

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
EUGENE K. FRIEDE AND CHARLIE WAGNER
Involving Certain Employees of
DOA-OFFICE OF STATE EMPLOYMENT RELATIONS

Case 667
No. 64600
SE-108

Decision No. 31336

Appearances:

Eugene K. Friede, Truax Fire Department, 3110 Mitchell Street, Madison, Wisconsin 53704, appearing on behalf of Truax Fire Department.

David J. Vergeront, Chief Legal Counsel, Office of State Employment Relations, 101 East Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of the Office of State Employment Relations.

Joseph Conway, President, Fire Fighters Local 311, IAFF, 821 Williamson Street, Madison, Wisconsin 53703, appearing on behalf of Fire Fighters Local 311, IAFF.

ORDER DISMISSING PETITION FOR ELECTION

On March 2, 2005, Eugene K. Friede and Charlie Wagner filed a petition with the Wisconsin Employment Relations Commission seeking an election to determine whether certain State employees who work at the "Truax Fire Department" wish to be represented by Firefighters Local 311, IAFF or continue to be represented by the Wisconsin State Employees Union (WSEU). No showing of interest accompanied the petition.

By letter dated March 17, 2005, Local 311 advised the Commission that it did not wish to represent the employees in question. By letter of that same date, the State advised the Commission that it took no position as to the petition. The Commission has not received any response to the petition from WSEU.

Dec. No. 31336

On April 22, 2005, the Commission advised all parties that it intended to dismiss the petition because it was untimely, was not supported by any showing of interest and sought an election the Commission had no authority to conduct because the petition did not cover all employees in an existing statutorily created bargaining unit. On April 28, 2005, Friede telephonically advised the Commission that he did not wish to withdraw the petition.

Having reviewed the record and being fully advised in the premises, we conclude that the instant election petition must be dismissed. Election petitions seeking to change or eliminate the current bargaining representative of State employees must be filed during October of even-numbered years. STATE OF WISCONSIN, DEC. NO. 31195 (WERC,12/04). This petition was not filed during such a timeframe. The Commission lacks authority to conduct elections in bargaining units other than those created by Sec. 111.825, Stats. This petition seeks an election in a bargaining unit that is not created by Sec. 111.825, Stats. An election petition must be accompanied by a showing of interest of at least 30% of the employees in a bargaining unit created by Sec. 111.825, Stats. This petition was not accompanied by such a showing of interest.

NOW, THEREFORE, it is

ORDERED

The petition for election is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 23rd day of May, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann, Chair

Paul Gordon, Commissioner

Susan J. M. Bauman, Commissioner

rb
31336