

BAKERY AND CONFECTIONERY WORKERS
INTERNATIONAL UNION OF AMERICA,
LOCAL UNION NO. 180, AFL-CIO,

Complainant,

vs.

DUTCH OVEN BAKERY Neenah, Wis.
MR. ROBERT HONICK

Respondent.

Case II
No. 17662 Ce-1529
Decision No. 12488-A

Mr. John Klänsek, International Business Representative, and Mr. Milan G. Delfosse, Local Business Representative, for the Complainant.

Mr. Ronald L. Lampe, Attorney at Law, for the Respondent.

A complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission by Bakery and Confectionery Workers International Union of America, Local Union No. 180, AFL-CIO, herein referred to as the Union, wherein it alleged that Robert Honick d/b/a Dutch Oven Bakery, herein referred to as the Employer, had committed unfair labor practices within the meaning of Section 111.06 of the Wisconsin Statutes; and the Commission having appointed the undersigned as Examiner to make and issue findings of fact, conclusions of law and order in the matter; and during the course of a hearing held March 20, 1974 the parties having resolved the matters in dispute and having stipulated that the instant complaint be dismissed in accordance with their settlement agreement; and the Complainant having requested that the complaint be dismissed on said basis;

ORDERED

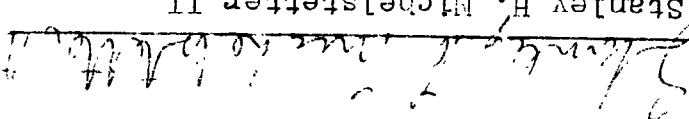
No. 12488-A

hereby is, dismissed.

Dated at Milwaukee, Wisconsin, this 28th day of March, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Stanley H. Michelstetter II
Examiner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

During the course of the hearing herein the parties reached the following settlement agreement which they jointly requested the Examiner to recite in a memorandum accompanying dismissal of the instant complaint:

- A. With respect to the employees' assertedly discriminatory discharge [see Appendix 1]:
1. The Employer will repay any amount due to its Unemployment Compensation fund for the instant period up to and including March 20, 1974.
 2. Of the agreed \$2,080 owed [see Appendix 1], the Employer will pay \$1,560 in back pay. (Of the amount over and above Unemployment Compensation actually paid out, the Employer will pay three-fourths of such.)
 3. The Employer and employees will submit to an Unemployment Compensation Division determination of the amount the Employer will have to pay back. Employees will draw from March 20, 1974 whatever Unemployment Compensation benefits to which they are entitled.
- B. Reinstatement [see Appendix 2].
1. It is understood that there are five positions now open:
 - a. Four clerk positions.
 - b. One assistant baker position.
 2. From March 20, 1974 employees will be recalled by seniority to fill such positions, if qualified.
 3. Employees will be recalled by seniority to fill such positions as become vacant or are created if qualified to perform the work.
 4. The recall right shall extend for a period of a year from March 20, 1974.
 5. Employees not recalled will be considered laid off as of March 20, 1974.
- C. Margaret Bork, on consideration of back pay agreed to herein, will withdraw her present charge of sex discrimination filed with the Department of Industry, Labor and Human Relations.

[Margaret Bork on the record before the Examiner consented to withdraw all such charges.]

D. Recognition.

- 1.. The Employer recognizes the Bakery and Confectionery Workers International Union of America, Local Union No. 180, AFL-CIO as the exclusive collective bargaining representative of all regular full-time and all regular part-time production employees of Mr. Robert Honick d/b/a Dutch Oven Bakery employed at its 1360 South Commercial Street location excluding supervisory, executive, truck drivers and confidential employees.
2. Recognition itself is conditioned on the outcome of a card check. [Such card check was conducted during the course of the hearing and resulted in a showing that six of the eleven eligible employees had selected the Union as their representative on January 25, 1974 by proper authorization card.]
3. Upon recognition, the Union will withdraw the election petition filed herein with the Wisconsin Employment Relations Commission.
4. The parties stipulate to the dismissal of the amended complaint and inclusion in the accompanying memorandum of a summary of this settlement and the results of the card check (without designation of the individual signers).
5. The eligible employees are agreed to be:
 - a. R. Sanders
 - b. G. Storch
 - c. C. Alschwanger
 - d. E. Lamb
 - e. E. Klismet
 - f. M. Bork
 - g. R. Alschwanger
 - h. Kozy
 - i. Gooding
 - j. Schafer
 - k. Hintz

Dated at Milwaukee, Wisconsin, this 28th day of March, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stanley H. Michelstetter II
Stanley H. Michelstetter II
Examiner

APPENDIX 1

Employee	Agreed Weekly Rate	Time off (Weeks)	Unemployment Compensation		Total Wages Due
			Benefit Rec'd	Benefit Weeks	
1. R. Sanders	\$185	5.5	\$92	4.5	\$1,017.50
2. G. Storch	160	5.5	76	4.5	880.00
3. C. Alschwanger	58	5.5	39	4.5	319.00
4. E. Lamb	45	5.5	-	-	247.50
5. E. Klismet	40	5.5	-	-	220.50
6. M. Bork	65	7.2	28	5	468.00
Total			\$1,071.50	\$3,152.00

APPENDIX 2

Qualifications for Clerk and/or Assistant Baker

Employee	Previous or Present Position	Approximate Seniority (Years)	Positions Qualified for
Sanders	Head Baker	5	Clerk and Baker
Storch	Mixer and Bench Hand	1/2	Clerk and Baker
C. Alschwanger	Bench Hand	1/2	Clerk (but parties dis- agree as to Baker)
Lamb	Clean-up	3	Neither
Klismet	Clean-up	5	Neither
Bork	Doughnut	1/2	Clerk (but parties dis- agree as to Baker)
R. Alschwanger	Oven Man	2	Clerk and Baker
Kozy	Clerk	4	Clerk
Gooding	Clerk	5	Clerk
Schafer	Clerk	1-1/2	Clerk
Hintz	Clerk	2-1/2 + 3	Clerk