

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :

AMERICAN FEDERATION OF STATE, COUNTY :  
AND MUNICIPAL EMPLOYEES (AFSCME), :  
COUNCIL 40, WISCONSIN COUNCIL OF COUNTY :  
AND MUNICIPAL EMPLOYEES, AFL-CIO :

Case XXXIII  
No. 27703 ME-1986  
Decision No. 18673

Involving Certain Employees of :

CITY OF BROOKFIELD (LIBRARY) :  
- - - - -

DIRECTION OF ELECTIONS

The Petitioner and the Municipal Employer named above having filed a stipulation with the Wisconsin Employment Relations Commission, requesting the Commission to conduct elections among certain employees of the above named Municipal Employer, pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act; 1/

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the following voting groups for the following stated purposes:

Voting Group No. 1

All non-professional employees of the City of Brookfield Public Library excluding supervisory, managerial, confidential, part-time employees working 20 hours or less, seasonal, temporary/casual employees and volunteers, who were employed on May 11, 1981, except such employees as may prior to the election quit their employment or be discharged for cause, for the purposes of determining whether a majority of such employees voting desire to be represented by American Federation of State, County and Municipal Employees (AFSCME), Council 40, Wisconsin Council of County and Municipal Employees, AFL-CIO, for the purposes of collective bargaining with City of Brookfield (Library) on questions of wages, hours and conditions of employment.

Voting Group No. 2

All professional employees of the City of Brookfield Public Library excluding supervisory, managerial, confidential and all other employees of the City of Brookfield, who were employed on May 11, 1981, except such employees as may prior to the election 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 as Voting Group No. 1; and (2) whether a majority of such employees voting desire to be represented


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1/ The instant proceeding was initiated by a petition filed by the Union. However, during the course of the hearing conducted on April 28, 1981, the parties, on the record, stipulated to the conduct of an election.

by American Federation of State, County and Municipal Employees (AFSCME)  
Council 40, Wisconsin Council of County and Municipal Employees, AFL-CIO  
for the purposes of collective bargaining with City of Brookfield  
(Library) on questions of wages, hours and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin this 11th  
day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING 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 American Federation of State, County and Municipal Employees (AFSCME), Council 40, Wisconsin Council of County and Municipal Employees, AFL-CIO. 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.

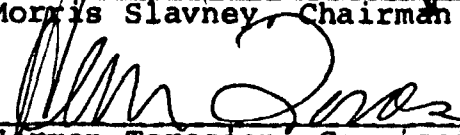
Should a majority of the professional employees eligible not vote in favor of being combined in a unit with non-professional employees, then the professional employees shall constitute a separate unit, and their representation ballots will not be co-mingled with the representation ballots cast by the 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 11th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner