

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of :
BEVERLY INGLE : Case II
 : No. 16609 E-2793 R-5465
 : Decision No. 13153
 and :
ATHENS RESTAURANT :

Appearances:

Ms. Jackie Young, Secretary-Treasurer, and Ms. Elaine J. Koplow,
appearing on behalf of the Union.
Jenswold, Studt, Hanson, Clark & Kaufman, Attorneys at Law, by Mr.
Bruce Kaufman, appearing on behalf of the Employer.

DIRECTION OF ELECTION

Beverly Ingle, an employe of Athens Restaurant, Madison, Wisconsin, having filed a petition with the Wisconsin Employment Relations Commission requesting that an election and referendum be conducted among certain employes of Athens Restaurant to determine whether said employes desire to be represented for the purposes of collective bargaining by the Madison Independent Workers Union, and, further, whether the required number of such employes favor an "all-union agreement" between said Union and the Employer; and hearing on such petition having been conducted at Madison, Wisconsin, on May 4 and 15, 1973, Herman Torosian Hearing Officer, being present; and the Commission having considered the evidence and arguments of counsel and being satisfied that a question has arisen concerning representation for certain employes of the Employer. 1/

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and all regular part-time employes of Athens Restaurant, Madison, Wisconsin, but excluding supervisors, and craft employes, who were employed by the Employer on November 14, 1974, except such employes as may prior to the election


1/ During the course of the hearing, the Petitioner withdrew that portion of the petition requesting the referendum.

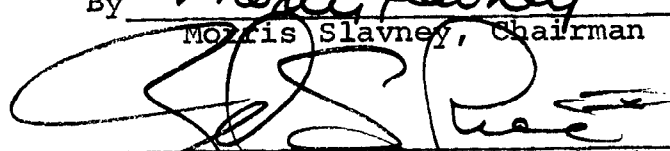
quit their employment or be discharged for cause for the purpose of determining whether a majority of such employees desire to be represented by Madison Independent Workers Union for the purpose of collective bargaining on questions of wages, hours and conditions of employment.

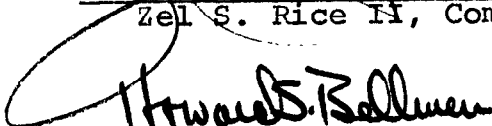
Given under our hands and seal at the
City of Madison, Wisconsin this 14th
day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The petition initiating the proceeding is, in fact, a request that the Commission give certain employees of the Employer an opportunity to determine whether they desire to decertify the Union as their bargaining representative. During the course of the hearing, issues arose with respect to whether the unit covered in the petition is appropriate, and with respect to whether Beverly Ingle, the Petitioner, should be excluded on the basis that she is a supervisory employee. Since the Commission has today, in a complaint case involving the Athens Restaurant and Madison Independent Workers Union 2/ concluded that Ingle is not a supervisory employee, she is therefore included among the eligibles in the unit.

In regard to the second issue, it is the Union's position that cooks should be excluded from the unit on the basis that they are craft employees, and that the parties, on said basis, excluded cooks from their collective bargaining agreement executed on April 6, 1973. Both the Petitioner and the Employer contend that except for the chef, cooks should be included in the unit.

The Employer employs one chef and three cooks. The chef is primarily responsible for the food preparation and in operating and directing the activities of the kitchen. From the record, the Commission finds no basis for excluding the cooks from the unit. Cooks are hired by the Employer with little or no experience at all. Said cooks only cook short order items, e.g., french fries, hamburgers, etc.; distribute food to the waitresses, and are under the direction of the chef. Clearly, said cooks are not craft employees and are therefore included in the collective bargaining unit.

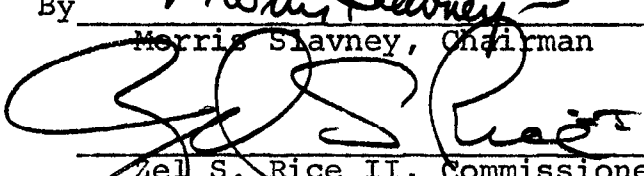
Based on the above, the Commission has today directed an election among all regular full-time and regular part-time employees of the Employer excluding all supervisory and craft employees.

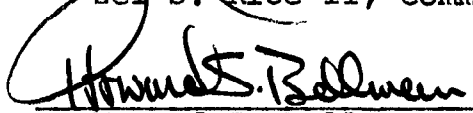
Dated at Madison, Wisconsin this 14th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


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2/ Athens Restaurant, I, Decision No. 13152.