

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

SEIU LOCAL 21

Involving Certain Employees of

SCHOOL DISTRICT OF LA CROSSE

Case ID: 69.0011

Case Type: REC_ME

DECISION NO. 37107-A

Appearances:

Jeffrey Greene, Financial Secretary, SEIU Local 21, 1818 Cass Street, La Crosse, Wisconsin, appearing on behalf of SEIU Local 21.

Mark White, Director of Human Resources, School District of La Crosse, 807 East Avenue South, La Crosse, Wisconsin, appearing on behalf of the School District of La Crosse.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Direction of Election previously issued by it in the above-captioned matter, the Wisconsin Employment Relations Commission, between November 1 and November 21, 2017, conducted an election pursuant to § 111.70(4)(d)3.b. of the Municipal Employment Relations Act, to determine whether at least fifty-one percent (51%) of the maintenance employees employed by the School District of La Crosse wanted to continue to be represented by SEIU Local 21 for the purposes of collective bargaining.

The result of the election reported to the parties on November 27, 2017, was as follows:

1.	Eligible Voters	68
2.	Eligible Votes Cast	31
3.	Votes Cast for SEIU Local 21	31
4.	Votes Cast for No Representation	0

On December 5, 2017, SEIU Local 21 filed objections to the conduct of the election. On December 12, 2017, the School District filed a response.

Having considered the matter, the Commission concludes the election results are as follows:

1.	Eligible Voters	67
2.	Eligible Votes Cast	31
3.	Votes Cast for SEIU Local 21	31
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 maintenance bargaining unit failed to select SEIU Local 21 to continue as their bargaining representative.

NOTICE IS HEREBY GIVEN that:

1. If no collective bargaining agreement is currently in effect, SEIU Local 21 is no longer the collective bargaining representative as of the date of this Certification. If a collective bargaining agreement is currently in effect, SEIU Local 21 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 bargaining unit.

Signed at the City of Madison, Wisconsin, this 22nd day of December, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING CERTIFICATION OF RESULTS OF ELECTION

SEIU Local 21 objections assert:

1. An employee on the list of eligible voters (Christopher Burks) resigned before the election began and therefore lost his eligibility.
2. Six eligible voters did not get an email from the School District providing information on how and when to vote.
3. Two employees voted but were not on the list of eligible voters.

The School District opposes the objections contending:

1. Burks did resign prior to the start of the election but was appropriately on the voter list.
2. The Notice of Election was posted in all buildings and SEIU Local 21 does not contend otherwise. In addition, the Notice was emailed to all voters, and the School District records reflect the email was received by all six eligible voters referenced by SEIU Local 21 and opened by four of those individuals.
3. The two voters were on the list of eligible voters.

As to Objection 1 above, the Direction of Election issued in this matter specifies that “employees as may prior to the election leave ... the bargaining unit” as no longer eligible to vote. *See also Milwaukee Public Schools*, Dec. No. 35948-A (WERC, 1/16). Therefore, this objection is sustained and the number of eligible voters is reduced by one from 68 to 67.¹

As to Objection 2 above, the WERC instructed the School District to “post and/or distribute the Notice of Election as soon as possible wherever/however necessary to provide eligible voters with notice of the election.” There is no contention that the School District did not post the Notice in the workplace or that such posting was inadequate as a means of advising voters how and when they could vote. If a Notice is posted, there is no additional requirement that the Notice be distributed by email or other means. Therefore, this objection is not sustained.²

As to Objection 3 above, review of WERC records confirms that that the two voters were indeed on the list of eligible voters. Therefore, this objection is not sustained.

¹ WERC records reflect that Burks did not vote and thus the number of votes cast is not affected.

² SEIU Local 21 tacitly acknowledges that the School District also did distribute the Notice by email but claims some employees did not receive the email. The School District disputes this claim. The Commission need not resolve this dispute because the posting provides a sufficient basis for resolving this objection.

Given the foregoing, aside from the previously noted reduction in the number of eligible voters, the Commission finds no basis for altering the election result or conducting a new election. Therefore, the appropriate Certification is hereby issued.

Signed at the City of Madison, Wisconsin, this 22nd day of December, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman