

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Stipulation of

LOCAL UNION NO. 715, INTERNATIONAL BROTHER-
HOOD OF ELECTRICAL WORKERS, AFL-CIO and
HORIZONS COMMUNICATIONS CORPORATION OF
WISCONSIN d/b/a WAOW-TV

For a Referendum on the Question
of an All-Union Agreement between

HORIZONS COMMUNICATIONS CORPORATION OF
WISCONSIN d/b/a WAOW-TV
Wausau, Wisconsin, Employer

and LOCAL UNION NO. 715, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO,
Union

Case II
No. 15764 R-5349
Decision No. 11103-B

ORDER DENYING OBJECTIONS TO CONDUCT OF REFERENDUM

The Wisconsin Employment Relations Commission having on July 13, 1972, conducted a referendum among all engineers employed by Horizons Communications Corporation of Wisconsin d/b/a WAOW-TV, at its Wausau, Wisconsin location who operate transmitter, record and load video tapes, video shading, video gain riding, set up cameras in control room and repair equipment, but excluding chief engineers, announcers, directors, cameramen, production employees, sales employees, office clerical employees, guards and supervisors as defined in the Act, and all other employees, wherein of seven employees eligible to vote, only three cast ballots, all in favor of authorizing an all-union agreement between said Employer and Local Union No. 715, International Brotherhood of Electrical Workers, AFL-CIO; and said Union having timely filed objections to the conduct of the referendum; and the Commission having on July 19, 1972, issued an Order requiring said labor organization to make its objections more definite and certain; and on August 2, 1972, said labor organization having filed a statement making its objections more definite and certain; and on August 9, 1972, said Employer having filed a statement in opposition to the objections to the conduct of the referendum; and the Commission, being fully advised in the matter, and being satisfied that on the basis of the statements made in the amended objections to the conduct of the referendum, that no hearing is necessary, and further being satisfied that the objections should be denied;

NOW, THEREFORE, it is

No. 11103-B

ORDERED

That the objections filed by the above named labor organization to the conduct of the referendum conducted on July 13, 1972, be, and the same hereby are, dismissed. 1/

Given under our hands and seal at the
City of Madison, Wisconsin, this 12th
day of October, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

1/ The Commission has today issued a Certification of the results of the referendum.

MEMORANDUM ACCOMPANYING
ORDER DENYING OBJECTIONS TO CONDUCT OF REFERENDUM

As indicated in the preface to the Order Denying Objections to Conduct of Referendum, the labor organization timely filed objections to the conduct of the referendum. Upon receipt thereof, the Commission, being satisfied that the objections should be made more definite and certain, issued an Order with regard thereto, and on August 2, 1972, the labor organization filed the following "amended" objections:

"The Petitioner, Local Union No. 715, International Brotherhood of Electrical Workers, in response to the Commission's order to make objections to conduct of the referendum more definite and certain, alleges the following:

1. That notices of the referendum were posted at the employer's studio in Wausau and its transmitter at Rib Mountain and that the notices were posted on July 10, 1972; that it was posted in the upper left hand corner of a bulletin board located in the control room; that in the area in which the notice was posted several other sheets of paper dealing with procedures for the emergency broadcast system were also located; that the notice of the referendum, therefore, was not readily noticeable and that the bulletin board is not located adjacent to the place where employee time cards are kept. An employee, Don Stenz, worked at the studio the evening that the notice of the referendum was posted but did not see the notice and that he did not work at the studio again prior to the election and, therefore, had no notice of the referendum election.

2. That the union steward, (sic) Chandler Campbell, attempted to contact all of the members of the bargaining unit to inform them of the election; that he was unable to locate Don Stenz and that as a result of his inability to contact Mr. Stenz, and the failure to post the notice a reasonable period of time in advance of the referendum, and in a place and manner so as to be conspicuous, Mr. Stenz was not informed of the time and place for the election and, therefore, did not participate in the election.

3. That the union steward, (sic) Chandler Campbell, was contacted by Brynolf Haataja on the evening of July 12, 1972, and informed by Mr. Haataja that Mr. Haataja was incarcerated in the county jail and would like transportation to the election the following day. The union steward (sic) told him that he would pick him up and take him to the election. The union steward, (sic) however, had a real estate closing the following afternoon and following the closing forgot to go to the jail to pick up Mr. Haataja and take him to the election."

On August 9, 1972, the Employer filed the following statement in answer to the objections:

"Employer, Horizons Communications Corporation of Wisconsin, d/b/a WAOW-TV at Wausau, Wisconsin, states as follows:

1. Denies that the notice was posted in the upper left hand corner of a bulletin board; but, to the contrary, states that the notice was posted in the center of the board with notice of vacation schedule and notice of shift schedule and notice of shift schedule requires observation each working day.

2. Denies that the notice was not readily noticeable; denies that employee Stenz failed to see the notice but believes that he saw it and did not carefully read it.

3. States that the notice was posted July 10, 1972, that Stenz did not work July 10, 1972 but he worked five (5) hours at the studio along with the Union Steward, Campbell, in the same room and within 10 feet of the notice on July 12, 1972; states that the election was July 13, 1972, between 2:00 and 4:00 p.m.

4. Denies that the Union Steward was unable to contact Don Stenz as he worked with him as set forth in paragraph three.

5. Further employer states, on information and belief, that James A. Wilkerson, the Union Representative met with the employees before the election, to wit: on July 10, 1972; that Stenz and Cook were not present but following the meeting Mr. Wilkerson conferred with Cook.

6. Further employer states that one employee was working at the studio at the time of the election and employer furnished him a car and a driver for transportation to the transmitter so that he could vote.

7. Further, employer states that the Union Steward advised that he would pick up and transport Haataja to the polls and, if request had been made, this employer would have made arrangements for his transportation to the polls.

8. Employer states that the Union Steward, since the election, has stated that he forgot about the election and thus did not vote.

9. Employer states that another employee, Newcomb, has stated, since the election, that he was in town but forgot to vote.

10. Lastly, employer states that the notices were received in the Madison office on either Thursday, July 6 or Friday, July 7 and were mailed immediately to Wausau and received there on Monday, July 10, 1972 and posted on the same date. That these employees do not punch a time clock and the notices were posted on regular employee bulletin boards in the studio and at the transmitter where these employees work. That there was no delay in posting nor is there any basis for a claim by the Union that such places of posting were not readily noticeable; to the contrary, if anyone did not know of the election it was due to his failure to read and failure on the part of the Union to advise, or both."

7
The Commission has determined not to conduct a hearing with regard to the objections filed by the labor organization since on the face of the objections it is clear to the Commission that there exists no basis in fact for setting aside the results. Disregarding the Employer's answer to the objections, it is obvious from the objections filed by the labor organization that the notices with regard to the referendum were posted on July 10, 1972, concerning the referendum to be held on July 13, 1972. Further, a notice was posted on an employe bulletin board where other notices to employes were posted. An employe, Don Stenz, who did not appear to vote, was employed during the time that the notice was posted. The labor organization alleges that Stenz "did not see the notice and that he did not work at the studio" again prior to the referendum.

Further, the labor organization alleges that the union steward attempted to contact all members of the bargaining unit in order to notify them of the referendum, but that he was unable to locate Stenz. The mere fact that it is alleged that Stenz did not see the notice is no basis for concluding that the notice was so obstructed that it could not be seen. The notice was posted in accordance with the Commission's procedures, and the mere fact that the employe may not look or seek out the bulletin board where notices are usually posted is no basis that the employe did not have notice of the referendum.

Furthermore, the Commission cannot accept the allegation that the union steward was unable to locate Mr. Stenz as a basis for the objections. Only seven employes were eligible to vote. It appears to the Commission that if the union steward made any serious effort to contact Stenz he could have done so, at least he could have left a message at his place of residence with regard to the referendum.

With regard to the employe who was incarcerated at the county jail, and who apparently was given permission to leave the jail premises to cast a ballot but failed to do so because the union steward had other business at the time scheduled for the transportation of the incarcerated employe to the polling place and "forgot to go to the jail to pick up" the incarcerated employe, does not constitute a valid reason for setting aside the results of the referendum.

On the basis of the objections as filed by the labor organization, it is apparent that the union steward did not do "his homework" prior to or during the conduct of the referendum, and under such circumstances the Commission deems it would be an abuse of the Commission's procedure to set hearing in the matter since it is so obvious that there is no basis in fact for sustaining the objections. Therefore, we are dismissing same without hearing, and we are today also issuing a Certification of the results of the referendum.

Dated at Madison, Wisconsin, this 12th day of October, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Starnes, Chairman


Zeigler S. Rice II, Commissioner


J. B. Kerkman, Commissioner