

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
TEAMSTERS LOCAL UNION NO. 662
Involving Certain Employees of
CITY OF BLACK RIVER FALLS

Case 45
No. 73155
ME-5431

DECISION NO. 34995

Appearances:

Kyle A. McCoy, Sr., Soldon Law Firm, 1678 Glenwood Road, Ann Arbor, Michigan, 48104, appearing on behalf of Teamsters Union Local 662.

Brad Chown, City Administrator, 101 South Second Street, Black Rivers Falls, Wisconsin, 54615, appearing on behalf of City of Black River Falls.

ORDER DISMISSING PETITION

On January 31, 2014, Teamsters Local Union No. 662 filed a petition with the Wisconsin Employment Relations Commission asking that the Commission conduct an election to determine whether the Union could continue to serve as the collective bargaining representative of certain employees of the City of Black River Falls. That same day, the Commission advised the parties that the petition had been received one (1) day after the January 30 deadline established by Wis. Admin Code § ERC 71. On February 3, 2014, the City asked that the election be allowed to proceed and, on February 17, 2014, Local 662 filed argument opposing dismissal.

On February 20, 2014, the Commission advised the parties that it had voted to dismiss the petition as untimely filed. This Order is formal confirmation of that vote.

NOW THEREFORE, it is

ORDERED

The petition is dismissed.

Dated at Madison, Wisconsin, this 30th day of April 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION

Section 111.70(4)(d)3.b., Stats., requires that the Commission annually conduct an election to determine whether at least fifty-one percent (51%) of employees in a collective bargaining unit want to continue to be represented by their current collective bargaining representative. For bargaining units consisting of general municipal employees (including City employees), the election is to be conducted no later than May 1 of each year.

To provide a process by which such elections will be conducted, the Commission promulgated Wis. Admin Code § ERC 71. Wis. Admin Code § ERC 71.03(7) required that a petition requesting the conduct of the annual fifty-one percent (51%) election be filed on or before January 30. Wis. Admin Code § ERC 71.03(7) further specified that if a petition was not timely filed the collective bargaining representative lost its status as the collective bargaining representative as of January 30 or as of the expiration of any existing collective bargaining agreement, whichever was later. Lastly, pursuant to the statutory directive in § 111.70(4)(d)3.b., Stats., Wis. Admin Code § ERC 71.03(7) stated that the employees could not be included in a substantially similar bargaining unit for at least one (1) year from the date representative status was lost.

Local 662's petition was not received on or before January 30, 2014. Therefore, the petition is dismissed and the consequences specified by Wis. Admin Code § ERC 71.03(7) are applicable.

Dated at Madison, Wisconsin, this 30th day of April 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner