

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
NORTHWEST UNITED EDUCATORS
Involving Certain Employees of
SAWYER COUNTY

Case 89
No. 40808 ME-2805
Decision No. 25681

Appearances:

Mr. Michael J. Burke, Executive Director, Northwest United Educators,
16 West John Street, Rice Lake, Wisconsin 54868, appearing on behalf of
the Petitioner.

Mulcahy & Wherry, S.C., Attorneys at Law, by Ms. Kathryn J. Prenn,
21 South Barstow Street, P.O. Box 1030, Eau Claire, Wisconsin
54702-1030, appearing on behalf of the County.

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DIRECTION OF ELECTION

Northwest United Educators having on June 29, 1988, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election pursuant to the provisions of the Municipal Employment Relations Act, for the purpose of determining whether all regular full-time and regular part-time employees of Sawyer County, including Social Workers, but excluding all non-professional employees of the Department of Social Services, the non-professionals of the courthouse, the County Highway Department and Law Enforcement personnel, desire to be represented by the Petitioner for the purposes of collective bargaining; and said bargaining unit is currently represented by Local 1213-D, AFSCME, AFL-CIO; and a hearing in the matter having been conducted in Hayward, Wisconsin, on August 24, 1988, before Karen J. Mawhinney, an Examiner on the staff of the Commission; and a stenographic transcript having been made of the hearing; and the parties having waived the opportunity to file post-hearing briefs; and the Commission, having reviewed the evidence and arguments of the parties, and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. That Northwest United Educators, herein referred to as the Petitioner, is a labor organization with offices located at 16 West John Street, Rice Lake, Wisconsin 54868.
2. That Sawyer County, herein referred to as the County, is a municipal employer with offices located at the Sawyer County Courthouse, 406 Main Street, Hayward, Wisconsin 54843.
3. That Wisconsin County 40, AFSCME, AFL-CIO, herein referred to as AFSCME, is a labor organization with offices located at 5 Odana Court, Madison, Wisconsin 53719.
4. That the Petitioner initiated the instant proceeding by filing a petition requesting the Wisconsin Employment Relations Commission to conduct an election among all regular full-time and regular part-time employees of Sawyer County, including Social Workers, but excluding all non-professional employees of the Department of Social Services, the non-professionals of the courthouse, the County Highway Department and Law Enforcement personnel.
5. That the bargaining unit sought by the Petitioner is currently represented by AFSCME, Local 1213-D; that AFSCME and the County are parties to

a collective bargaining agreement that expires on December 31, 1988; that said collective bargaining agreement contains the following recognition clause:

The Employer recognizes the Union as the exclusive collective bargaining representative for all regular full-time and regular part-time employees of Sawyer County, including Social Workers, but excluding all non-professional employees of the Department of Social Services, the non-professionals of the courthouse, the County Highway Department and Law Enforcement personnel, also excluding all elected officials and all managerial, supervisory and confidential employees pursuant to certification by the Wisconsin Employment Relations Commission, or as modified by mutual agreement with respect to wages, hours and conditions of employment.

6. That AFSCME was notified by certified mail on July 25, 1988, of the hearing to be held in the matter on August 24, 1988; that on August 22, 1988, AFSCME, through its Associate Director Sam Gillispie, requested a postponement of said hearing by telephoning the Examiner; that on August 23, 1988, AFSCME renewed such request for a postponement in writing to the Examiner; that the requests for a postponement of the hearing were not granted as AFSCME did not provide good cause for said requests; that AFSCME made no appearance at the hearing held on August 24, 1988; and that AFSCME requests that it appear on any ballot in any election so directed by the Commission.

7. That at the hearing, the Petitioner and the County agreed to the following list of eligible voters:

- (1) Georgia L. Anderson -- AODA Counselor I
- (2) Charlotte A. Baertsch -- Home Care Coordinator/R.N.
- (3) Charles D. Bauer -- Social Worker I
- (4) Charles R. Block -- Social Worker III
- (5) Hannelore Z. Hanus -- Home Health/Staff Nurse/R.N.
- (6) Iras M. Humphreys -- Social Worker II
- (7) Debra S. Keller -- Social Worker II
- (8) Jacquelyn C. Kendall -- Prevention Specialist
- (9) James E. Koski -- Probationary Employee-AODA Counselor II
- (10) Sharon Magelssen -- Home Health/Public Health Nurse/R.N.
- (11) Patricia L. Parker -- Social Worker III
- (12) Carol J. Schuck -- Home Health/Public Health Nurse/R.N.
- (13) Laura J. Unold -- Public Health Nurse/R.N.
- (14) Daidre Marquardt -- Dispositional Worker
- (15) Patricia Langham -- Long-Term Care Coordinator.

8. That at the hearing, no issues were raised by the Petitioner or the County; that AFSCME was provided a copy of the hearing transcript and the exhibits (which included the eligibility list); and that AFSCME has raised no issues as to matters contained in the exhibits or transcript.

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

CONCLUSIONS OF LAW

1. That all regular full-time and regular part-time employees of Sawyer County, including Social Workers, but excluding all non-professional employees of the Department of Social Services, the Courthouse, the County Highway Department, and Law Enforcement personnel, all confidential, supervisory and managerial employees, constitute an appropriate bargaining unit within the meaning of the Municipal Employment Relations Act.

2. That a question concerning representation exists within the collective bargaining unit referred to in Conclusion of Law 1 above.

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

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 direction in the collective bargaining unit consisting of all regular full-time and regular part-time employees of Sawyer County, including Social Workers, but excluding all non-professional employees of the Department of Social Services, the Courthouse, the County Highway Department and Law Enforcement personnel, all confidential, supervisory and managerial employees, who were employed on September 16, 1988, 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 the employees voting desire to be represented by Northwest United Educators or by Local 1213-D, AFSCME, AFL-CIO, or by neither of said organizations, for the purpose of collective bargaining with Sawyer County on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of
Madison, Wisconsin this 16th day of September, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Chairman

Herman Torosian
Herman Torosian, Commissioner

A. Henry Hempe
A. Henry Hempe, Commissioner