

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

UNITED NURSING HOME AND HOSPITAL  
EMPLOYEES' FEDERATION, LOCAL 222

Involving Certain Employes of

MANITOWOC COUNTY (PARK LAWN HOME)  
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Case XIX  
No. 15234 ME-743  
Decision No. 10899-B

ORDER WITH RESPECT TO  
OBJECTIONS TO CONDUCT OF ELECTION

Local 150, Service & Hospital Employees International Union, AFL-CIO, having timely filed objections to the conduct of a run-off election conducted by the Wisconsin Employment Relations Commission in the above entitled matter, wherein it alleged the following:

"1. An incorrect eligibility list was furnished to Local 150 which interfered with its right to communicate with employees in the bargaining unit.

2. Local 222 communicated material misrepresentations to employees in the bargaining unit and Local 150 had no adequate time to respond to said material misrepresentations and said misrepresentations adversely affected the employees making a free choice in the election.";

and the Commission having reviewed said objections and being satisfied that the first objection should be dismissed and that the second objection should be made more definite and certain;

NOW, THEREFORE, it is

ORDERED

That Objection No. 1 be, and the same hereby is, dismissed, and further, that Objection No. 2 be made more definite and certain, by setting forth the specific material misrepresentations alleged to have been made, by whom they were made, to whom they were made, and the date on which they were made.

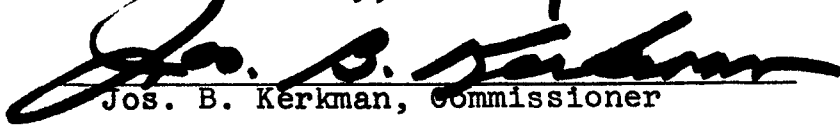
IT IS FURTHER ORDERED that Local 150, Service & Hospital Employees International Union, AFL-CIO, file such amended objections by June 9, 1972.

Given under our hands and seal at the City of Madison, Wisconsin, this 26th day of May, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER WITH RESPECT TO  
OBJECTIONS TO CONDUCT OF ELECTION

On April 20, 1972, the Commission conducted an election among all regular full-time and regular part-time employes of Manitowoc County employed at its Park Lawn Home, Manitowoc, Wisconsin, but excluding supervisors, professional employes, registered nurses, office employes and confidential employes who were employed on March 29, 1972, to determine whether said employes desired to be represented for the purposes of collective bargaining by United Nursing Home and Hospital Employees' Federation, Local 222 or by Local 150, Service & Hospital Employees International Union, AFL-CIO, or by neither of said organizations. The results of the election were not conclusive in that no choice received a majority of the votes cast. However, the least number of votes were cast against representation, and subsequently, pursuant to the request of United Nursing Home and Hospital Employees' Federation, Local 222, the Commission, on April 27, 1972, directed a run-off election among the employes in said unit to determine whether they desired to be represented by said Local 222 or by Local 150, Service & Hospital Employees International Union, AFL-CIO. The eligibility date utilized for the conduct of the run-off election was March 29, 1972, the same eligibility date utilized in the conduct of the original election. The eligibility list utilized in the original election was adjusted during the conduct of the original election by the striking of six names thereof and by the addition of four names. The tally sheet issued at the close of the original election was signed by representatives of all the parties and indicated that the election was conducted in a fair and impartial manner. Local 150, Service & Hospital Employees International Union, AFL-CIO, at no time prior to the conduct of the run-off election, objected to the eligibility list utilized in the original election.

In the run-off election since the same eligibility date was established, the eligibility list which had been adjusted during the conduct of the original election was utilized for the run-off election, and the only changes made in the list of eligibles during the conduct of the run-off election was the deletion of three individuals as being retired or who quit, and the addition of another individual, who for some reason or other had not been included on the original list.

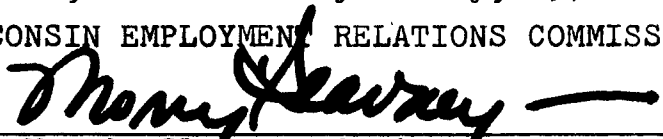
Under such circumstances the Commission determines that the first objection to the conduct of the election is without merit.

With respect to Objection No. 2 the Commission determines that said objection should be made more definite and certain, setting forth the date on which Local 222 was alleged to have communicated material misrepresentations to employes, setting forth the names of its representatives involved, the names of the employes to whom said misrepresentations were made, as well as the nature of said misrepresentations.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner