

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WATERTOWN NUTRITIONAL SUPPORT STAFF
Involving Certain Employees of
WATERTOWN SCHOOL DISTRICT

Case 58
No. 72546
ME-5053

DECISION NO. 34605-A

Appearances:

Stephen Pieroni, Legal Counsel, Wisconsin Education Association Council, 33 Nob Hill Road, Madison, Wisconsin 53708-8003, appearing on behalf of the Watertown Nutritional Support Staff.

Mary L. Hubacher, Attorney, Vetter Buikema Olson & Vliet, LLC, 20855 Watertown Road, Suite 200, Waukesha, Wisconsin 53186, appearing on behalf of the Watertown 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 Watertown School District (District), in the collective bargaining unit set forth in the Commission's Direction, wanted to continue to be represented by the Watertown Nutritional Support Staff (Union) for the purposes of collective bargaining with the District.

On January 17, 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 two of the 40 voters were not eligible to vote. The parties subsequently waived hearing and the matter was ripe for Commission action on February 18, 2014.

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

1.	Number of eligible voters	<u>38</u>
4.	Total votes cast	<u>24</u>
7.	Voter cast for the Watertown Nutritional Support Staff union	<u>20</u>
8.	Votes cast for no representation	<u>4</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 the Watertown Nutritional Support Staff for the purposes of collective bargaining with the Watertown 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 30, 2013, the Watertown Nutritional Support Staff (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 Watertown 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 30, 2013 were eligible to vote but that employees who quit prior to the election lost voter eligibility.

Two employees who were employed on August 30, 2013 (and thus were included on the voter list utilized by the Commission when conducting the election and initially reporting the results) quit (on November 4 and November 26) before the election began on November 29, 2013. Pursuant to the voter eligibility requirements in the Direction of Election, the two employees (who did not vote) became ineligible to do so. Therefore, the number of eligible voters was reduced from 40 to 38. 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 express terms of our Direction of Election are dispositive, we need not comment on other arguments made by the parties.