

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
TEAMSTERS UNION LOCAL NO. 200  
Involving Certain Employees of  
VILLAGE OF SALEM LAKES (f/k/a TOWN OF SALEM)

Case ID: 396.0002  
Case Type: REC\_ME

DECISION NO. 36878-B

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**CERTIFICATION OF RESULTS OF ELECTION**

On March 14, 2017, the Wisconsin Employment Relations Commission ordered that an election be held pursuant to § 111.70(4)(d)3.b., Stats., among certain employees of the Village of Salem Lakes (f/k/a Town of Salem) to determine if they wanted to continue to be represented by Teamsters Union Local No. 200 for the purposes of collective bargaining. Pursuant to the Commission's request, the Village posted and/or distributed a Commission provided Notice of Election that advised the employees when the election would be conducted and what steps they needed to take if they wished to vote.

On April 26, 2017, the Village and Teamsters received an election tally from the Commission that advised them that two of the twelve eligible voters had cast ballots during the April 5 through 25, 2017 election. Later that day, Teamsters asked that a new election be conducted, and the Village advised that it had no objection to the Teamster's request.

Where, as here, the Notice of Election was posted and/or distributed, we are not persuaded that a new election is warranted. Whether the limited number of voters was a result of disinterest or forgetfulness, the critical and determinative consideration is that the employees had an opportunity to vote. As we noted in *Town of Woodruff*, Dec. No. 34944-A (WERC, 05/14), if we were to accept matters such as forgetfulness as a valid basis for a new election, election results would always be subject to challenges and new elections.

The result of the election was as follows:

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|----|---------------------------|----|
| 1. | Number of eligible voters | 12 |
| 2. | Total votes cast          | 2  |

- |    |  |   |
|----|--|---|
| 3. | Votes cast for Teamsters Union Local No. 200 | 2 |
| 4. | Votes cast for no representation             | 0 |

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by § 111.70(4)(d)3.b. of the Municipal Employment Relations Act;

IT IS HEREBY CERTIFIED that at least fifty-one percent (51%) of the employees in the DPW/wastewater bargaining unit failed to select the Teamsters Union Local No. 200 to continue as their bargaining representative.

NOTICE IS HEREBY GIVEN that:

1. If no collective bargaining agreement is currently in effect, the Teamsters Union Local No. 200 is no longer the collective bargaining representative as of the date of this Certification. If a collective bargaining agreement is currently in effect, the Teamsters Union Local No. 200 ceases to be the collective bargaining representative as of the date that agreement expires.

2. For a minimum of one year from the applicable date in (1) above, the employees shall not be included in a substantially similar collective bargaining unit.

Signed at the City of Madison, Wisconsin, this 15th day of May, 2017.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James R. Scott, Chairman

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Rodney G. Pasch, Commissioner

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James J. Daley, Commissioner