

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DISTRICT COUNCIL 48, AFSCME, AFL-CIO,  
and LOCAL 366,

Complainant,

vs.

SEWERAGE COMMISSION OF THE CITY OF  
MILWAUKEE,

Respondent.

Case XXVII  
No. 16165 MP-186  
Decision No. 11407-B

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

Examiner George R. Fleischli having, on March 20, 1973, issued his Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum in the above entitled proceeding wherein the above named Respondent was found to have committed a prohibited practice within the meaning of Section 111.70(3)(a)5 of the Municipal Employment Relations Act; and a petition for review of said Examiner's decision having been timely filed by the Respondent on April 9, 1973; and the Commission having reviewed the record, the decision of the Examiner, the petition for review and accompanying statement in support of said petition, being fully advised in the premises and being satisfied that the Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum issued by the Examiner should be affirmed;

NOW, THEREFORE, it is

ORDERED

That pursuant to Section 111.07(5) of the Wisconsin Statutes the Wisconsin Employment Relations Commission hereby adopts the Examiner's Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum issued in the above entitled matter as its Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum, and therefore the Respondent Sewerage Commission of the City of Milwaukee shall notify the Wisconsin Employment Relations Commission within ten (10) days of the receipt of a copy of this Order as to what steps it has taken to comply herewith.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 6th  
day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slawney  
Morris Slawney, Chairman

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

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

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

In its petition for review the Respondent alleges that the Examiner erred in a number of respects with regard to his Findings of Fact and Conclusions of Law and that therefore the Order in this case should be set aside. With regard to the Examiner's Findings of Fact the Respondent challenges those findings which hold that the Complainant's agent and the Respondent's agents had the authority to bind their respective principals or that there was an established past practice requiring the payment of "zone fare" under the circumstances present in this case. With regard to the Examiner's Conclusions of Law, the Respondent contends that the Examiner erred in finding that its agents had the authority to bind or that it was in fact bound by the terms of the "Letter of Intent"; that the "Letter of Intent" constituted an enforceable collective bargaining agreement; and that it had violated the terms of such an agreement.

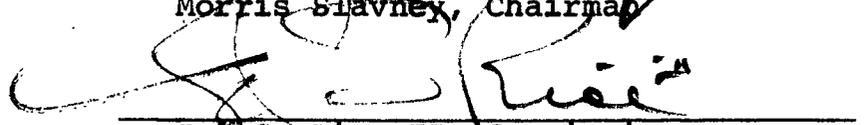
The issues raised by the Respondent's petition were all raised before the Examiner and the Commission concurs in his disposition of those issues and adopts his rationale in that regard.

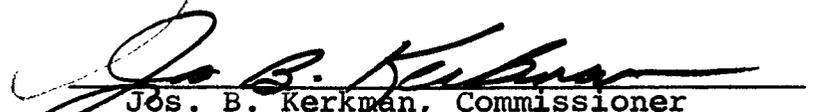
Dated at Madison, Wisconsin, this 6th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
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Morris Slavney, Chairman

  
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Zel S. Rice II, Commissioner

  
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Jos. B. Kerkman, Commissioner