

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
MILWAUKEE DISTRICT COUNCIL 48,
AFSCME, AFL-CIO
Involving Certain Employees of
BREAD AND ROSES WOMEN'S
HEALTH CENTER

Case I
No. 31886 E-3017
Decision No. 21038

ORDER DENYING EMPLOYER'S OFFER OF PROOF
AND REQUEST FOR CONTINUANCE

District Council 48, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, having on July 8, 1983, filed a petition with the Wisconsin Employment Relations Commission, hereinafter referred to as the Commission, alleging that a question of representation existed among certain employees of the Bread and Roses Women's Health Center, hereinafter referred to as the Employer, and requesting that the Commission conduct an election in a unit comprised of all employees of said Employer to determine whether they desired to be represented by the Petitioner for the purposes of collective bargaining; and the Commission having designated Daniel Nielsen, a member of its staff, as hearing examiner to conduct a hearing on said petition; and hearing having been held in Milwaukee, Wisconsin on August 12 and 31, 1983, in the course of which the Employer made an Offer of Proof relating to the testimony of Palmira Lanza, a witness not available during the course of the hearing; and a request for continuance to secure her testimony; and the Examiner having considered the offer in light of the record and being satisfied that the record is sufficient and the offer should be refused;

NOW, THEREFORE, it is

ORDERED

That the Offer of Proof made by the Bread and Roses Women's Health Center during the course of the hearing in the above-entitled matter is refused and the hearing is closed, pending final written briefs.

Dated at Madison, Wisconsin this 4th day of October, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Daniel J. Nielsen, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING
EMPLOYER'S OFFER OF PROOF AND
REQUEST FOR CONTINUANCE

The Employer urges that the hearing be held open to permit the testimony of Palmira Lanza who became unavailable near the end of the second day of hearing due to a family emergency. Ms. Lanza is a coordinator on the Employer's staff and the Employer asserts that she can provide testimony in approximately ten (10) different areas which would be relevant to the determination of the supervisory and unit scope questions raised by the Employer. On reviewing the record, 1/ the hearing examiner is satisfied that Ms. Lanza's testimony would be repetitive and that the record is sufficient for the Commission to correctly determine the outstanding issues. The offer of proof is accordingly denied and the hearing is closed pending submission of written arguments.

Dated at Madison, Wisconsin this 4th day of October, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Daniel J. Nielsen, Examiner

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- 1/ The transcript has not yet been received. The Examiner reviewed his notes and recollections of the record at the time the offer was made and stated on the record the names of the witnesses who had already supplied the information alleged to be available through Ms. Lanza's testimony. Further review of the matter and the exhibits confirms that the information is already available to the Commission through the existing record.