

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

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. Woden, appearing on behalf of the Employer.

No. 18987


Voting Group No. 2

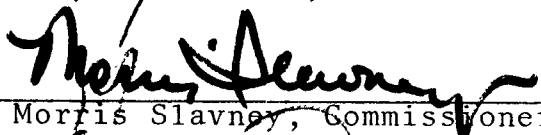
All full-time and regular part-time employees employed by the West Side Community Center, Inc., Milwaukee, Wisconsin, but conditionally excluding professional employees, and fully excluding supervisory employees, managerial employees, and confidential employees, who were employed on September 23, 1981, 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 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.

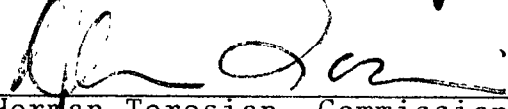
Given under our hands and seal at the  
City of Madison, Wisconsin, this 23rd  
day of September, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
\_\_\_\_\_  
Gary 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 employees 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 employees 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 employees and non-professional employees. Such stipulation is consistent with the provisions of the Wisconsin Employment Peace Act; Therefore, in this proceeding, the professional employees (Voting Group No. 1) 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. 2) and, (2) whether 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 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.

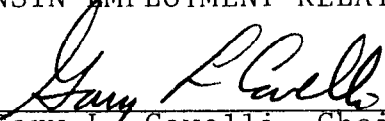
The unit determination ballots cast by the professional employees will be initially counted, and should a majority of the eligible professional employees vote in favor of being included in the unit of non-professional employees, the sealed envelopes, containing the ballots of the professionals with respect 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.

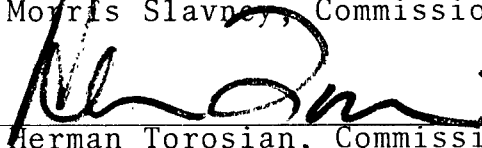
Dated at Madison, Wisconsin, this 23rd day of September, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Gary L. Covelli, Chairman

  
Morris Slavner, Commissioner

  
Herman Torosian, Commissioner