

STATE OF WISCONSIN : CIRCUIT COURT : WALWORTH COUNTY

WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

Petitioner,

v.

OBENAUF GENEVA SERVICES, INC.,

Respondent.

NOTICE OF ENTRY OF
ORDER AND
JUDGMENT

Case No. 17353
Decision No. 11515-B

TO: Obenauf Geneva Service, Inc.
Cemetery Road
Lake Geneva, Wisconsin 53147

PLEASE TAKE NOTICE that a judgment and order, of which a true and correct copy is hereto attached, was duly entered in the above action in the Circuit Court for Walworth County, Wisconsin, on the 13th day of September, 1973.

Dated at Madison, Wisconsin, this 18th day of September, 1973.

ROBERT W. WARREN,
Attorney General,

CHARLES D. HOORNSTRA,
Assistant Attorney General,

Attorneys for Petitioner.

WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

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OBENAUF GENEVA SERVICES, INC.,

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O R D E R
and
J U D G M E N T

Case No. 17353

The above entitled matter having come on for hearing on the 10th day of September, 1973, before the court without a jury, upon the petition of the Wisconsin Employment Relations Commission for enforcement of a certain order pursuant to sec. 111.07 (7), Stats., and Robert W. Warren, Attorney General, by Charles D. Hoonstra, Assistant Attorney General, appearing for the petitioner; Alan M. Levy appearing for Teamsters, Chauffeurs and Helpers, Local No. 43, complainant in the proceedings below; and no attorney appearing for Obenauf Geneva Services, Inc., the same appearing by its officers and agents, Lester Ludwig and John Obenauf,

And the Court having considered the position of the parties,

NOW, THEREFORE, on motion of Charles D. Hoonstra, Assistant Attorney General,

IT IS ORDERED, ADJUDGED AND DECREED that the order of the Wisconsin Employment Relations Commission, entered on the 22nd day of May, 1973, affirming the order of its examiner entered on the 24th day of April, 1973, in the matter of "Teamsters, Chauffeurs and Helpers, Local No. 43, Complainant, vs. Obenauf Geneva Services, Inc., Respondent, Case III No. 16365 Ce-1460, Decision No. 11515-A", be, and the same hereby is confirmed, and enforced, the court reserving jurisdiction to make such further order or judgment in the premises as may be necessary to give full force and effect to the order of the Commission and the enforcement thereof on the evidence in the record or on the taking of such further evidence as appears to the court to be necessary, the present judgment and decree of the court to be deemed interlocutory as to those matters that may call for or require further action on the part of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the respondent, Obenauf Geneva Services, Inc., its officers and agents, shall:

1. Within 10 days from service of notice of entry of this order and judgment, offer to Merle Whipple immediate and full reinstatement to his former position, without prejudice to his seniority, benefits or other rights and privileges previously enjoyed by him, and make him whole for any loss of benefits or pay he may have suffered by reason of the discrimination against him, by payment to him the sum of money equal to that which he would normally have earned or received as an employee, from the date of his termination to the date of the unconditional offer of reinstatement made pursuant to this order, less any earnings he may have received during said period, and less the amount of unemployment compensation, if any, received by him during said period, and, in

the event that he received unemployment compensation benefits, reimburse the Unemployment Compensation Division of the Wisconsin Department of Industry, Labor and Human Relations in such amount.

2. Within 30 days from service of notice of entry of this order and judgment:

A. Cease and desist from discouraging membership and activity of employees in or on behalf of Teamsters, Chauffeurs and Helpers, Local No. 43, or any other labor organization, by discharging or otherwise discriminating against any of its employees with regard to hiring, tenure of employment, or in regard to any term or condition of employment;

B. Cease and desist from refusing to allow union steward Merle Whipple, or any other employee or authorized individual, to represent employees of Obenauf Geneva Services, Inc., in bargaining or any other union related matters;

C. Meet and negotiate with union steward Merle Whipple, or any other employee or authorized individual, without restriction as to who the employees of the employer may select to represent them;

D. Notify all employees, by posting, in conspicuous places on its premises, where notices to all employees are usually posted, copies of the notice attached hereto and marked "Appendix A." Appendix A shall be signed by Lester Ludwig and John Obenauf on behalf of Obenauf Geneva Service, Inc. Appendix A shall remain posted for sixty (60) days. Reasonable steps shall be taken by the respondent to insure that said notice is not altered, defaced or covered by other material;

E. Notify the Wisconsin Employment Relations Commission, in writing, as to what steps have been taken to comply herewith.

Dated this 13th day of September, 1973.
Nunc Pro Tunc September 10, 1973.

BY THE COURT:

/s/ Ernst John Watts
Ernst John Watts
Circuit Judge

APPENDIX A

NOTICE TO ALL EMPLOYEES

Pursuant to an order of the Wisconsin Employment Relations Commission and the Circuit Court for Walworth County, and in order to effectuate the policies of the Wisconsin Employment Peace Act, we hereby notify our employees that.

1. WE WILL offer to Merle Whipple immediate and full reinstatement to his former position, without prejudice to his seniority, rights or privileges previously enjoyed by him, and make Merle Whipple whole for any loss of pay which he may have suffered by reason of his discriminatory discharge.

2. WE WILL meet and negotiate with union steward Merle Whipple, or any other employee or authorized individual, without restriction as to who the employees of the employer may select to represent them.

3. WE WILL NOT discourage membership in Teamsters, Chauffeurs and Helpers, Local No. 43, or any other labor organization of our employees, by discharging, laying off, suspending, or otherwise discriminating against any employee with regard to his hire, tenure of employment, or in regard to any term or condition of employment.

4. WE WILL NOT in any other manner interfere with, restrain or coerce our employees in the exercise of their right of self-organization, to form labor organizations, to join or assist Teamsters, Chauffeurs and Helpers, Local No. 43, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or any mutual aid or protection.

All our employees are free to become, remain, or refrain from becoming, members of Teamsters, Chauffeurs and Helpers, Local No. 43, or any other labor organization.

Obenauf Geneva Service, Inc.

By _____
Lester Ludwig

By _____
John Obenauf

Dated this _____ day of _____, 1973.

This notice must remain posted for sixty (60) days from the date hereof and must not be altered, defaced or covered by any material.