STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOCAL NO. 1406 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO,	
Complainan Vs.	nt, : Case VIII No. 23471 Ce-1794 Decision No. 16548-E
EVCO PLASTICS, 	

ORDER FOR SUPPLEMENTAL HEARING

Examiner Amedeo Greco having, on November 6, 1979, issued Findings of Fact, Conclusions of Law and Order, together with Accompanying Memorandum, in the above-entitled matter; and the Respondent Employer having timely filed a petition with the Commission on November 20, 1979, pursuant to Section 111.07(5) of the Wisconsin Employment Peace Act, requesting the Commission to review the decision of the Examiner; and the parties having filed briefs in support of, and in opposition to said petition for review; and the Commission, having reviewed the record, the decision of the Examiner, the petition for review, and the briefs of the parties, being satisfied that supplemental hearing be held in the matter, for the reasons stated in the accompanying memorandum;

NOW, THEREFORE, it is

ORDERED

That a supplemental hearing in the matter be held on June 12, 1981, at 10:00 a.m. in the Commission's Madison Office, 14 West Mifflin Street, Suite 200, Madison, Wisconsin.

> Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _	Jan, Lastli	_
	Gary V. Covelli, Chairman	-
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-	Morris Slavney, Commissioner	•
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Herman Torosian, Commissioner

EVCO PLASTICS, VIII, Decision No. 16548-B

MEMORANDUM ACCOMPANYING ORDER FOR SUPPLEMENTAL HEARING

In his decision the Examiner concluded that the Employer had violated a strike settlement agreement existing between it and the Union "by failing to offer immediate reinstatement" to nine named employes who had engaged in a strike, and that, however, the Employer did not violate said agreement with respect to two additional employes who had also struck the Employer. The Examiner, among other things, ordered the Employer to make such nine employes whole "for any loss of pay, if any, they may have suffered by reason of the Company's refusal to reinstate them earlier, by payment . . ." In the Memorandum accompanying his decision the Examiner indicated that any question concerning the Employer's back pay liability, if any, would "more appropriately" be left to a supplemental hearing.

The Employer timely filed a petition requesting the Commission to review the Examiner's decision, contending that it did not violate the strike settlement agreement. The Union supports the Examiner's decision.

The Commission basically agrees with the Examiner to the extent that the Employer did not comply with the strike settlement agreement with respect to the nine named employes, however, it does not necessarily, at least at this stage of the proceeding, adopt all of the Examiner's rationale in support of his conclusion that the Employer committed said unfair labor practice. Nevertheless, inasmuch as a supplemental hearing is necessary to determine the Employer's back pay liability, if any, we have scheduled a supplemental hearing to take evidence with regard to said issue. Thereafter, we will issue our decision in the matter and make any changes, if any, in the Examiner's decision which the Commission deems necessary.

Dated at Madison, Wisconsin, this 29th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Covelli, Chairman Gary Slavney, Commissioner Morri w Commissioner Herman Torosian,