

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION


**Respondent.**

ORDER FOR SUPPLEMENTAL HEARING

NOW, THEREFORE, it is

ORDERED

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**Morris Slavney, Commissioner**  
  
**Herman Torosian, Commissioner**

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 employees who had engaged in a strike, and that, however, the Employer did not violate said agreement with respect to two additional employees who had also struck the Employer. The Examiner, among other things, ordered the Employer to make such nine employees 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 employees, 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   
Gary L. Covelli, Chairman

  
Morris Slavney, Commissioner

  
Herman Torosian, Commissioner