

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WAUKESHA DEPUTY SHERIFFS LABOR UNION

Involving Certain Employees of
WAUKESHA COUNTY

Case ID: 488.0001
Case Type: E_ME

DECISION NO. 37971

Appearances:

James L. Palmer, Executive Director, Wisconsin Professional Police Association, 660 John Nolen Drive, Suite 300, Madison, Wisconsin, appearing on behalf of the Wisconsin Professional Police Association.

Christopher J. MacGillis, MacGillis Wiemer, LLC, 11040 W. Bluemound Road, Suite 100, Wauwatosa, Wisconsin, appearing on behalf of the Waukesha Deputy Sheriffs Labor Union.

**ORDER GRANTING MOTION TO HOLD ELECTION IN
ABEYANCE PENDING RESOLUTION OF COMPLAINT**

On June 13, 2019, the Waukesha Deputy Sheriffs Labor Union (WDSLUI) filed a petition with the Wisconsin Employment Relations Commission seeking an election to determine whether certain public safety employees of Waukesha County wish to be represented by said Union or by the Wisconsin Professional Police Association (WPPA) for the purposes of collective bargaining with the County. On June 21, 2019, WPPA filed a motion asking that the election petition be held in abeyance pending resolution of a prohibited practice complaint filed by WPPA. The parties thereafter filed written argument in support of, and in opposition to, the motion, and the matter became ripe for Commission consideration on July 3, 2019.

Having considered the matter and being fully advised in the premises, the Commission makes and issues the following:

ORDER

The Petition for Election is held in abeyance pending disposition of the prohibited practice complaint and compliance with any relevant remedial orders.

Signed at the City of Madison, Wisconsin, this 23rd day of July, 2019.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO
HOLD ELECTION IN ABEYANCE PENDING RESOLUTION OF COMPLAINT**

WPPA correctly points to existing Commission precedent which held that the Commission will hold an election petition in abeyance pending disposition of a prohibited practice complaint if that complaint being litigated has the potential to impact the conduct of a free and fair election and thus taint the election result. *School District of Platteville*, Dec. No. 21645-A (WERC, 6/84). In the instant matter, the disposition of the prohibited practice complaint does have the potential to impact the conduct of a free and fair election. The complaint is currently pending before the Commission as a consequence of petitions for review filed by both WPPA and WDSLUI following issuance of Examiner Davis' decision. Pending the Commission's disposition of the matter and subsequent compliance with any remedial orders relevant to the conduct of the election, the Petition for Election will be held in abeyance.

Signed at the City of Madison, Wisconsin, this 23rd day of July, 2019.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman