

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I
No. 20459 E-2916
Decision No. 14950

Frankel, Langhammer & Pines, Attorneys at Law, by Mr. Lester A. Pines,
appearing on behalf of the Petitioner.
Brigden, Petajan, Lindner & Honzik, Attorneys at Law, by Messrs. John
Swain and Tom P. Krukowski, appearing on behalf of the Employer.

Madison Independent Workers Union, hereinafter referred to as the Petitioner having, on May 10, 1976, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act, among certain employees of Happy Eras, Inc. d/b/a Cobblestone Station Restaurant, to determine whether said employees desire to be represented by said Petitioner for the purposes of collective bargaining; and a hearing on such petition having been held at Madison, Wisconsin on June 3, 1976, 1/ Sherwood Malamud, Hearing Officer, being present; and prior to any further action by the Commission, the parties having entered into a stipulation for the conduct of an election in an agreed unit; and the Commission being satisfied that a question has arisen concerning representation of certain employees of said Employer;

DIRECTED

That an election by secret ballot shall 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 waitresses, waiters, cooks, bus persons, and bartenders, excluding the waiter/waitress supervisors and the assistant manager who were employed by Happy Eras, Inc. d/b/a Cobblestone Station Restaurant on September 30, 1976, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether such employes desire to be represented by the Madison Independent Workers

No. 14950

Union for the purposes of collective bargaining with Happy Eras,
Inc. d/b/a Cobblestone Station Restaurant.

Given under our hands and seal at the
City of Madison, Wisconsin this *30th*
day of September, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman
Charles D. Hoorstra
Charles D. Hoorstra, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On the date of the hearing, the Employer was in the midst of negotiations leading toward the sale of the Cobblestone Station Restaurant located in Madison, Wisconsin. During the course of the hearing Petitioner agreed to dismiss its petition should the sale of the restaurant be consummated, and the Employer agreed to stipulate to an election should the sale fail to be completed by August 1, 1976. The sale of the Cobblestone Station Restaurant, as contemplated on June 3, 1976 failed to materialize. Consequently, Petitioner and the Employer have entered into a stipulation as to the scope and composition of the collective bargaining unit. 2/ The parties' stipulated unit is reflected in the Direction of Election.

Dated at Madison, Wisconsin this 30th day of September, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman
Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

2/ The Employer delivered the eligibility list to the Commission on September 17, 1976 and Petitioner agreed to said list on September 27, 1976.