

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

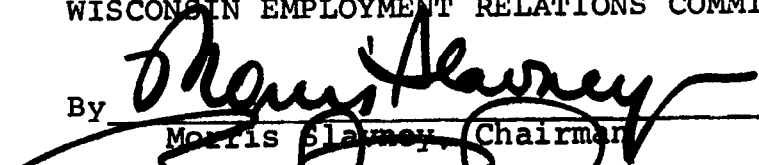
No. 11980

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.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

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 employees 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 employees 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 employees. 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 employees and that the Commission would forward same to the Petitioner upon receipt. On May 4, 1973, the Commission forwarded a list of eligible employees 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

By


Morris Glawney, Chairman


Zel B. Rice II, Commissioner


Jos. B. Kerkman, Commissioner