

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GENERAL DRIVERS AND HELPERS LOCAL
UNION NO. 95, AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN & HELPERS OF
AMERICA,

Complainant,

vs.

BI STATE TRUCKING CORP. and
THOMPSON CONCRETE PRODUCTS CO., INC.,

Respondents.

Case I
No. 14069 Ce-1317
Decision No. 9924-B

ORDER AFFIRMING EXAMINER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Examiner George R. Fleischli having on February 18, 1971, issued his Findings of Fact, Conclusions of Law and Order in the above entitled proceeding; and on March 18, 1971, the above named Complainant having timely filed a Petition for Review thereof and a Memorandum in support of said petition; and on April 12, 1971, said Respondents having filed a brief in opposition to the Petition for Review; and the Commission having reviewed the entire record, the Examiner's Findings of Fact, Conclusions of Law and Order, the Memorandum accompanying same, the Petition for Review, the brief in support thereof, as well as the brief in opposition thereto, and being satisfied that the decision of the Examiner be affirmed;

NOW, THEREFORE, it is

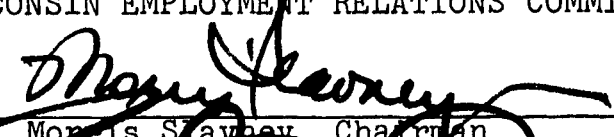
ORDERED

That, pursuant to Section 111.07(5) of the Wisconsin Employment Peace Act, the Wisconsin Employment Relations Commission hereby adopts the Examiner's Findings of Fact, Conclusions of Law and Order, and Memorandum, issued in the above entitled matter as its Findings of Fact, Conclusions of Law and Order, and, therefore, the Respondent, Bi State Trucking Corp. shall notify the Wisconsin Employment Relations Commission within ten (10) days of a receipt of a copy of this Order as to what steps it has taken to comply therewith.

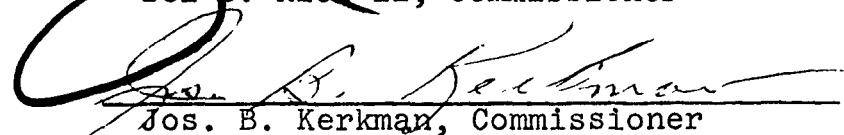
Given under our hands and seal at the
City of Madison, Wisconsin, this 31st
day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Stawkey, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

No. 9924-B

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Case I
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MEMORANDUM ACCOMPANYING ORDER
AFFIRMING EXAMINER'S FINDINGS OF
FACT, CONCLUSIONS OF LAW AND ORDER

The Commission has reviewed the entire record, the decision of the Examiner, the Petition for Review, and the briefs in support thereof and in opposition thereto.

The Complainant, in its Petition for Review, takes exception to the Examiner's determination that Respondent Thompson Concrete Products Co., Inc. is not a successor to Respondent Bi State Trucking Corp., and that Respondent Thompson Concrete Products Co., Inc. and Respondent Bi State Trucking Corp. are not a single employer or joint employer for the purposes of labor relations, and further, that Respondent Thompson Concrete Products Co., Inc. did not become, and is not, a party to the collective bargaining agreements involved in the proceeding. It further takes exception to the conclusion of the Examiner that Respondent Thompson Concrete Products Co., Inc. did not commit an unfair labor practice by refusing to comply with the terms of the collective bargaining agreement and pension fund participation agreement existing between the Complainant and Respondent Bi State Trucking Corp. and by refusing to comply with an award issued by an arbitration panel, pursuant to said collective bargaining agreement.

The Complainant further alleged that the Examiner erred in dismissing the complaint to the extent that it applied to the Respondent Thompson Concrete Products Co., Inc., and further, with respect to all other findings, conclusions and opinions which failed to determine that the Respondents were, and are, a single employer for the purposes of labor relations.

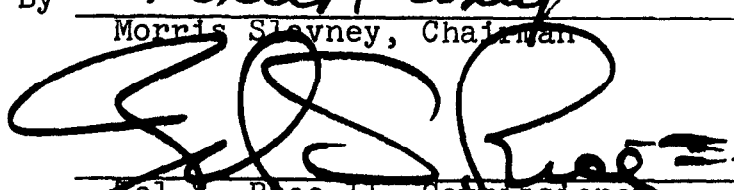
In its Memorandum in support of its Petition for Review the Complainant cited various decisions rendered by the National Labor Relations Board and the federal courts, wherein joint ownership and responsibility were found to exist among employers involved. We have reviewed said decisions and we are satisfied that the facts established herein are not sufficient to bring the instant "employer relationship" within the rationale expressed and the conclusions reached in those National Labor Relations Board and court decisions.

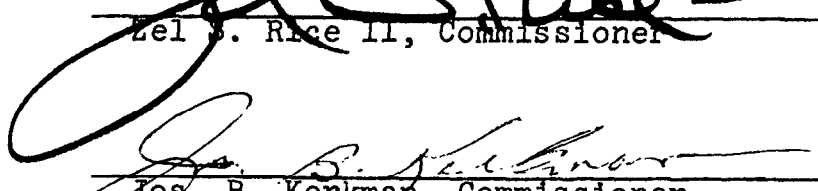
We have affirmed the Examiner's decision, being satisfied that the facts do not extend any unfair labor practices committed by B1 State Trucking Corp. to Thompson Concrete Products Co., Inc.

Dated at Madison, Wisconsin, this 31st day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slayney, Chairman


Del S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

