STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WEST BEND POLICEMEN'S PROTECTIVE ASSOCIATION

To Initiate Fact Finding Between Said Petitioner and

CITY OF WEST BEND

Case VI No. 16539 FF-548 Decision No. 11680

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

West Bend Policemen's Protective Association having petitioned the Wisconsin Employment Relations Commission to initiate fact finding pursuant to Section 111.70(4)(c)3 of the Wisconsin Statutes on behalf of certain employes of the City of West Bend, employed in the West Bend Police Department; and the Commission, by Stanley H. Michelstetter II, having conducted an investigation on such petition at West Bend, Wisconsin, on February 6 and February 15, 1973, and during the course of such investigation the parties having made known the facts material thereto, 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.

FINDINGS OF FACT

- l. That West Bend Policemen's Protective Association, hereinafter referred to as the Petitioner, is a labor organization and has its offices at West Bend, Wisconsin.
- 2. That City of West Bend, hereinafter referred to as the Municipal Employer, has its offices at City Hall, West Bend, Wisconsin; and that the Municipal Employer maintains and operates a police department.
- 3. That the Petitioner at all times material herein is the voluntarily recognized representative of all full time employes of the West Bend Police Department without arrest powers, excluding supervisory, managerial and confidential employes.
- 4. That, prior to the filing of the instant petition on January 19, 1973, representatives of the Petitioner and the Municipal Employer met on various dates during November, December, January and February for the purpose of negotiating changes in wages and other conditions of employment affecting said employes in efforts to reach an accord on a new collective bargaining agreement, the last occasion being a meeting held on February 15, 1973, during which a member of

the staff of the Wisconsin Employment Relations Commission attempted to mediate the issues existing between the parties; and that, however, the parties were unable to reach an accord in their collective bargaining and remain in deadlock with respect thereto.

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)(c)3 of the Wisconsin Statutes exists between the City of West Bend and West Bend Policemen's Protective Association after a reasonable period of negotiations with respect to wages and other conditions of employment affecting all full time employes of the West Bend Police Department without arrest powers, excluding supervisory, managerial and confidential employes.

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)(c)3 of the Wisconsin Statutes with respect to negotiations by West Bend Policemen's Protective Association, on issues of wages and other conditions of employment of all full time employes of the West Bend Police Department without arrest powers, excluding supervisory, managerial and confidential employes 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 Gerald G. Somers, Madison, Wisconsin, is hereby appointed as the fact finder to proceed forthwith in the matter pursuant to Section 111.70(4)(c)3 of the Wisconsin Statutes.
- 3. That within 30 days of the receipt of the fact finder's recommendations, or within the time period mutually agreed upon by the parties, each party shall advise the other, in writing, as to its acceptance or rejection, in whole or in part, of the fact finder's recommendation and, at the same time, transmit a copy of such notice to the Commission at its Madison office.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney Chairman

Zel S. Rice II, Commissioner

STATE OF WISCONSIN

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

During the course of the informal investigation with respect to the petition filed in the City of West Bend, Decision No. 11662 [MIA] covering all employes of the West Bend Police Department, the Petitioner amended its petition to seek municipal interest arbitration for the voluntarily recognized bargaining unit which included all Police Department employes with powers of arrest with the appropriate exclusions. The Petitioner therein, with the concurrence of the Municipal Employer, requested that that petition be treated as a petition for fact finding for the other voluntarily recognized bargaining unit of police employes without arrest powers. We have granted the Petitioner's request.

The Commission's agent attempted to mediate a settlement in both units, and in that regard, determined that the parties, after a reasonable period of negotiation, are deadlocked with respect to wages, hours and conditions of employment.

Dated at Madison, Wisconsin, this 12th day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris/Slavney-

Chairman