STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BAKERY & CONFECTIONERY WORKERS INTER-NATIONAL UNION OF AMERICA, LOCAL #244

and

ERNIE HUTCHINSON, d/b/a LARSEN BAKERY, 1/
Racine, Wisconsin

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

DIRECTION OF ELECTION AND REFERENDUM

Bakery & Confectionery Workers International Union of America, Local #244 having petitioned the Wisconsin Employment Relations Commission to conduct an election and referendum among certain employes of Ernie Hutchinson, d/b/a Larsen Bakery, Racine, Wisconsin, to determine what, if any, representation said employes desire for the purposes of collective bargaining and further whether the required number of employes favor an "all-union agreement" between said labor organization and said Employer; and hearing on such petition having been held at Racine, Wisconsin, on April 20, 1972, Herman Torosian, a member of the Commission's staff being present; and the parties during the course of the hearing having agreed to the unit appropriate for collective bargaining and the Commission being satisfied that a question has arisen concerning representation for certain employes of the above named Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election and referendum by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the day of this directive in the bargaining unit consisting of all production, shipping and maintenance employes of the Employer but excluding store clerks, part-time school workers and supervisors who were employed by the Employer on May 2, 1973, except such employes as may prior to the election and referendum quit their employment or be discharged for cause for the purpose of determining: (1) whether a majority of such employes desire to be represented by Bakery & Confectionery Workers International Union of America, Local #244, for the purpose of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment; and (2) whether the required number of such employes favor an "all-union"

^{1/} At the hearing the name of the Employer was amended to reflect its correct name as Ernie Hutchinson, d/b/a Larsen Bakery.

agreement" between Bakery & Confectionery Workers International Union of America, Local #244 and Ernie Hutchinson, d/b/a Larsen Bakery.

Given under our hands and seal at the City of Madison, Wisconsin, this 6th day of July, 1973.

By Morris Slamey Chairman

Wels. River Commissioner

Tos. R. Kerkwan, Commissioner

ERNIE HUTCHINSON, d/b/a LARSEN BAKERY, Case I, No. 11980

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION AND REFERENDUM

The instant petition was filed by the Petitioner, Bakery & Confectionery Workers International Union of America, Local #244, on March 13, 1972, requesting that an election and referendum be conducted among certain employes of Ernie Hutchinson, d/b/a Larsen Bakery.

Subsequently, on March 16, 1972, and prior to any action taken by the Commission on the instant petition, a complaint was filed by Bakery & Confectionery Workers International Union of America, Local #244 against Ernie Hutchinson, d/b/a Larsen Bakery alleging certain unfair labor practices, which complaint could affect the validity of the instant petition. Both matters were heard on April 20, 1972. During the course of the hearing in the instant matter, the parties stipulated that should the Examiner dismiss Complainant's complaint and find that a question of representation exists, that the appropriate collective bargaining unit should consist of all production, shipping and maintenance employes of the Employer but excluding store clerks, part-time school workers and supervisors.

On September 25, 1972, the Examiner dismissed Complainant's complaint against Respondent, Ernie Hutchinson, d/b/a Larsen Bakery. Said decision was affirmed by the Commission 2/ on January 24, 1973. On February 26, 1973 Robert A. Willms, Business Manager, Bakery & Confectionery Workers International Union of America, Local #244, was advised by letter that a year had almost elapsed since the filing of the instant petition and that he was to advise the Commission within ten days whether he still desired an election and referendum as petitioned. By letter dated March 2, 1973 Willms indicated a desire to have an election conducted as petitioned but that due to the long delay he felt a hearing would be necessary to establish a list of eligible employes. On March 7, 1973 the Commission by letter advised Mr. Willms that the Commission was in receipt of his letter dated March 2 and that the Commission had contacted the Employer's attorney and requested a new list of eligible employes and that the Commission would forward same to the Petitioner upon receipt. On May 4, 1973, the Commission forwarded a list of eligible employes employed by the Employer filed with the Commission and that Willms was to review said list and advise the Commission whether or not there was a dispute concerning said eligibility list and that a hearing would be set if there was such a dispute. The Petitioner responded by letter received July 2, 1973, stating that he had no reason to believe that the eligibility list submitted by the Employer was not correct.

Based on the above the Commission has today directed an election as petitioned.

Additionally, Petitioner requested the current addresses of each employe at least fourteen days before an election is scheduled. In this regard the Commission has not adopted a rule requiring the

^{2/} Decision No. 10862-B.

Employer to furnish addresses of employes participating in an election. The Commission, therefore, is unable to provide same.

Dated at Madison, Wisconsin, this 6th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morres Zamen Chairman

Zel G. Rice II, Commissioner

Jos. B. Kerkman, Commissioner