

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BAKERY & CONFECTIONERY WORKERS INTERNATIONAL UNION OF AMERICA, LOCAL #244

and

ERNIE HUTCHINSON, d/b/a LARSEN BAKERY, Racine, Wisconsin

Case I
No. 15423
E-2739 R-5277
Decision No. 11980-A

ORDER DISMISSING OBJECTIONS TO CONDUCT OF ELECTION AND REFERENDUM

Pursuant to a Direction issued by it, the Wisconsin Employment Relations Commission on August 7, 1973, conducted an election and a referendum among all production, shipping and maintenance employes of Ernie Hutchinson, d/b/a Larsen Bakery, Racine, Wisconsin, excluding store clerks, part-time school workers and supervisors, to determine (1) whether they desired to be represented for the purpose of collective bargaining by Bakery & Confectionery Workers International Union of America, Local #244; and (2) whether they desired to authorize an "All-Union Agreement" between said Employer and said Union; that, in the election, of 4 employes eligible to vote, 3 cast ballots, one favoring representation by the above named Union and the remaining 2 employes voting against such representation; that the Commission's agent conducting the balloting did not tally the referendum ballots; that on August 13, 1973, the Union timely filed objections to the conduct of the balloting; and the Commission having considered the objections and being satisfied that said objections are insufficient to cause the Commission to set aside the balloting;


NOW, THEREFORE, it is

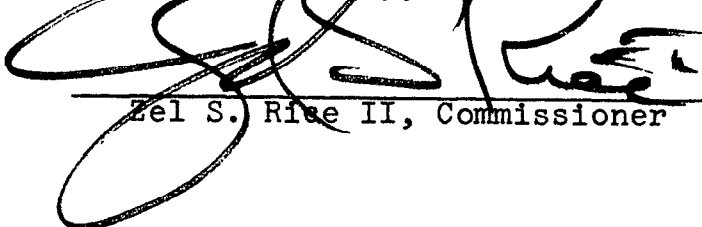
ORDERED

That the objections filed in the above entitled matter be, and the same hereby are, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Stevney, Chairman


Zel S. Rise II, Commissioner

ERNIE HUTCHINSON, d/b/a LARSEN BAKERY, I, Decision No. 11980-A

MEMORANDUM ACCOMPANYING
ORDER DISMISSING OBJECTIONS TO CONDUCT OF
ELECTION AND REFERENDUM

Following the conduct of the balloting the Union timely filed objections to the conduct of the balloting, wherein it stated as follows:


- "(1) The Election notice which (sic) should have been posted at least three (3) days prior to the Election was not posted until Monday morning, August 6th, 1973.
- (2) One employee was given a copy of the Election Notice to take home with him."

The Union requested the Commission to set aside the balloting and direct a new election and referendum. The Commission has no policy with respect to the number of days in which a notice of an election and/or referendum must be posted by an employer. There are only four employees employed in the unit. There is no allegation in the objections that any employee failed to be aware of the balloting. Even assuming that the one employee who did not vote, as a result of not observing the notice, appeared at the polls and voted in favor of representation, that employee's vote would not have changed the result of the election, since the Union would not have received a majority of the ballots cast. The fact that an employee was given a copy of an election notice to take home does not constitute any impropriety by the Employer. We have, therefore, dismissed the objections and today the Commission is issuing its Certification of Election.

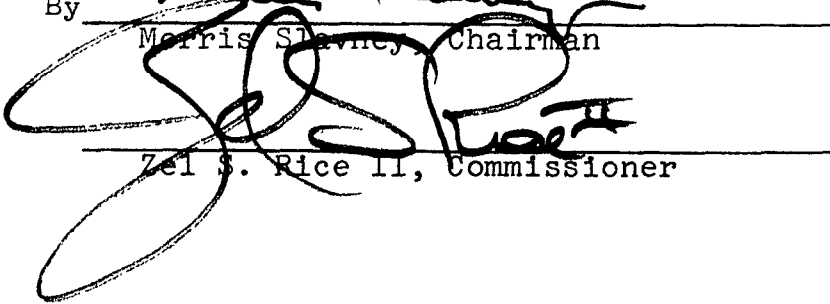
Dated at Madison, Wisconsin, this *21st* day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slawney, Chairman



Tel S. Rice II, Commissioner