

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I  
No. 15568 R-5307  
Decision No. 11015

Mr. William W. Madson, Business Representative, Local Lodge 1259,  
appearing on behalf of the Petitioner.  
Foley & Lardner, Attorneys at Law, by Mr. Paul Prentiss, appear-  
ing on behalf of the Employer.

Local Lodge No. 1259, International Association of Machinists & A. W., AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct a referendum pursuant to Section 111.06(1)(c)1 of the Wisconsin Employment Peace Act among certain employees of the Seifert Mfg. Co., Inc.; and a hearing on such petition having been conducted on May 15, 1972, at Kiel, Wisconsin, by Commissioner Jos. B. Kerkman; and during the course of said hearing the parties having stipulated to the conduct of the referendum; and the Commission being satisfied that a referendum should be directed;

**DIRECTED**

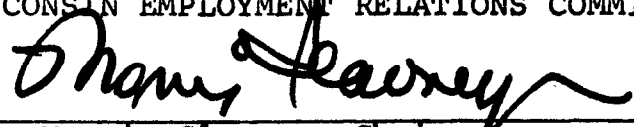
That a referendum by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all production and maintenance employees of Seifert Manufacturing Company, Inc., Kiel, Wisconsin, but excluding office clerical employees, professional employees, guards, and supervisors as defined in the Act, who were employed by the Employer on May 12, 1972, except such employees as may prior to the

referendum quit their employment or be discharged for cause, for the purpose of determining whether the required number of such employes favor an "all-union agreement" between the Employer and the Union named above.

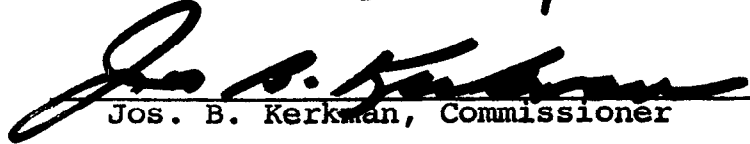
Given under our hands and seal at the City of Madison, Wisconsin, this 18<sup>th</sup> day of May, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

During the course of the hearing, the Petitioner and the Employer stipulated to an amended petition in this referendum. The original petition requested a referendum in a unit composed of all production and maintenance employees at both the Employer's Kiel, Wisconsin plant and the Employer's plant located at Valders, Wisconsin. At the time of the hearing, the Employer was in the process of disposing of his Valders, Wisconsin plant to a new corporation. The articles of incorporation for the Valders plant are now pending approval by the Secretary of State, and it is expected that this process will be consummated within the next 30 to 45 days. Since the pending disposal of the Valders plant by Seifert Mfg. Co., Inc. is almost a certainty, both parties stipulated that the referendum should be conducted only among the eligible employees of the Employer's plant at Kiel, Wisconsin, and that the results of the referendum will be binding on the parties. If the required number of employees vote for an all-union agreement, the Employer has stipulated that an all-union agreement will be a matter of contract between the Union and the Employer. The Commission deems that the aforementioned stipulation is proper.

In reviewing the list of eligible employees at the hearing, an issue was raised as to the eligibility of one Melvin Seifert to vote in the referendum. Mr. Seifert is the brother of the President of the Company. The Employment Peace Act specifically excludes from the definition of "employee" only "any individual employed by his parent or spouse". Since Mr. Seifert fits neither of these categories, he is eligible to vote. 1/

The parties also stipulated that the following employees who are listed on the employee listing furnished by the Employer are not eligible to vote: Wilbert Mueller, Ronald Zahringer and Ervin Peterson. These three employees are now transferred to the Valders plant and do not fall within the unit description for which this referendum is being conducted.

The parties further stipulated that Mr. Anthony Hoerth and Mr. Richard Legler are not eligible to vote because they are employed as caretakers who perform no work within the confines of the plant and fall outside the unit description.

The Commission also deems these stipulations to be proper.

Dated at Madison, Wisconsin, this 18<sup>th</sup> day of May, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner

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1/ Section 111.02(3)(d)