

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**BARRON COUNTY (DEPARTMENT OF  
SOCIAL SERVICES)**

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Case XXXI  
No. 27419 ME-1963  
Decision No. 18583

Northwest United Educators having, on January 21, 1981, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among professional and non-professional employees in the employ of Barron County, Department of Social Services, for the purpose of determining whether said employees desired to be represented by Northwest United Educators for the purposes of collective bargaining; and on February 11, 1981, the Commission having noticed the matter for hearing, scheduling same for February 27, 1981, together with a hearing on a complaint of prohibited practices filed by Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, captioned, Northwest United Educators (Respondent), Case II, No. 27370, MP-1185; that, prior to the conduct of said hearing on February 27, 1981, both organizations and the County having agreed to a stipulation in which they would request that a representation election be conducted among said professional and non-professional employees, and at the same time having agreed to a settlement of said complaint of prohibited practices; and on March 9, 1981, the parties having filed a written stipulation with the Commission covering such accords; and the Commission, having considered the stipulation of the parties and being fully advised in the premises, hereby makes and issues the following

4. That on December 29, 1981, AFSCME filed a petition requesting the Commission to initiate a mediation-arbitration proceeding to resolve an alleged impasse in the negotiations between AFSCME and the County with respect to a successor collective bargaining agreement covering the employees of the Department of Social Services; and that, however, said petition has not been processed to date.

5. That, prior to any Commission action on the mediation-arbitration petition and on January 2, 1981, NUE filed the instant petition requesting the Wisconsin Employment Relations Commission to conduct a representation election in a claimed appropriate bargaining unit, consisting of all regular full-time and regular part-time employees of the Department of Social Services to determine whether said employees desired to be represented by NUE for the purposes of collective bargaining with the County; and that on January 16, 1981, AFSCME filed a complaint of prohibited practices with the Commission alleging therein that it was the certified exclusive collective bargaining representative of the employees covered by the petition filed by NUE and further that NUE had allegedly committed certain prohibited practices with respect to said employees.

6. That representatives of NUE and AFSCME met in pre-hearing conferences on February 23 and 27, 1981, in attempts to resolve the matters in dispute surrounding the filing of the NUE petition and the AFSCME complaint, and on the latter date said representatives reached an accord; that thereafter and on March 9, 1981, NUE, AFSCME and the County filed a stipulation with the Commission, wherein the parties agreed, in material part, that:

"As a result of agreements between Northwest United Educators (NUE), Wisconsin Council of County & Municipal Employees, Council 40, AFSCME, AFL-CIO (AFSCME), and Barron County, . . . the undersigned parties have executed the attached Stipulation for Election Involving Municipal Employees, and AFSCME agrees to withdraw with prejudice its prohibited practice complaint in Case II, No. 27370, MP-1185 and any petitions for mediation-arbitration involving Barron County Department of Social Services.:

7. That in said stipulation the parties also agreed that the Commission should conduct elections on or after June 1, 1981, among employees of the County's Department of Social Services in two separate voting groups and for the purposes noted as set forth hereinafter.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes and issues the following

#### CONCLUSION OF LAW

That questions of appropriate collective bargaining units, as well as representation, have arisen within the meaning of Section 111.70(4)(d) 1 and 2 of the Municipal Employment Relations Act among certain employees in the employ of the Department of Social Services of Barron County.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issues the following

#### DIRECTION OF ELECTIONS

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within a date not less than sixty (60) nor more than ninety (90) days from the date of this directive in the following voting groups for the purposes noted:

#### Voting Group No. 1

All regular full-time and regular part-time employees employed by Barron County in the Department of Social Services, but excluding professional, supervisory and confidential employees, who were employed on the date of this Direction, except such employees as may prior to the

election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees voting desire to be represented by Northwest United Educators, Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, or by neither of said labor organizations, for the purposes of collective bargaining with Barron County on questions of wages, hours and conditions of employment.

Voting Group No. 2

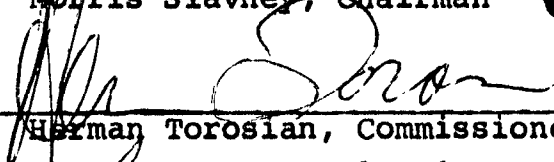
All regular full-time and regular part-time Social Workers and Trainees employed by Barron County in the Department of Social Services, but excluding supervisory, confidential and all other employees, who were employed on the date of this Direction, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of the employees in said voting group desire to be included in the bargaining unit described in Voting Group No. 1; and (2) whether a majority of such employees voting desire to be represented by Northwest United Educators, Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, or by neither of said labor organizations for purposes of collective bargaining with Barron County on questions of wages, hours and conditions of employment. 1/

Given under our hands and seal at the  
City of Madison, Wisconsin this 8th  
day of April, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BY

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner

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1/ The Commission is also today dismissing the mediation-arbitration petition filed by AFSCME. The complaint proceeding was dismissed on March 31, 1981.

MEMORANDUM ACCOMPANYING  
FINDINGS OF FACT, CONCLUSION OF LAW  
AND DIRECTION OF ELECTIONS

When in an election proceeding a request is made to include professional employees in a single unit with non-professional employees, Section 111.70(4)(d) of the Municipal Employment Relations Act requires that the professional employees be given an opportunity to vote to determine whether they desire to be so included. In order to be so included, a majority of the eligible professional employees must vote in favor of such inclusion. Therefore, in this proceeding, the professional employees (Voting Group No. 2) will be given two ballots, (1) to determine whether they desire to be included in a single unit with non-professional employees (Voting Group No. 1) and, (2) whether they desire to be represented by Northwest United Educators, or Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO, or by neither of said organizations. The unit determination ballot will be a separate colored ballot, and the professional employees will be instructed to deposit their unit determination ballots in the ballot box. The professional employees who appear to vote will be previously instructed to place their representation ballots in a furnished blank envelope and to seal such envelope and deposit same in the ballot box.

The unit determination ballots cast by the professional employees will be initially counted, and should a majority of the eligible professional employees vote in favor of being included in the unit of non-professional employees, the sealed envelopes, containing the ballots of the professionals with respect to representation, will be opened and their ballots will be co-mingled with the representation ballots cast by the non-professional employees, and thereafter the tally will include the representation ballots cast by all employees.

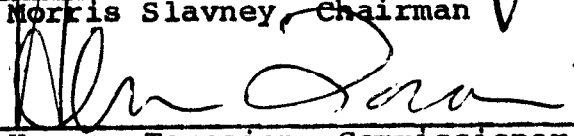
Should a majority of the professional employees eligible not vote in favor of being combined in a unit with non-professional employees, then the professional employees shall constitute a separate unit, and their representation ballots will not be co-mingled with the representation ballots cast by the non-professional employees, and, therefore, the representation ballots cast by the non-professional and professional employees will be tallied separately to determine separately their choice as to bargaining representative.

Dated at Madison, Wisconsin this 8th day of April, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner