

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

AFSCME LOCAL 1163

Involving Certain Employees of

ELMBROOK SCHOOL DISTRICT

Case 54
No. 72231
ME-4759

DECISION NO. 34304-A

Appearances:

Thor Backus, Staff Representative, AFSCME Council 40, 4233 Beverly Road, Madison, Wisconsin 53711, appearing on behalf of AFSCME Local 1163.

Mary L. Hubacher, Attorney, Vetter Buikema Olson & Vliet, LLC, 20855 Watertown Road, Suite 200, Waukesha, Wisconsin 53186, appearing on behalf of the Elmbrook School District.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Direction of Election previously issued by it in the above entitled matter, the Wisconsin Employment Relations Commission on December 19, 2013, conducted an election pursuant to Sec. 111.70(4)(d)3.b. of the Municipal Employment Relations Act, to determine whether employees of the Elmbrook School District (District), in the collective bargaining unit set forth in the Commission's Direction, wanted to continue to be represented by the AFSCME Local 1163 (Union) for the purposes of collective bargaining with the District.

On January 14, 2014, the parties were advised that 20 of the 40 voters had voted for continued representation. The Union filed objections to the provided vote tally asserting that one of the 40 voters was not eligible to vote. The parties subsequently waived hearing and the matter was ripe for Commission action on February 14, 2014.

Having considered the matter, we certify the results of the election as follows:

1.	Number of eligible voters	<u>39</u>
4.	Total votes cast	<u>22</u>
7.	Voter cast for AFSCME Local 1163	<u>20</u>
8.	Votes cast for no representation	<u>2</u>

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Sec. 111.70(4)(d)3.b. of the Municipal Employment Relations Act;

IT IS HEREBY CERTIFIED that at least 51% of the employees in the bargaining unit want to continue to be represented by AFSCME Local 1163 for the purposes of collective bargaining with the Elmbrook School District.

Given under our hands and seal at the City of Madison, Wisconsin, this 13th day of March, 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

MEMORANDUM ACCOMPANYING CERTIFICATION OF RESULTS OF ELECTION

On August 20, 2013, AFSCME Local 1163 (Union) filed a petition with the Wisconsin Employment Relations Commission asking that the Commission conduct an election to determine whether at least 51 % of the Elmbrook School District employees that the Union represents for the purposes of collective bargaining wanted to continue to be so represented. Pursuant to ERC 70.06, the Commission then issued a Direction of Election specifying that those employed in the Union-represented bargaining unit on August 20, 2013 were eligible to vote but that employees who left the bargaining unit prior to the election lost voter eligibility.

One employee who was employed on August 20, 2013 (and thus was included on the voter list utilized by the Commission when conducting the election and initially reporting the results) was promoted to a non-bargaining unit position (on October 13) before the election began on November 29, 2013. Pursuant to the voter eligibility requirements in the Direction of Election, that employee (who did not vote) became ineligible to do so. Therefore, the number of eligible voters was reduced from 40 to 39. Because the Union received 20 votes for continued representation, we have certified that the Union received the votes of at least 51 % of the eligible voters.¹

Signed at Madison, Wisconsin, this 13th day of March, 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

¹ Because the terms of our Direction of Election are dispositive, we need not comment on other arguments made by the parties.