

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I
No. 18930 R-5751
Decision No. 13595

Mr. Joseph Spehert, Business Representative, for the Petitioner.
Mr. Louis A. Falk, Manager, Organization and Planning, and
Mr. Victor L. Koller, Manager, Employee Relations, for the
Employer.

International Association of Machinists & Aerospace Workers, AFL-CIO, District No. 10, hereinafter referred to as the Petitioner, having petitioned the Wisconsin Employment Relations Commission requesting that the Commission conduct a referendum among certain employees of Simplicity Manufacturing Company, Inc., Milwaukee, Wisconsin, hereinafter referred to as the Employer, to determine whether the required number of such employees favor an "All-Union Agreement" between the Petitioner and the Employer; and hearing in the matter having been held on April 21, 1975, before Stanley H. Michelstetter II, Hearing Officer, in Milwaukee, Wisconsin; and the Commission being satisfied that a question concerning the authorization of an "All-Union Agreement" exists;

DIRECTED

That a referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all shipping and receiving employees employed by Simplicity Manufacturing Company, Inc. at its warehouse located at 5519 West Woolworth Avenue, Milwaukee, Wisconsin, excluding office clerical employees, guards and supervisors as defined in the Act,

1/ The Petitioner amended its petition to reflect the correct name of the Employer during the hearing without any objection by the Employer.

who were employed by the Employer on April 30, 1975, and further excluding 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 Petitioner.

Given under our hands and seal at the
City of Madison, Wisconsin, this 30th
day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

The only issue raised by the parties herein was whether a referendum should be conducted at this time. An election was conducted in the instant unit by the National Labor Relations Board on March 7, 1975, and the instant petition was filed March 12, 1975. Thereafter, the National Labor Relations Board certified the Petitioner as the representative of the employees in the instant unit on March 17, 1975. The parties held their first collective bargaining session on April 14, 1975, after which the Employer was uncertain as to whether the Petitioner proposed an "All-Union Agreement" within the meaning of the Wisconsin Employment Peace Act. The Employer contended that a referendum at this time would be premature in that the employees might not understand the nature of an "All-Union Agreement", or, in the alternative, would not know what type, if any, of "All-Union Agreement" the parties would reach in collective bargaining. Further, it contended, the conduct of a referendum at this time might indicate to the unit employees that they are voting to establish an "All-Union Agreement" between the parties.

The Employer's argument with respect to the possible failure of the employees to understand the nature of an "All-Union Agreement", or the type possibly to be negotiated does not constitute grounds for not directing a referendum. Both the Petitioner and the Employer have the right to explain to the employees, within certain limitations, the various types of "All-Union Agreements" which can be subject to collective bargaining. Further, we continue to hold that the existence of an "All-Union Agreement" is not a prerequisite to the holding of a referendum. 2/ Therefore, we have today directed a referendum.

Dated at Madison, Wisconsin, this 30th day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

2/ Packaging Corporation of America, Plastics Division (7400), 12/65; Modern Clean-Up Service, Inc. (5341), 10/59; Fleetwood Archery Division, Outers Laboratory, Inc. (10898), 3/72; Bruce Manufacturing, Inc. (13577), 4/75.