all eligible employes are equally divided as to who the bargaining representative should be. Under such circumstances we are inclined not to follow the "one year" rule normally applied by the Commission in conducting a second election. Under such rule the Commission will not normally conduct an election within one year of the date on which a previous election has been conducted. Because of said unique circumstances we will entertain a petition for a new election among the employes involved if such a petition is filed on date more

1/ See Decision No. 18303-A.

than six months from the date of the election conducted herein, or more specifically, on any date following June 22, 1981.

Dated at Madison, Wisconsin this 3rd day of February, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner