

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
SOCIAL WORKERS ASSOCIATION
Involving Certain Employees of
FOND DU LAC COUNTY

Case 196
No. 73162
ME-5438

DECISION NO. 35002

Appearances:

Sally Stix and Timothy M. Scheffler, Stix Law Offices, 700 Rayovac Drive, Suite 117, Madison, Wisconsin, 53711, appearing on behalf of the Social Workers Association.

Michael J. Marx, Human Resources Director, 160 South Macy Street, Fond du Lac, Wisconsin, 54935, appearing on behalf of Fond du Lac County.

ORDER DISMISSING PETITION

On February 7, 2014, the Social Workers Association filed a petition with the Wisconsin Employment Relations Commission asking that the Commission conduct an election to determine whether the Association could continue to serve as the collective bargaining representative of certain employees of Fond du Lac County. The County responded by asking the Commission to dismiss the petition as untimely filed. On February 14, 2014, the Association filed argument in opposition to the requested 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 County 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.

The Association'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