

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

UNITED NURSING HOME AND HOSPITAL
EMPLOYEES' FEDERATION, LOCAL 222

For Determination of Bargaining
Representatives for Certain Employees of

APPLETON MEMORIAL HOSPITAL
Appleton, Wisconsin

Case VII

No. 15161 E-2726

Decision No. 10905

Appearances:

Mr. Kenneth C. Islo, Business Representative, appearing on
behalf of the Petitioner.

Quarles, Herriott, Clemons, Teschner & Noelke, Attorneys at Law,
by Mr. L. E. Gooding, Jr., appearing on behalf of the Employer.
Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Kenneth R.
Loebel, and, Mr. Don Beatty, President, appearing on behalf of
the Intervenor.

ORDER OF DISMISSAL

United Nursing Home and Hospital Employees' Federation, Local 222, having filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted among certain employees of Appleton Memorial Hospital, Appleton, Wisconsin; and hearing on such petition having been conducted at Appleton, Wisconsin on January 24, 1972, Marvin L. Schurke, Hearing Officer, being present; and during the course of the hearing Service Employees International Union Local 150, AFL-CIO having been permitted to intervene in the proceeding on its claim that it presently represented the employees involved; and the Commission, having considered the entire record, the arguments and briefs of counsel, being satisfied that the petition initiating the instant matter was not timely filed, and that, therefore, the petition should be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 31st.
day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Del S. Rice II, Commissioner

Wesley B. Kerkman, Commissioner

No. 10905

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

The Petitioner filed its petition initiating the instant proceeding on December 9, 1971, a date following the reopening date of a collective bargaining agreement existing between the Intervenor and the Employer, which agreement by its terms would normally have expired on October 1, 1971. However, prior to the latter date, and during negotiations leading to a new agreement, and specifically on September 8, 1971, the Intervenor and the Employer entered into a written agreement extending the term of the then existing agreement "until 30 days following the lifting of the wage freeze, or until such time as Federal guidelines are issued to allow the parties to intelligently negotiate a new agreement."

The petition was filed after the reopening date of the existing agreement, and since the agreement was not prematurely extended, but was extended as a result of conditions beyond the control of the parties to the agreement, although for a specific period, but with uncertainty regarding termination of the agreement upon the conditions stated in the extension agreement. Further, after the lifting of the wage freeze and the issuance of Federal guidelines with respect to wage increases, the Intervenor and the Employer were precluded from bargaining on a new agreement because of the filing of the instant petition. Under such circumstances we conclude that the Intervenor and the Employer be granted until May 1, 1972 in which to attempt to negotiate a new agreement. Therefore, we conclude the petition in this matter to have been untimely filed. However, should the Employer and Intervenor not reach an agreement by May 1, 1972, the Commission will entertain a new petition filed by the Petitioner. 1/

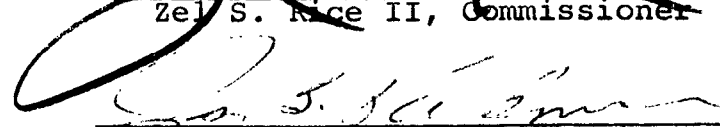
Dated at Madison, Wisconsin, this 31st day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ The Commission sees no need to determine the other issues raised in the matter.