

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
IBEW LOCAL 965
Involving Certain Employees of
CITY OF CUBA CITY ELECTRIC & WATER UTILITY

Case 5
No. 73158
ME-5434

DECISION NO. 34998

Appearances:

Michael J. Pyne, Assistant Business Manager, 701 Watson Avenue, Madison, Wisconsin, 53713, appearing on behalf of IBEW Local 965.

Gary Droessler, Director of Public Works, 108 North Main Street, Cuba City, Wisconsin, 53807, appearing on behalf of the City of Cuba City Electric & Water Utility.

ORDER DISMISSING PETITION

On January 31, 2014, IBEW Local 965 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 Cuba City Electric & Water Utility. 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 and requested that any argument be filed on or before February 10, 2014. On February 7, 2014, IBEW Local 965 filed argument in opposition to 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 utility 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.

IBEW Local 965'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