

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
HOWARD AEH & ASSOCIATES OF FOND DU	:	Case I
LAC, INCORPORATED	:	No. 16808 E-2797
	:	Decision No. 11945-A
Involving Certain Employes of	:	
	:	
HOWARD AEH & ASSOCIATES OF FOND DU	:	
LAC, INCORPORATED <u>1/</u>	:	
	:	

ORDER DISMISSING ELECTION PETITION

Howard Aeh & Associates of Fond du Lac, Incorporated, by its President, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.05(3) of the Wisconsin Statutes, among its employes in a collective bargaining unit consisting of all regular office and clerical employes and excluding all other employes of Howard Aeh & Associates of Fond du Lac, Incorporated, to determine whether said employes desire to be represented by Retail Store Employees Union Local No. 214, affiliated with Retail Clerks International Association, for the purposes of collective bargaining on questions of wages, hours and conditions of employment; and hearing on such petition having been conducted on July 19, 1973, at Fond du Lac, Wisconsin, and the Commission having considered the evidence and arguments of the parties and being satisfied that the petition filed herein should be dismissed for the reason that a question of representation for said employes does not presently exist;

NOW, THEREFORE, it is

ORDERED

That the petition for election filed in the above-entitled matter be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 MORRIS SLAVNEY, Chairman

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

Howard S. Bellman
 Howard S. Bellman, Commissioner

1/ During the course of the hearing, the petition was amended to reflect the Petitioner's correct name.

MEMORANDUM ACCOMPANYING
ORDER DISMISSING ELECTION PETITION

In a related decision issued by the Commission today, the Petitioner has been found to have committed various unfair labor practices within the meaning of Section 111.06 of the Wisconsin Employment Peace Act. 2/ Among the findings of the unfair labor practice proceeding, it was concluded that Retail Store Employees Union Local No. 214, affiliated with Retail Clerks International Association has been and continues to be the exclusive collective bargaining representative of the employes petitioned for herein. No evidence was adduced during the hearing, to substantiate that the Petitioner had a good faith doubt that Local No. 214 represented the majority of the Petitioner's office and clerical employes. Moreover, the Commission has held in said related decision being issued today that the Petitioner committed prohibited acts of interference intended to destroy the majority status of Local No. 214 and refused to bargain with said organization, as well as having refused to execute an agreement orally agreed upon by the parties. We are therefore satisfied that a question of representation for the office and clerical employes of Howard Aeh & Associates of Fond du Lac, Incorporated, does not presently exist and we are dismissing the instant petition.

Dated at Madison, Wisconsin, this 25th day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

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

Howard S. Bellman
Howard S. Bellman, Commissioner

2/ Howard Aeh & Associates of Fond du Lac, Incorporated (Dec. No. 11955-A).