

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I
No. 15110 R-5244
Decision No. 10898

Mr. Walter Barnett, Representative, Wisconsin Council of
Carpenters, for the Petitioner.
Mr. David Koskinen, Attorney at Law, for the Employer.

Petition having been filed with the Wisconsin Employment Relations Commission by Wisconsin State Council of Carpenters, U.B. of C. and J. of A., requesting that a referendum be conducted pursuant to the provisions of Section 111.06, Wisconsin Statutes, among certain employees of Fleetwood Archery Division, Outers Laboratories, Inc., Superior, Wisconsin, for the purpose of determining whether the required number of such employees desire an all-union agreement between said Employer and the Petitioner; and a hearing on such petition having been conducted at Superior, Wisconsin, on March 16, 1972, by Robert M. McCormick, Hearing Officer; and the Commission having considered the evidence, arguments and briefs of Counsel, and being satisfied that a question has arisen concerning authorization for an all-union agreement involving certain employees of Fleetwood Archery Division, Outers Laboratories, Inc.;

NOW, THEREFORE, it is

That a referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all production and maintenance employees employed by Fleetwood Archery Division, Outers Laboratories, Inc., at its Superior, Wisconsin, plant, excluding office clerical employees, guards and supervisors as defined in the Act, who were employed by the Employer on March 16, 1972,


No. 10898

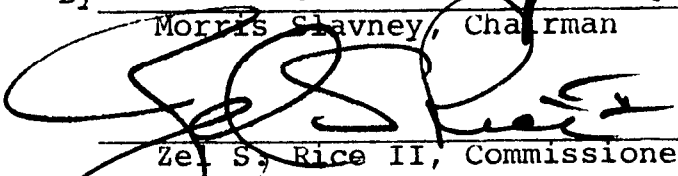
except such employes as may prior to the referendum quit their employment or be discharged for cause, for the purpose of determining whether or not the required number of such employes favor an all-union agreement between the Employer and the Union named above. 1/

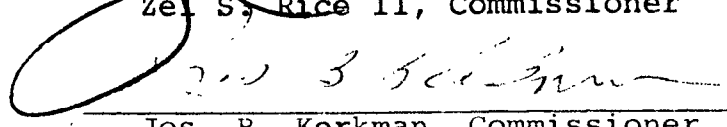
Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ Memorandum Accompanying Direction of Referendum is attached hereto.

FLEETWOOD ARCHERY DIVISION, OUTERS LABORATORIES
INC., I, Decision No. 10898

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

At the outset of the hearing the Employer, by motion, requested that the Commission should not direct a referendum at this time because the Employer and the Union had not yet completed collective bargaining negotiations, contending that a referendum conducted before said negotiations were completed would interfere with the Employer's rights under the National Labor Relations Act and under the Employment Peace Act. The Employer contended further that a petition for referendum would be timely after the parties have negotiated and executed a collective bargaining agreement containing some form of union security.

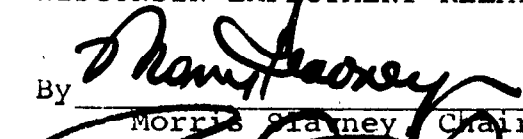
The Commission rejects said argument since substantially the same argument has been raised and rejected in its decisions in Oneida Motor Sales, Inc. (8450), 3/68; and Packaging Corporation of America, Plastics Division, (7400) 12/65.

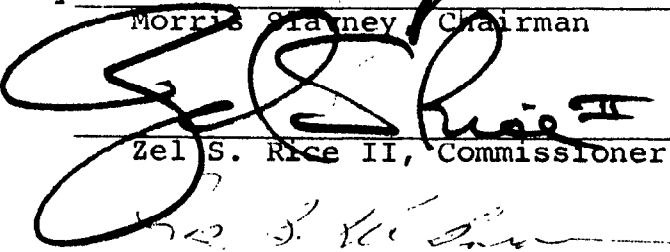
It is well settled under the federal case law that this State may establish conditions under which union security agreements may be entered into, pursuant to Section 14(b) of the National Labor Relations Act, just as states have the power thereunder to totally prohibit enforcement of union security arrangements. 1/

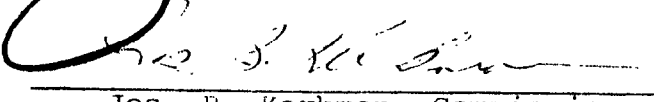
Dated at Madison, Wisconsin, this 29th day of March, 1972.

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1/ Retail Clerks v. Schermerhorn, 375 U.S. 96 (1963), 54 LRRM 2612;
Algoma Plywood & Veneer Co., 336 U.S. 301, 3/49.