

STATE OF WISCONSIN

:

CIRCUIT COURT

:

WAUKESHA COUNTY

CITY OF BROOKFIELD,

Petitioner,

NOTICE OF ENTRY OF
ORDER AND JUDGMENT

v.

WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

Circuit Court
Case No. 31923

Respondent.

Decision No. 11406-B

TO: Mr. Tom E. Hayes
Hayes and Hayes
7034 Plankinton Building
161 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

Mr. Richard V. Graylow
Lawton & Cates
110 East Main Street
Madison, Wisconsin 53703
Attorney for Firefighters Local
2051, International Association
of Firefighters, AFL-CIO

PLEASE TAKE NOTICE that an order and judgment, of which a true and correct copy is hereto attached, was duly entered in the above action in the Circuit Court for Waukesha County, Wisconsin, on the 9th day of September, 1974.

Dated at Madison, Wisconsin, this 13th day of September, 1974.

ROBERT W. WARREN
Attorney General

Charles D. Hoornstra /s/

CHARLES D. HOORNSTRA
Assistant Attorney General

Attorneys for Respondent,
Wisconsin Employment
Relations Commission.

CITY OF BROOKFIELD,

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v.

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Case No. 31923WISCONSIN EMPLOYMENT RELATIONS
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The above entitled matter having been submitted to the court without oral argument upon the petition of the City of Brookfield (city) for review of a certain order of the Wisconsin Employment Relations Commission (commission) pursuant to sec. 111.07 (8), Stats., and upon the counter petition of the commission for enforcement of the same order pursuant to sec. 111.07 (7), Stats.; George Schmus, City Attorney, by Tom E. Hayes, for Hayes and Hayes, of counsel, appearing for the city; Robert W. Warren, Attorney General, by Charles D. Hoornstra, Assistant Attorney General, appearing for the commission; and Mulholland, Hickey & Lyman by Richard V. Graylow for Lawton & Cates, of counsel, appearing for Local 2051 of the International Association of Firefighters, AFL-CIO (union), said union having been given leave to intervene upon stipulation and order; the court having studied the briefs of counsel and having issued its memorandum decision on June 21, 1974, and the parties having subsequently filed a stipulation that the commission's order should be modified; and the court being fully advised in the premises,

Now, therefore, upon motion of Charles D. Hoornstra, Assistant Attorney General, IT IS ORDERED, ADJUDGED AND DECREED:

I. That the order of the Wisconsin Employment Relations Commission entered on the 26th day of September, 1973, said order being the commission's Decision No. 11406-B, which order affirms the findings of fact, conclusions of law, and order of the commission examiner entered on the 27th day of July, 1973, be, and the same hereby is, confirmed and enforced, except as modified herein, the court reserving jurisdiction to make such further order or judgment in the premises as may be necessary to give full force and effect to the order of the commission and the enforcement thereof on the evidence in the record or on the taking of such further evidence as appears to the court to be necessary, the present judgment and decree of the court to be deemed interlocutory as to those matters that may call for or require further action on the part of the court; and

II. The City of Brookfield, its officer and agents, shall immediately:

1. Cease and desist from:

(a) Interfering with, restraining or coercing its employes in the exercise of their rights guaranteed by the Municipal Employment Relations Act.

(b) Refusing to bargain collectively by unilaterally changing conditions of employment of employes without notice to the bargaining representative of said employes that such changes were contemplated.

2. Take the following affirmative action to effectuate the policies of the Municipal Employment Relations Act.

(a) Upon request, bargain collectively with the union with respect to residency limitations to be imposed upon the employes represented by the union.

(b) Notify all Fire Department employes, by posting in conspicuous places of its premises, where notices to all such employes are usually posted, copies of the notice attached hereto and marked "Appendix A." Appendix A shall be signed by the Chief of the Fire Department.

(e) Notify the commission in writing, within twenty (20) days following service of notice of entry of this order and judgment as to what steps have been taken to comply herewith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petition of said city for review of the said commission order be, and the same hereby is, dismissed.

Dated this 9th day of September, 1974.

BY THE COURT:

Clair Voss /s/
Clair Voss, Circuit Judge

Date of entry: September 9, 1974

APPROVED AS TO FORM:

/s/ Tom E. Hayes
HAYES AND HAYES
By: Tom E. Hayes
Attorneys for the City of Brookfield

/s/ Richard V. Graylow
LAWTON & CATES
By: Richard V. Graylow
Attorneys for the Union

APPENDIX "A"

NOTICE TO ALL FIRE DEPARTMENT EMPLOYEES

Pursuant to an order of the Wisconsin Employment Relations Commission as confirmed and enforced by the Circuit Court for Waukesha County and in order to effectuate the policies of the Municipal Employment Relations Act, we hereby notify our employes that:

WE WILL NOT refuse to bargain collectively with Fire Fighters Local 2051, International Association of Fire Fighters, AFL-CIO, by unilaterally changing working conditions of employes represented by said labor organization without notifying said labor organization that such changes are contemplated; or in any other manner, interfere with, restrain or coerce our employes in the exercise of the rights guaranteed by the Municipal Employment Relations Act.

City of Brookfield

By: _____
Chief, Fire Department

Dated this day of , 1974.

THIS NOTICE MUST REMAIN POSTED FOR SIXTY (60) DAYS FROM THE DATE HEREOF AND MUST NOT BE ALTERED, DEFACED OR COVERED BY ANY MATERIAL.