

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WILMOT SCHOOL EMPLOYEES ASSOCIATION
Involving Certain Employees of
WILMOT SCHOOL DISTRICT

Case 36
No. 72284
ME-4812

DECISION NO. 34629-A

Appearances:

Stephen Pieroni, Legal Counsel, Wisconsin Education Association Council, 33 Nob Hill Road, Madison, Wisconsin 53708-8003, appearing on behalf of the Wilmot School Employees Association.

Kyle J. Gulya, Attorney, von Briesen & Roper, S.C. Three South Pinckney Street, Suite 1000, Madison, Wisconsin 53703, appearing on behalf of the Wilmot 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 Wilmot School District (District), in the collective bargaining unit set forth in the Commission's Direction, wanted to continue to be represented by the Wilmot School Employees Association (Union) for the purposes of collective bargaining with the District.

On January 14, 2014, the parties were advised that 19 of the 38 voters had voted for continued representation. The Union filed objections to the provided vote tally asserting among other matters that one of the 38 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>37</u>
4.	Total votes cast	<u>19</u>
7.	Voter cast for Wilmot School Employees Association	<u>19</u>
8.	Votes cast for no representation	<u>0</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 Wilmot School Employees Association for the purposes of collective bargaining with the Wilmot 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 23, 2013, Wilmot School Employees Association (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 Wilmot 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 23, 2013 were eligible to vote.

One employee who was included on the voter list provided by the District and approved by the Union¹ (and thus utilized by the Commission when conducting the election and initially reporting the results) had resigned on August 7, 2013. Pursuant to the voter eligibility requirements in the Direction of Election, the employee (who did not vote) was never an eligible voter. Therefore, the number of eligible voters was reduced from 38 to 37. Because the Union received 19 votes for continued representation, we have certified that the Union received the votes of at least 51% of the eligible voters.²

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

¹ This mutual error by the parties (and the resultant uncertainty, delay and expense it produced) demonstrates the importance of our receiving accurate voter lists.

² Because the terms of our Direction of Election are dispositive, we need not comment on other arguments made by the parties.