#### STATE OF WISCONSIN

### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DISTRICT COUNCIL 48, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO and its affiliated LOCAL 1954

Involving Certain Employes of

WEST SIDE COMMUNITY CENTER, INC. Milwaukee, Wisconsin

Case I No. 28173 E-2997 Decision No. 18987

Appearances:

Podell, Ugent & Cross, S.C., Attorneys at Law, 207 East
Michigan Street, Milwaukee, Wisconsin 53202, by Ms.

Nola Hitchcock Cross, appearing on behalf of the Union.

Ropella & Van Horne, Attorneys at Law, 411 East Mason
Street, Milwaukee, Wisconsin 53202, by Mr. Dennis J.

Weden, appearing on behalf of the Employer.

### DIRECTION OF ELECTIONS

District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1954, having filed a petition requesting the Wisconsin Employment Relations Commission to conduct elections among certain employes of the West Side Community Center, Inc., Milwaukee, Wisconsin; and hearing having been held in the matter at Milwaukee, Wisconsin, on September 10, 1981, before Examiner Christopher Honeyman; and during the course of said hearing the parties entered into a Stipulation for Election wherein they set forth the description of the voting groups involved, as well as having agreed upon the individuals eligible to participate in said elections; and the Commission being satisfied that questions have arisen concerning unit determination and representation involving said employes;

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 full-time and regular part-time professional employes employed by the West Side Community Center, Inc., Milwaukee, Wisconsin, but excluding all supervisory employes, managerial employes, confidential employes, and all other employes, who were employed on September 23, 1981, except such employes 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 employes in said voting group desire to be included in the bargaining unit described as Voting Group No. 2; and (2) whether a majority of such employes voting desire to be represented by District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1954, for the purposes of collective bargaining with the West Side Community Center, Inc.

# Voting Group No. 2

All full-time and regular part-time employes employed by the West Side Community Center, Inc., Milwaukee, Wisconsin, but conditionally excluding professional employes, and fully excluding supervisory employes, managerial employes, and confidential employes, who were employed on September 23, 1981, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes voting desire to be represented by District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1954, for the purposes of collective bargaining with the West Side Community Center, Inc.

Given under our hands and seal at the City of Madison, Wisconsin, this 23rd day of September, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Ву

ry L. Covelli, Chairman

Morris Slavney, Commissioner

Herman Torosian, Commissioner

#### MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

In its petition initiating the instant proceeding, the Union contended that all otherwise eligible employes in the employ of the Employer constituted an appropriate collective bargaining unit. Section 111.05(2) of the Wisconsin Employment Peace Act permits, among others, professional employes to determine for themselves whether they desire to constitute a separate collective bargaining unit. During the course of the hearing, the parties stipulated that elections should be conducted separately among the professional employes and non-professional employes. Such stipulation is consistent with the provisions of the Wisconsin Employment Peace Act; Therefore, in this proceeding, the professional employes (Voting Group No. 1) will be given two bal-ots, (1) to determine whether they desire to be included in a single unit with non-professional employes (Voting Group No. 2) and, (2) whethery they desire to be represented by District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1954. The unit determination ballot will be a separate colored ballot, and the professional employes will be instructed to deposit their unit determination ballots in the ballot box. The professional employes 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 employes will be initially counted, and should a majority of the eligible professional employes vote in favor of being included in the unit of non-professional employes, 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 employes, and thereafter the tally will include the representation ballots cast by all employes.

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

Dated at Madison, Wisconsin, this 23rd day of September, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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Jary L/ Covelli, Chairman

Morris Slavne, Commissioner

Herman Torosian, Commissioner