

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

No. 20512

5. That during the course of the hearing and thereafter, the parties stipulated that the appropriate unit should properly be described as follows:

All regular full-time employees and regular part-time employees including teachers and food service employees employed by the Employer but excluding the Executive Director, the Assistant Directors, substitute employees and any other supervisors as defined in the Act.

6. That also during the course of the hearing the parties stipulated that Suzanne Larson, Gail Haas and Karen Ringland are supervisors, and therefore ineligible to vote.

7. That the Union in writing on January 7, 1983 requested recognition as the bargaining representative of the Employer's employees; and that the Employer continues to refuse to recognize the Union as the collective bargaining representative of its employees.

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

#### CONCLUSIONS OF LAW

1. That inasmuch as the gross annual revenues of the Employer for any year do not meet the standard for assertion of jurisdiction by the National Labor Relations Board, the Wisconsin Employment Relations Commission possesses jurisdiction to conduct a representation election within the meaning of Section 111.05 of the Wisconsin Employment Peace Act among certain employees of Community Learning Center, Inc.

2. That a question of representation within the meaning of Section 111.05(3) of the Wisconsin Peace Act presently exists in an appropriate collective bargaining unit consisting of all regular full-time and regular part-time employees including teachers and food service employees employed by the Employer excluding the Executive Director, the Assistant Directors, substitute employees and any other supervisors as defined in the Wisconsin Peace Act.

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

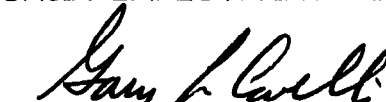
#### DIRECTION OF ELECTION

It is hereby directed that an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this directive in the collective bargaining consisting of all regular full-time and regular part-time employees including teachers and food service employees employed by the Employer, excluding the Executive Director, the Assistant Directors, substitute employees and any other supervisors as defined in the Wisconsin Peace Act who were employed by the Employer on April 7, 1983, 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 said employees voting desire to be represented for the purpose of collective bargaining by District Council 48, and its Affiliated Local 1954, AFSCME, AFL-CIO, on matters relating to wages, hours and working conditions.

Given under our hands and seal at the City of  
Madison, Wisconsin this 7th day of April, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Gary L. Covelli, Commissioner



Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

In this proceeding the Union requests the Commission to direct an election among certain employees of the Employer. The parties stipulated to the appropriate bargaining unit, the composition of said unit, the status of the Union as a labor organization, and the existence of a question concerning representation.

The only issue is the Employer's objection to the Commission's assertion of jurisdiction to conduct an election in this matter.

Generally speaking the Commission will assume jurisdiction where it is satisfied that the dollar volume of the Employer's business is below the minimum established by the National Labor Relations Board as a standard for the exercise of its jurisdiction. 2/

The Commission takes administrative notice of National Labor Relations Board decisions applicable to an enterprise such as the Employer. The NLRB will apply the same standard to a non-profit organization as it does to a similar commercial enterprise. 3/

The NLRB has asserted jurisdiction over day care operations where such operations have a gross annual income of \$250,000 or more. 4/

Inasmuch as the record does not establish that the Employer has ever had \$250,000 in gross annual revenues for any of the years of its operation, nor has it requested the National Labor Relations Board to assert jurisdiction, the Commission is satisfied that it possesses jurisdiction to conduct an election in this matter.

Dated at Madison, Wisconsin this 7th day of April, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Gary L. Covelli  
Gary L. Covelli, Commissioner

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- 2/ Cooper-Utter Lumber Co. (3739) 5/54; Delafield Lumber & Fuel Co. (7441) 5/54; Picasso Plaza, LTD (8608) 7/68
- 3/ Disabled American Veterans, Inc., (Idento Tag Operation) 112 NLRB 864, 866, LRRM (1955); and Blaylock Nursery School, supra
- 4/ Salt & Pepper Nursery School & Kindergarten No. 2, 222 NLRB 1295, LRRM (1976) and Blaylock Nursery School, supra.