

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case CVIII
No. 14645 FF-433
Decision No. 10337

The City of Milwaukee having petitioned the Wisconsin Employment Relations Commission to initiate fact finding pursuant to Section 111.70(4) of the Wisconsin Statutes involving certain police officers in its employ represented by the Professional Policemen's Protective Association, Milwaukee, Wisconsin; and the Commission having participated in at least 15 mediation sessions at Milwaukee, Wisconsin, since January 20, 1971, through April 23, 1971, and during the course of such mediation the parties having made known the material facts involved in their efforts to reach an agreement on wages, hours and working conditions of said police officers; and the Commission, being fully advised in the premises, makes and files the following Findings of Fact, Conclusion of Law, Certification of Results of Investigation and Order Initiating Fact Finding and Appointing Fact Finder.

1. That the City of Milwaukee, hereinafter referred to as the Municipal Employer, has its offices at the City Hall, Milwaukee, Wisconsin, and that the Municipal Employer maintains and operates a Police Department.

2. That the Professional Policemen's Protective Association, hereinafter referred to as the Association, having its offices at 1012 North Third Street, Milwaukee, Wisconsin, represents police officers in the employ of the Police Department of the Municipal Employer, for the purpose of conferences and negotiations on wages, hours and conditions of employment; and that the Municipal Employer has recognized the Association as the exclusive representative of such police officers for such purpose.

3. That, prior to the filing of the instant petition on May 10, 1971, representatives of the Municipal Employer and the Association met on various dates during the past months in attempts to negotiate changes in wages, hours and conditions of employment affecting said police officers in efforts to reach an accord on a new collective bargaining agreement, the last occasion being a meeting held on April 23, 1971, during which Commissioner Zel S. Rice II of the Wisconsin Employment Relations Commission continued in mediation efforts in an attempt to resolve the issues existing between the parties; and that, however, the parties remain in deadlock in their negotiations.

4. That the Municipal Employer has not established any fact findings procedures pursuant to Section 111.70(4)(m) of the Wisconsin Statutes.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following

CONCLUSION OF LAW

That a deadlock within the meaning of Section 111.70(4)(e) of the Wisconsin Statutes exists between the City of Milwaukee and the Professional Policemen's Protective Association after a reasonable period of negotiations with respect to wages and other conditions of employment affecting police officers in the employ of the Police Department of the City of Milwaukee.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes the following

CERTIFICATION AND ORDER

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of fact finding, as required in Section 111.70(4)(e) of the Wisconsin Statutes with respect to negotiations by the Professional Policemen's Protective Association in issues of wages, hours and conditions of employment of police officers in the employ of the Police Department of the City of Milwaukee have been met.

NOW, THEREFORE, it is

ORDERED

1. That fact finding be initiated for the purpose of recommending a solution to said dispute.

2. That Thomas P. Whelan, Milwaukee, Wisconsin, is hereby appointed as the fact finder to proceed forthwith in the matter pursuant to Section 111.70(4)(g) of the Wisconsin Statutes.

Given under our hands and seal at the
City of Madison, Wisconsin, this 28th
day of May, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

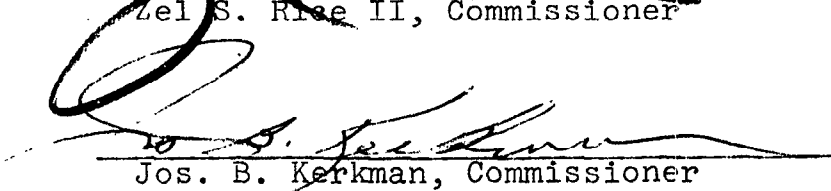
By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner



Jos. B. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
CITY OF MILWAUKEE :
To Initiate Fact Finding Between : Case CVIII
Said Petitioner and : No. 14645 FF-433
PROFESSIONAL POLICEMEN'S : Decision No. 10337
PROTECTIVE ASSOCIATION :

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION OF RESULTS OF INVESTIGATION AND
ORDER INITIATING FACT FINDING AND APPOINTING FACT FINDER

Prior to the filing of the petition for fact finding which initiated this proceeding the Municipal Employer and the Association spends months in negotiations in an attempt to reach a collective bargaining agreement, which would succeed the expiring agreement, covering the wages, hours and conditions of employment of certain police officers in the employ of the Police Department of the Municipal Employer. Commencing on January 20, 1971 Chairman Morris Slavney and Commissioner Zel S. Rice II, both singly and jointly, participated as mediators on fifteen separate occasions in an attempt to assist the parties in reaching an agreement. Despite extensive sessions with the mediators, representatives of the parties were unable to reach an agreement.

On May 10, 1971, the Municipal Employer filed the instant petition with the Commission requesting that fact finding be initiated in the matter, and wherein it alleged, as a basis for proceeding to fact finding, that the parties were deadlocked after a reasonable period of negotiations and further that the Association "has failed or refused to meet and negotiate at reasonable times in a bona fide effort to arrive at a settlement." The petition also set forth seven issues which, in its opinion, were "germane to accomplishment of a settlement of such dispute and appropriate to be decided by fact finding" Among the seven issues was an issue concerning the composition of the bargaining unit, more specifically, the Municipal Employer requested the Commission to make a determination as to whether Sergeants, Detectives and Lieutenants of Detectives were to be included or excluded from the unit of police officers involved.

On the day following the filing of the petition, the Assistant City Attorney, on behalf of the Municipal Employer, requested the appointment of a three-member panel should the Commission find that conditions for fact finding existed. On May 20, 1971, the Commission received a letter from Counsel for the Association that the Association had no objection to a three-man panel as requested by the Municipal Employer.

On May 25, 1971, after informal conversations between Chairman Slavney and representatives of the parties, the Commission, on May 25,

1971, received a letter from the Labor Negotiator of the Municipal Employer, wherein he indicated that the Municipal Employer had determined to withdraw the allegation in its petition alleging that the Association had failed or refused to meet and negotiate at reasonable times in a bona fide effort to arrive at a settlement, and further that, in order to expedite the fact finding proceeding, the Municipal Employer was withdrawing its request for the appointment of a three-member panel. Upon receipt of such letter the Commission telephonically advised Counsel for the Association of the Municipal Employer's withdrawal of the allegation concerning the manner in which the Association had engaged in bargaining, and further, of the Municipal Employer's withdrawal of the request for a three-member fact finding panel. Counsel for the Association, having been informed that a three-member fact finding panel required the consent of both parties, indicated that, under the circumstances, he had no choice but to recognize that a three-member fact finding panel could not be appointed.

Since the Commission, through its extensive mediation efforts, has been, and is, aware that the parties are in deadlock over the terms and conditions of a new collective bargaining agreement affecting the wages, hours and conditions of employment of the police officers involved, it deems that no informal investigation nor formal hearing are necessary to arrive at a determination as to whether fact finding should be initiated in the instant matter. Furthermore, the Commission, because of the seriousness of the dispute between the parties and the time which has elapsed in bargaining without reaching an agreement, is of the opinion that any issue with regard to the composition of the bargaining unit should not delay the fact finding proceeding, and should the matter not be resolved by the parties after the completion of the fact finding, the Municipal Employer may file a petition for Declaratory Ruling as to the composition of the unit.

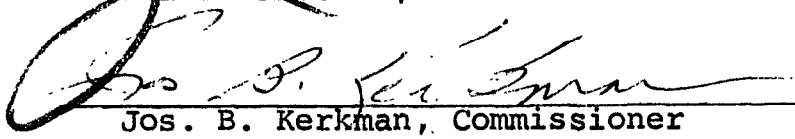
Dated at Madison, Wisconsin, this ^{28th} day of May, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Ted S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner