

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
WAUWATOSA FIREMEN'S PROTECTIVE :
ASSOCIATION, LOCAL 1923 :
For Final and Binding Arbitration : Case XXXI
Involving Firefighting Personnel : No. 16548 MIA-41
In the Employ of : Decision No. 11790
CITY OF WAUWATOSA :

FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION OF RESULTS OF INVESTIGATION
AND ORDER REQUIRING ARBITRATION

Wauwatosa Firemen's Protective Association, Local 1923 having on February 26, 1973, filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission initiate compulsory final and binding arbitration pursuant to Section 111.77(3) of the Municipal Employment Peace Act, for the purpose of resolving an impasse arising in collective bargaining between the Petitioner and the City of Wauwatosa on matters affecting the wages, hours and conditions of employment of firefighting personnel in the employ of said Municipal Employer; and formal hearing having been conducted on April 5, 1973 and April 12, 1973, at Wauwatosa, Wisconsin, by Stanley H. Michelstetter II, a member of the Commission's staff; 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 Requiring Arbitration.

FINDINGS OF FACT

1. That Wauwatosa Firemen's Protective Association, Local 1923, hereinafter referred to as Local 1923, is a labor organization and has its offices at Wauwatosa, Wisconsin.
2. That the City of Wauwatosa, hereinafter referred to as the Municipal Employer, has its offices at Wauwatosa, Wisconsin, and that the Municipal Employer maintains and operates a Fire Department.
3. That Local 1923 at all times material herein has been and is the collective bargaining representative of non-supervisory firefighter personnel in the employ of the Fire Department of the Municipal Employer.
4. That prior to April 5, 1973, representatives of Local 1923 and the Municipal Employer met on various dates for the purpose of negotiating changes in wages and other conditions of employment of the non-supervisory firefighter personnel involved in an attempt to reach an accord on a collective bargaining agreement for the year 1973; that in that regard the parties utilized the mediation services of

the Commission, and, nevertheless, the parties were unable to reach an accord in their collective bargaining.

5. That on February 26, 1973, Local 1923 filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to initiate compulsory final and binding last offer arbitration, pursuant to Section 111.77, Wisconsin Statutes, for the purpose of resolving the impasse between the parties.

6. That after receipt of the instant petition a member of the Commission's staff conducted a formal hearing on said petition on April 5 and 12, 1973, where a further attempt, without success, was made to resolve the impasse existing between the parties.

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

CONCLUSION OF LAW

That an impasse within the meaning of Section 111.77(3), Wisconsin Statutes exists between the City of Wauwatosa and the Wauwatosa Firemen's Protective Association, Local 1923 on issues of wages and other conditions of employment for all non-supervisory firefighter personnel in the employ of the City of Wauwatosa.

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

CERTIFICATION

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of compulsory final and binding arbitration as required by Section 111.77 of the Wisconsin Statutes with respect to negotiations between the City of Wauwatosa and the Wauwatosa Firemen's Protective Association, Local 1923 on issues of wages and other conditions of employment of all non-supervisory firefighter personnel in the employ of the City of Wauwatosa have been met.

NOW, THEREFORE, it is

ORDERED

1. The compulsory final and binding arbitration be initiated for the purpose of resolving an impasse arising in collective bargaining between Wauwatosa Firemen's Protective Association, Local 1923 and the City of Wauwatosa on matters affecting the wages, hours and conditions of employment of firefighting personnel in the employ of said Municipal Employer.

2. That Wauwatosa Firemen's Protective Association, Local 1923 file, in written form, its final offer as of April 12, 1973, on the issues remaining in said negotiations with the City of Wauwatosa, with the Wisconsin Employment Relations Commission on or before May 1, 1973, and at the same time serve a copy thereof on the City of Wauwatosa.

3. That the City of Wauwatosa file, in written form, its final offer as of April 12, 1973, on the issues remaining in said

negotiations with Wauwatosa Firemen's Protective Association, Local 1923 with the Wisconsin Employment Relations Commission on or before May 1, 1973, and at the same time serve a copy thereof on Wauwatosa Firemen's Protective Association, Local 1923.

4. That the parties each select a single arbitrator, or a board of arbitration, within ten (10) days after the issuance of this Order in a manner mutually agreed upon by the parties, to resolve said impasse; and that the parties notify the Commission within fifteen (15) days of the issuance of this Order as to whether they have selected an arbitrator or a board of arbitration, as the case may be.

5. That, if the parties select one or more arbitrators, said parties should then notify the Commission as to the identity of said arbitrator or arbitrators in order that the Commission may issue an order officially appointing said individual or individuals as the arbitrator or board of arbitration to conduct a compulsory arbitration proceeding and make a final and binding resolution of the dispute involved.

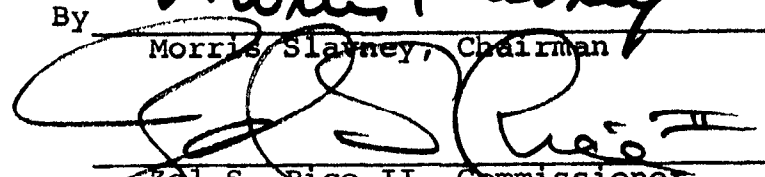
6. That, if the parties have not selected an arbitrator or board of arbitration, the Commission shall then order each party to select one arbitrator, and if these two arbitrators cannot in five (5) days select a neutral arbitrator, the Commission must be notified of same within eight (8) days of the issuance of the supplemental order; that thereupon the Commission shall issue a further supplemental order, and therein submit a panel of five (5) neutral arbitrators, from which the parties shall, within three (3) days of the receipt thereof, alternately strike four of the members of said panel; that thereupon the parties or either of them, shall notify the Commission in writing as to the neutral arbitrator so selected, and the Commission shall then issue an order appointing same neutral arbitrator as chairman of the board of arbitration, and at the same time, shall serve copies thereof on the parties and the neutral arbitrator, and also at the same time serve a copy of the certification of the results of the investigation upon said neutral arbitrator.

Given under our hands and seal at the
City of Madison, Wisconsin, this 24th
day of April, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slatney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION OF RESULTS OF INVESTIGATION
AND ORDER REQUIRING ARBITRATION

During the hearing the Municipal Employer objected to two proposals of Local 1923 as improper subjects for arbitration under Section 111.77. 1/ Originally the Local 1923 had proposed release from alarm room duties and a minimum daily emergency manpower force of twenty-seven men. Thereafter during the informal investigation Local 1923 withdrew its twenty-seven man minimum proposal and ultimately stipulated that its alarm duty proposal would be limited to an economic basis (i.e., additional pay for performance of alarm room duties). Upon the basis of the foregoing, the Municipal Employer, for the purposes of this matter only, stipulated that the limited alarm room proposal was a proper subject for arbitration pursuant to Section 111.77.

The parties further agreed to have arbitration pursuant to Form 2, Section 111.77(4)(b) and to follow the entire procedure of Section 111.77(3) in the appointment of the arbitrator.

Given under our hands and seal at the
City of Madison, Wisconsin, this 24th
day of April, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ All citations herein unless noted are to the Municipal Employment Relations Act.