

## Chapter ERC 3

### ELECTION AND CERTIFICATION OF REPRESENTATIVES

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**Note:** Chapter ERB 3 was renumbered chapter ERC 3 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468.

**Note:** See s. 111.05, Stats.

**ERC 3.01 Representative and unit petitions; petitioner.** Any employe, labor organization or employer (or the representative of any of them), may petition the commission to determine a collective bargaining representative for all employes in a unit appropriate for such purpose, and for a determination of said unit whenever such a question arises. The petition shall be prepared on a form furnished by the commission, and the original and 5 copies thereof shall be signed and filed with the commission.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 3.02 Petition. (1)** The petition shall include:

- (a) The full name and address of the petitioner;
- (b) The name and address of the employer, the general nature of the business, and the approximate number of employes;
- (c) A description of the bargaining unit claimed to be appropriate, the approximate number of employes constituting such unit, and the approximate number of employes on whose behalf the petition is filed;
- (d) The names of any known persons or organization of employes who claim to represent any of the employes in the alleged bargaining unit;
- (e) A brief statement setting forth the nature of the question that has arisen concerning representation;
- (f) Any other relevant facts.

**History:** 1-2-56; corrections in (1) (b) made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468.

**ERC 3.03 Stipulation for election.** If it appears to the commission that the petition presents a question concerning representation, and no dispute exists between the interested parties as to the conduct of an election, said parties may enter into a stipulation for election, as prescribed by the commission. The commission shall thereupon conduct the election in accordance with such stipulation. If no such stipulation is consummated, the commission may hold a hearing, in which event it will serve upon the petitioner and upon any other interested parties a copy of the petition and a notice of hearing upon the question of representation, at a time and place stated therein. At such hearing, the commission shall determine the facts necessary to conduct the election. Further procedure shall be governed by the provisions of ss. ERC 2.07 to 2.18, both inclusive, insofar as they are applicable. If, upon

completion of such hearing, the commission concludes that a secret ballot should be taken, it may direct that an election be conducted in the appropriate collective bargaining unit upon such terms as it may specify. The form of ballot to be used in any election shall be prepared as prescribed in s. 111.05 (3), Stats.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1994, No. 468.

**ERC 3.04 Determination of bargaining unit.** Whenever a question arises concerning the determination of an appropriate bargaining unit, it shall be disposed of as provided by s. 111.05 (2), Stats.

**ERC 3.05 Election report; objection.** The agent of the commission conducting an election shall make a report containing a tally of votes, serve a copy of such report upon each party in interest, and transmit a copy thereof to the commission. Any party to the proceeding who desires to file an objection to the conduct of the election shall do so within 5 days after receipt of a copy of such report. Such objection shall be in writing and shall contain a brief statement of the facts upon which the objection is based. The original and 3 copies of such objection shall be signed and filed with the commission, the original being sworn to. The objector shall serve a copy upon each of the other parties. If it appears to the commission that any substantial question was raised thereby, the commission shall decide such question before proceeding to a final determination.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 3.06 Certification of election results.** Following such election, the commission shall make findings and shall certify the results of such election, and shall issue a copy of such certificate to the employer and each of the persons whose name appeared on the ballot, and so notify the parties.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 3.07 Protested ballots.** If a dispute arises in any election or referendum concerning the eligibility of a particular employe to vote therein, the ballot of such employe may be received under protest by the agent of the commission conducting the election. All such protested ballots shall be placed in individual marked envelopes. The commission shall decide the eligibility of the employes involved, if such protested ballots are necessary to a final determination.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.