

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Petitioner,

vs.

AMERICAN STRUCTURAL
SYSTEMS, INC.,

Respondent.

OPINION ON PETITION FOR
ENFORCEMENT OF WISCONSIN
EMPLOYMENT RELATIONS
COMMISSION ORDER

(Case 25544)

Decision No. 14286-C

This matter came on for hearing before an examiner of the Wisconsin Employment Relations Commission. The union (International Association of Bridge, Structural and Ornamental Iron Workers, Local 383) having alleged the defendant was guilty of unfair labor practices within the meaning of Section 111.06 of the Wisconsin Statutes in that it principally violated the terms of a collective bargaining agreement between the union and the defendant. The examiner in his findings found in favor of the union and entered an order dated May 26, 1976. Thereafter his findings were approved by the commission in an order dated the 17th of June, 1976. The commission then petitioned the circuit court for enforcement of the order and for relief pursuant to 111.07 (7) of the Wisconsin Statutes.

Initially the parties indicated briefs would be filed within certain time periods. The same were not filed but the court heard arguments on February 28, 1977, as to why the court should not enforce the findings of the examiner and commission.

It is this court's duty at this time to either confirm, modify, or set aside the order of the commission and enter an appropriate decree. The findings of fact made by the examiner and commission, if supported by the greater weight of the credible evidence in the record, would be conclusive. No request for leave to adduce additional evidence or take further testimony was made and the court is at this time limited to the record before it to determine whether the order of the commission should be upheld.

After reviewing the entire record the court is of the opinion that the evidence set forth in the record amply supports the findings of the examiner and the decision of the commission. There is little dispute between the defendant employer and the union on the facts involved in the case. It is apparent that the defendant employer did enter into a collective bargaining agreement and it is further apparent from all of the testimony that terms of the agreement were violated in that he did employ non-union help. In any event, there is ample evidence to support these findings by the examiner. The court, therefore, will enter an order affirming the order of the commission and granting judgment for enforcement in all respects as prayed for in the petition now on file before this court. Counsel for the commission will prepare the necessary order and judgment consistent with the foregoing opinion.

Dated this 22nd day of March, 1977.

BY THE COURT,

Ronald D. Keberle /s/

RONALD D. KEBERLE

Circuit Judge