

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
LOCAL 150, SERVICE AND HOSPITAL
EMPLOYEES INTERNATIONAL UNION, AFL-CIO

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

CARAVILLA, INC.
Beloit, Wisconsin, Employer

and LOCAL 150, SERVICE AND HOSPITAL
EMPLOYEES INTERNATIONAL UNION, AFL-CIO

Case IV
No. 18967 R-5756
Decision No. 13791

Appearances:

Mr. James F. Billings, Business Representative, appearing on
behalf of the Petitioner.

Mr. George Berteau, Attorney at Law, appearing on behalf of
the Employer.

DIRECTION OF REFERENDUM

Local 150, Service and Hospital Employees International Union, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct a referendum among certain employees of Caravilla, Inc., 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 April 24, 1975, at Beloit, Wisconsin, Sherwood Malamud, Hearing Officer, being present; and the Commission 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 be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the bargaining unit consisting of all employees employed by Caravilla, Inc. at its Beloit, Wisconsin facilities, excluding office clerical employees, confidential employees, registered nurses, LPN's, social workers, professional employees, guards and supervisors, as defined in the National Labor Relations Act, who were employed by the Employer on July 10, 1975, 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 10th
day of July, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

During the hearing, the parties stipulated that the unit described in the petition was the unit certified by the National Labor Relations Board. The Employer amended the description of the unit contained in the petition, with the Union's approval, by adding the phrase "at its Beloit, Wisconsin facilities" to specify the facility involved.

At the outset of the hearing, the Employer presented un rebutted evidence that the parties had concluded negotiations on a new agreement several days prior to the conduct of the hearing. 1/ The Employer argues that, in light of the recent conclusion of negotiations, the Commission should dismiss the petition. The Employer noted that in the agreement, as on two prior occasions, the Union had not been successful in negotiating a union security provision in the agreement.

The Commission has consistently held that a question concerning referendum exists where the labor organization involved intends to pursue a union security provision in its negotiations with the Employer. 2/ Although the parties have recently concluded negotiations on an agreement, the term of that agreement is for one year, and it will terminate in approximately nine months from the date of this Direction. Furthermore, there is no evidence in the record of the Union's intent to abandon its attempts to negotiate a union security provision. The Commission has held that a petition filed during negotiations does not preclude the Commission from directing a referendum, 3/ and the fact that negotiations were concluded prior to hearing in the matter, likewise, will not preclude the Commission from directing a referendum.

The Employer refused to provide the Commission with a list of eligible employees until the threshold question discussed above was determined by the Commission. Therefore, the Commission hereby directs the Employer to provide both the Commission and the Petitioner with a list of employees eligible to participate in the referendum within ten (10) days of this Direction.

Dated at Madison, Wisconsin this 10th day of July, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

1/ The Employer made its final offer on April 14, 1975, and the Union membership ratified the agreement on or about April 21, 1975.

2/ Fond du Lac Lumber (Dec. No. 11775) 4/73.

3/ Bruce Manufacturing, Inc. (Dec. No. 13577) 4/75.