

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
TANA OSTERMAN
Involving Certain Employees of
IRON COUNTY HIGHWAY/FORESTRY DEPARTMENT

Case 59
No. 60794
ME-3857

Decision No. 30291

Appearances:

Mr. Philip Salamone, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 7111 Wall Street, Schofield, Wisconsin 54476, appearing on behalf of Wisconsin Council 40, AFSCME, AFL-CIO.

Mr. Mark Holm, 607 3rd Avenue North, Hurley, Wisconsin, appearing on behalf of Iron County.

Ms. Tana Osterman, 607 3rd Avenue North, Hurley, Wisconsin 54534, appearing on her own behalf.

Mr. Dennis Luciani, Business Representative, P.O. Box 130, Pewaukee, Wisconsin 53702, appearing on behalf of Operating Engineers.

ORDER DISMISSING ELECTION PETITION

On January 17, 2002, Tana Osterman and certain other employees of Iron County filed a petition with the Wisconsin Employment Relations Commission seeking an election to determine whether Iron County employees in a Highway and Forestry Department bargaining unit wished to continue to be represented for the purposes of collective bargaining by Iron County Public Employees Local 728, AFSCME, AFL-CIO or by Operating Engineers or by neither of said labor organizations.

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On January 24, 2002, Local 728 AFSCME moved that the election petition be dismissed because of a pending interest arbitration petition covering the Highway and Forestry unit.

By letter dated January 28, 2002, the Commission advised all parties that it had reviewed its files and determined that on October 11, 2001, Local 728 AFSCME had filed a petition for interest arbitration with the Commission pursuant to Sec. 111.70(4)(cm)6, Stats., for the Highway and Forestry Department unit and that the AFSME petition continues to be pending before a Commission investigator. The Commission further advised all parties that any argument on the motion to dismiss should be filed on or before February 8, 2002. No argument was filed.

Having considered the matter, we conclude that under our long standing precedent as discussed in MUKWONAGO SCHOOLS, DEC. No. 24600 (WERC, 6/87), the election petition is not timely because of the pending interest arbitration petition.

NOW, THEREFORE, it is

ORDERED

The election petition is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 14th day of March, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

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