

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

UNITED NURSING HOME & HOSPITAL
EMPLOYEES' FEDERATION, LOCAL 222,

Complainant,

vs.

H.O.P.E., INC.,

Respondent.

Case II
No. 15443 Ce-1410
Decision No. 10883-A

ORDER GRANTING MOTION FOR POSTPONEMENT AND DENYING MOTION
TO POSTPONE HEARING TO A DATE SUBSEQUENT TO THE
COMMISSION'S DECISION IN A RELATED REPRESENTATION
CASE 1/ AND ORDER RESCHEDULING HEARING

Complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission in the above entitled matter and the Commission having appointed Herman Torosian, a member of the Commission's staff to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Orders, as provided in Section 111.07(5) of the Wisconsin Statutes; and the Examiner having set the complaint for hearing for April 24, 1972 at Milwaukee, Wisconsin; and Respondent, by its counsel, having filed with the Examiner a Motion to postpone conduct of hearing to a date not yet certain but subsequent to the Commission's decision in the related representation matter Case I No. 15411 E-2737; and the Complainant having stated its opposition to said Motion; and the Examiner having considered said Motions and arguments and being fully advised in the premises makes and issues the following

ORDER

1. That the Respondent's Motion to postpone the hearing scheduled in the above entitled matter for April 24, 1972 be, and the same hereby is, granted. That it is further ordered that hearing on instant complaint be conducted on May 26, 1972 at 10:00 a.m. at the Milwaukee State Office Building, Milwaukee, Wisconsin.

2. That the Respondent's Motion to postpone the conduct of the hearing in the above entitled matter to a date not yet certain but subsequent to the Commission's decision and the Respondent's representation matter designated as Case I No. 15411 E-2737 be, and the same hereby is, denied.

Dated at Madison, Wisconsin, this 26th day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Examiner

1/ H.O.P.E., Inc., Case I No. 15411 E-2737

No. 10883-A

MEMORANDUM ACCOMPANYING
ORDER GRANTING MOTION FOR POSTPONEMENT AND DENYING MOTION
TO POSTPONE HEARING TO A DATE SUBSEQUENT TO THE
COMMISSION'S DECISION IN A RELATED REPRESENTATION
CASE AND ORDER RESCHEDULING HEARING

On April 19, 1972 the Respondent filed a Motion to postpone conduct of hearing in the above entitled matter to a date subsequent to the Commission's decision in a representation matter involving the same parties. In support thereof Respondent states the following:


"The allegations in the complaint herein involve only conduct relating to Karen DeNoyer and as such the complaint is specifically controlled by the forthcoming decision to be made in Case I No. 15411 E-2737 concerning the confidential nature of the secretary-receptionist position. It is believed that a rehearing of the evidence of the question of the confidential nature of the secretary-receptionist position would be an unjustified waste of time and expense of the Commission and parties hereto."

It is true, as alleged by Respondent, that evidence concerning confidential nature of secretary-receptionist position, occupied by Karen DeNoyer, has already been adduced at an election hearing conducted on March 27 and April 11, 1972 involving the same parties. It is also true that the question of whether or not Karen DeNoyer is a confidential employe may be crucial in the instant complaint case. It is the Examiners opinion, however, that it would not be an unjustified waste of time and expense, as alleged by the Respondent, for the Commission to conduct the hearing on the instant matter prior to the Commission's decision of the election in the representation case for the following reasons. First, Complainant has waived its right to claim as a basis for objections affecting the conduct of the election any allegations made in the complaint herein. Secondly, a hearing of the evidence concerning the confidential nature of Karen DeNoyer will not be necessary in that the Examiner can rely on the Commission's disposition of the representation matter wherein a determination of said issue will be made. In the meantime the matter can best be expedited, the Examiner concludes, by scheduling the instant matter, without regard to the date of the Commission's disposition of the pending representation matter, for the purpose of adducing all other evidence material in the instant matter.

Dated at Madison, Wisconsin, this 26th day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Examiner