

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GENERAL DRIVERS AND DAIRY EMPLOYEES
UNION LOCAL NO. 563, AFFILIATED WITH
THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN
AND HELPERS OF AMERICA,

Complainant,

vs.

CITY OF APPLETON,
ROBERT ROEMER and LEONA BODMER,

Respondents.

Case XXXIV
No. 14498 MP-93
Decision No. 10242-B

ORDER AFFIRMING EXAMINER'S FINDINGS
OF FACT, MODIFYING CONCLUSIONS OF LAW AND AFFIRMING ORDER

Examiner Herman Torosian, a member of the staff of the Wisconsin Employment Relations Commission, having heretofore and on December 21, 1971, issued Findings of Fact, Conclusions of Law and Order in the above entitled matter, and on January 31, 1972, the above named Complainant, by its Counsel, having timely filed exceptions to the Examiner's decision; and the Commission having reviewed the entire record, the Examiner's decision and the exceptions thereto and the brief filed in support thereof, and being satisfied that the Examiner's Findings of Fact and his Order should be affirmed, but that the Conclusions of Law should be modified;

NOW, THEREFORE, it is

ORDERED

1. That the Findings of Fact and Order as issued by the Examiner in the instant matter on December 21, 1971, be, and the same hereby are, affirmed.
2. That paragraph 2 of the Conclusions of Law be modified to read:
"That Respondent City of Appleton did not refuse to recognize Complainant labor organization as the exclusive collective bargaining representative of the crossing guards employed by Respondent City, nor did Respondent City and Respondent Roemer enter into individual negotiations with Respondent Bodmer and therefore Respondent City of Appleton did not violate Section 111.70(3)(a)1 of the Wisconsin Statutes";

and further, that the remaining paragraphs of the Examiner's Conclusions of Law be, and the same hereby are, affirmed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 21st
day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Stavney
Morris Stavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

