

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 CORNELL

Case 27
No. 73157
ME-5433

DECISION NO. 34997

Appearances:

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

Dave DeJongh, City Administrator, P.O. Box 796, Cornell, Wisconsin, 54732, appearing on behalf of City of Cornell.

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 Cornell. 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