STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DISTRICT NO. 10, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

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

GENERAC CORPORATION
Waukesha, Wisconsin, Employer

and DISTRICT NO. 10, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO, Union

Case VI No. 18165 R-5677 Decision No. 12969

Appearances:

Mr. George R. Urban, Business Representative, appearing on behalf of the Union.

Reinhart, Boerner, Van Deuren & Norris, S.C., Attorneys at Law, by Mr. Jeffrey R. Fuller, appearing on behalf of the Employer.

DIRECTION OF REFERENDUM

The Union above named having petitioned the Wisconsin Employment Relations Commission to conduct a referendum among certain employes of the above named Employer; and hearing on the matter having been conducted at Milwaukee, Wisconsin, on August 23, 1974, Hearing Officer Marshall L. Gratz being present; and the Commission having considered the evidence and being satisfied that a referendum should be conducted among certain employes of the Employer named above;

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 production and maintenance employes of the Generac Corporation at its plant at Genessee Depot, Wisconsin, excluding office employes, professional employes, guards, watchmen, and supervisors, who were employed by the Employer on August 23, 1974, except such employes 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 employes 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 26th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney, Chairman

Howard S. Bellman, Commissioner

No. 12969

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

At the hearing herein, the Employer initially raised several reasons why the Commission ought not direct a referendum pursuant to the petition. The Employer also expressed willingness to drop said objections in the event that the parties were able to agree upon arrangements for an expedited vote pursuant to the petition. There followed an extended period of discussion with respect to such arrangements and an agreement was reached and executed by the parties on the afternoon of August 23, 1974. The substance of the agreement was that the vote would be conducted on Tuesday, September 3, 1974. They agreed to the eligibility cut-off date as reflected in the Direction and agreed that their stipulation reached in a prior referendum proceeding concerning eligibility would apply herein except as to the cut-off date. 1/ The Employer supplied to the Hearing Officer a list of employes which it believed to constitute the employes eligible to vote pursuant to the aforementioned stipulation. The Union requested that it be supplied with a copy of such list and with a list of the addresses of all eligible employes. The Employer resisted both of said requests and requested that they be deferred to the Commission for ruling. The Commission has forwarded to the Union the aforementioned list of employes since such list, being a part of the file in the instant case, is a matter of public record. The list furnished by the Employer contained the names of employes and not their addresses. It has not been the Commission's policy, however, to require employers to provide a list of eligible employes' addresses as has been requested herein by the Union. 2/

Dated at Madison, Wisconsin, this 26th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

Howard S. Bellman, Commissioner

The previous referendum involves a petition filed in Case IV which was withdrawn and dismissed prior to a vote. See Generac Corporation, (12479-A), 4/74.

Stoughton Hospital Association, Inc., (10436), 8/71; Generac Corporation, (12479), 2/74.