

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
LOCAL 1053, DISTRICT COUNCIL 48
Involving Certain Employees of
MILWAUKEE BOARD OF SCHOOL DIRECTORS

Case 493
No. 72371
ME-4892

Decision No. 34375-A

In the Matter of the Petition of
LOCAL 1616, DISTRICT COUNCIL 48
Involving Certain Employees of
MILWAUKEE BOARD OF SCHOOL DIRECTORS

Case 494
No. 72372
ME-4893

Decision No. 34376-A

**DECISION ON MOTIONS TO WITHDRAW
PETITIONS AND NOTICE OF CONSEQUENCES**

By motions dated November 27, 2013, Local 1053 and Local 1616, District Council 48, acting pursuant to § 111.70, Stats., and Wis. Adm. Code § ERC 70.04, requested leave to withdraw their certification election petitions. The Milwaukee Board of School Directors did not oppose the motions, and on December 5, 2013, the motions were granted and the certification elections that began November 29, 2013 were halted.

Milwaukee Board of School Directors then requested that we issue a notice of the consequences of the withdrawal of these two petitions pursuant to Wis. Admin. Code § ERC 70.03(7)(c). This generated a response from the Locals opposing issuance of the requested notices and further elaborating their rationale for withdrawing their petitions.


On November 21, 2013, the Wisconsin Supreme Court in *Madison Teachers, Inc., et al. v. Walker, et al.*, Case No. 2012AP02067, vacated the Dane County Circuit Court's contempt order which had had the practical effect of delaying the previously scheduled certification elections. The Supreme Court was aware of the statutory election deadlines and of the Commission's view that it had only to commence the election process by December 1, 2013. We accomplished that task and, after initially filing timely petitions on August 29, 2013, the Locals chose to withdraw their petitions.

To the extent the Locals attempt to qualify their request to withdraw with the argument that the Commission acted unlawfully, we reject that assertion. The legal effect of the withdrawal is as set forth in Wis. Admin. Code § ERC 70.04, and there is no basis in law or fact for anything other than the issuance of an unqualified notice of the consequences of the withdrawal. This decision shall serve as notice of the consequences of the withdrawal as follows:

Effective December 5, 2013, Locals 1053 and 1616 of District Council 48 are no longer entitled to exclusive representative status for purposes of collective bargaining with Milwaukee Board of School Directors unless a collective bargaining agreement is in effect in which case the Locals shall no longer be entitled to exclusive representative status for purposes of collective bargaining as of the expiration of the agreement.

Signed and sealed at Madison, Wisconsin, on the 29th day of January 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION


James R. Scott, Chairman


Rodney G. Pasch, Commissioner