

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

CITY OF SHEBOYGAN

To Initiate Fact Finding Between  
Said Petitioner and

AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
LOCAL 1750-A  
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Case XV

No. 15938 FF-532

Decision No. 11272

ORDER FOR HEARING

The City of Sheboygan having on August 16, 1972, filed a petition with the Wisconsin Employment Relations Commission requesting that fact finding be initiated between said Petitioner and Local 1750-A, AFSCME, AFL-CIO, wherein it alleged that an impasse existed between said Petitioner and said Labor Organization with respect to certain conditions of employment affecting employees represented by said Labor Organization; and on August 23, 1972, said Labor Organization having, in writing, requested the Commission to appoint an impartial arbitrator pursuant to a collective bargaining agreement existing between the parties to resolve such impasse; and the Commission being satisfied that hearing be held on the fact finding petition to determine whether the conditions for fact finding exist;

NOW, THEREFORE, it is


ORDERED

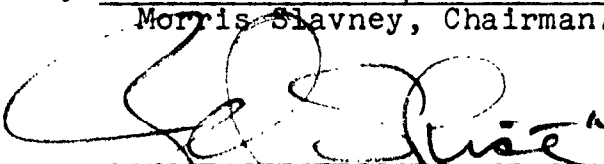
That hearing in the above entitled matter be held on Tuesday, September 26, 1972, 10:30 A.M., Sheboygan City Hall, Sheboygan, Wisconsin.

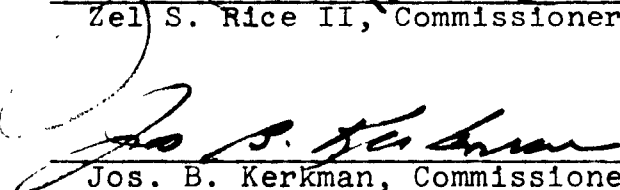
Given under our hands and seal at the  
City of Madison, Wisconsin, this 8th  
day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING ORDER FOR HEARING

The Municipal Employer filed a petition requesting that the Commission initiate fact finding to resolve an impasse between the parties. The petition described the facts constituting an impasse as follows:

"The City had numerous discussions with the union president of Local 1750-A in February 1971, November 1971, and March 1972, regarding a reduction in the number of hours that the 8th Street Bridge would be manned since there were not enough openings at certain times to justify the cost of manning the bridge continuously for 24 hours a day. Approximately 12 meetings were held between the parties from April 7, 1972, through May 22, 1972, in order to negotiate in addendum to the present Collective Bargaining Agreement with respect to the wages, hours, and conditions of employment for four regular bridgetenders and relief bridgetenders. Since the parties were deadlocked, they jointly requested the WERC to appoint a mediator. On March 16, Mr. Gratz, WERC Mediator, met with the parties and a tentative agreement was reached. The union notified the City that they rejected this agreement, and a second mediation session with Mr. Gratz was scheduled for July 24, 1972. The union again notified the City that they rejected the second tentative agreement. Since an impasse exists, the City of Sheboygan is requesting fact-finding."

The Commission's mediator did participate in mediation with the parties not only on March 16, 1972, but also on July 14, 1972. The report of the mediator indicated that no agreement was reached between the parties. As indicated in the preface to the Commission's Order, the Union on August 23, 1972, in writing, requested the Commission to appoint an arbitrator in the matter. It is obvious that the Union is of the opinion that the matter is subject to arbitration under the agreement. On September 1, 1972, the City Attorney, in writing, in response to the appointment of an arbitrator, contends that the matter is not arbitrable under the existing collective bargaining agreement.

Before the Commission will appoint a fact finder it must determine whether the condition for fact finding exists, that is, whether there is an impasse which is subject to the fact finding procedure. Where the parties in their collective bargaining agreement, or otherwise, agree to resolve their differences with respect to wages, hours and working conditions and have established their own procedures for the resolution of such disputes or impasses, the Commission will not appoint a fact finder.

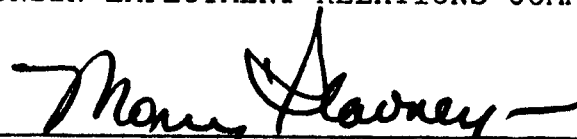
There is no doubt that the parties are at an impasse. However, there is some question as to whether the present collective bargaining agreement provides a tribunal for the resolution of said impasse. Therefore, we have scheduled a hearing to take evidence to determine whether the dispute involved is covered by the arbitration procedure established by the parties. If the Commission should determine that the

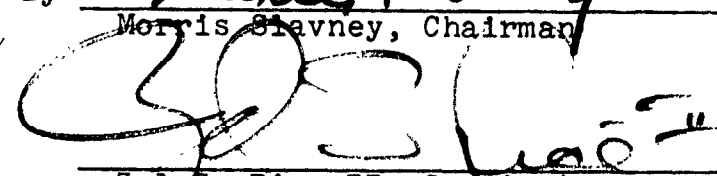
matter involved is subject to arbitration, it will dismiss the fact finding petition. If it should conclude that the impasse involved is not subject to the arbitration provision of the agreement, it will appoint a fact finder.


Dated at Madison, Wisconsin, this 8th day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner