

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

TEAMSTERS, CHAUFFEURS AND HELPERS UNION
LOCAL NO. 43, AFFILIATED WITH THE I.B.
OF T.C.W. & H. OF A.

For a Referendum on the Question
of an All-Union Agreement between

PNEUMAFLOW, INC.

and TEAMSTERS, CHAUFFEURS AND HELPERS
UNION LOCAL NO. 43, AFFILIATED WITH THE
I.B. OF T.C.W. & H. OF A.

Case I
No. 16833 R-5501
Decision No. 11992

Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Thomas J. Kennedy, appearing on behalf of the Petitioner.

Mr. Fred W. Wheeler, Attorney at Law, appearing on behalf of the Employer.

DIRECTION OF REFERENDUM

Teamsters, Chauffeurs and Helpers Union Local No. 43, Affiliated with the I.B. of T.C.W. & H. of A., having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission conduct a referendum among certain employees of Pneumaflow, Inc., Kenosha, Wisconsin, to determine whether the required number of such employees favor an "All-Union Agreement" between said Petitioner and said Employer; and hearing in the matter having been held on July 2, 1973 at Kenosha, Wisconsin, Marshall L. Gratz, Hearing Officer, appearing on behalf of the Commission; and the Commission having considered the evidence and arguments of Counsel and being satisfied that a question concerning the authorization of an "All-Union Agreement" exists;

NOW, THEREFORE, it is

DIRECTED

That a referendum by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all employees of Pneumaflow, Inc. at the Kenosha, Wisconsin facility, excluding salesmen, office clerical employees, guards, professional employees and supervisors as defined in the Act, who were employed by the Employer on June 29, 1973, except such employees as may prior to the referendum quit their employment or be discharged for cause, for the purpose of determining whether the required number of such employees favor an "All-Union Agreement" between the Employer and the Union named above.

Given under our hands and seal at the
City of Madison, Wisconsin, this 5th
day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slattery, Chairman

Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

At the hearing, the Employer presented a list of ten employees claimed eligible to vote. 1/ The Union took the position that one of the persons on said list, namely, Robert Bucko, ought not be deemed eligible to vote because of the seasonal nature of his employment with the Employer. The Union also asserted that one Robert Lindermann should be deemed eligible to vote in that he has neither quit his employment nor been discharged for cause, and because he desires to return to his employment with the Employer as soon as he sufficiently recovers from a work-related injury.

The Employer takes the position that Bucko should be included within the unit and that Lindermann should be considered as a voluntary quit and, for that reason, excluded.

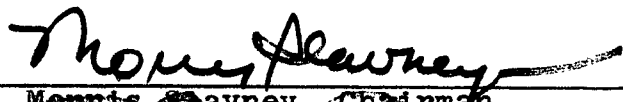
The parties submitted evidence and argument with respect to both of the above eligibility issues and requested the opportunity to submit further evidence with respect to Lindermann's eligibility.

Under all of the circumstances of this case and pursuant to a joint request of the parties, the Commission will defer determination as to the eligibility of Robert Bucko and Robert Lindermann and decide same only if such determinations become crucial to the outcome of the referendum. Accordingly, Bucko and Lindermann shall be permitted to cast challenged ballots, which will be counted only in the event that their votes will affect the outcome, and only if one or both are determined to be eligible.

Dated at Madison, Wisconsin, this 5th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

1/ The parties were able to agree from the outset that an eleventh name, Dale Cain, ought not appear among the eligibles in view of his discharge from probationary status effective June 29, 1973.