

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

PLYMOUTH HOSPITAL, INC.

Case I
No. 16590 E-2782
Decision No. 11848

Porter, Purtell, Purcell, Wilmot & Burroughs, S.C., Attorneys at Law, by Mr. Dennis J. Purtell, appearing on behalf of the Employer.

Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, the Employer orally moved that the Commission reconsider its policy of not requiring a showing of interest by a labor organization seeking an election among employees where there exists no recognized or certified bargaining representative. The Employer requests that in the instant proceeding, the Commission require the Petitioner and/or Intervenor to provide at least a minimal showing of interest.

The Employer notes that the Petitioner's petition and the amended petition of the Intervenor both claim that a majority of employees desire to be represented by each of the respective organizations. In that such claims are obviously contradictory, the Employer argues that either one of the organizations should provide a showing of interest through a presentation of authorization cards to the Commission's agent in order to substantiate that the employees do, in fact, have an interest in being represented by either of the organizations.

In the instant proceeding, the Commission reaffirms its policy of not requiring a showing of interest by a labor organization among employees where there exists no recognized or certified bargaining representative. 1/ The Commission is satisfied that a showing of interest by the Petitioner and/or Intervenor is not required herein. Although there is no recognized or certified bargaining representative of the employees in the instant proceeding, it is conceivable that more than one organization has an interest in representing the employees. To require only one organization, be it Petitioner or Intervenor, to provide a showing of interest would be accordingly, beneficial or detrimental to the organization initiating the proceeding. We hold that the appropriate method of ascertaining the employees' interest in representation by various organizations where there is presently no recognized or certified bargaining representative, is through an election proceeding which, as herein, includes all parties with an interest in representing the employees.

Dated at Madison, Wisconsin, this 11th day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ Bellin Memorial Hospital (8518) 4/68; Wausau Colonial Manor (8717) 10/68; Wauwatosa Board of Education (8300-A) 2/68, aff. Dane Co. Cir. Ct. 8/68; Dodge County (Clearview Home) (8734) 10/68; Holy Family Hospital (9682-9687) 5/70 and (11535) 1/73; Algoma Memorial Hospital and Extended Care Facility (11801) 4/73.