

CITY OF GREEN BAY,

JUN 14 1979

Petitioner,

v.

STIPULATION
and
ORDER
WISCONSIN EMPLOYMENT
RELATIONS COMMISSIONWISCONSIN EMPLOYMENT RELATIONS
COMMISSION and GREEN BAY FIRE-
FIGHTERS LOCAL 141,

Case No. 63-73

Respondents.

Decision No. 12411-B

The undersigned parties to this action by their
respective counsel hereby consent and agree as follows, namely:

1. WHEREAS this action arises out of a determination
by the respondent, Wisconsin Employment Relations Commission,
based upon certain findings of fact and conclusions of law
which related to an underlying collective bargaining agree-
ment between the City of Green Bay and Green Bay Firefighters
Local 141 and the construction of certain statutory provisions
in the Municipal Employment Relations Act, sec. 111.70, et.
seq. Stats.; said proceeding before the Wisconsin Employment
Relations Commission being case XLIII No. 17559 MP-317 Decision
No. 12411-B; and

2. WHEREAS subsequent to the determination in said
matter by the Wisconsin Employment Relations Commission and
subsequent to the institution of this action, the Wisconsin
Supreme Court construed the same statutory provisions (construed
by the Wisconsin Employment Relations Commission in the instant
action) in City of Brookfield v. WERC, Wisconsin Supreme Court
No. 76-184 (filed February 27, 1979); and

3. WHEREAS this action and the underlying proceeding
before the Wisconsin Employment Relations Commission is dependent
upon the construction of the same statutory provisions considered
by the Wisconsin Supreme Court in City of Brookfield, which

construction requires a result opposite from that mandated by the Wisconsin Employment Relations Commission's construction;

NOW THEREFORE the parties hereto hereby consent and agree to the entry of the subjoined order herein without further notice, without costs, and upon motion of either party.

Dated this 24th day of April, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By John Niemisto
John Niemisto, Assistant Attorney General
Its attorney

CITY OF GREEN BAY

By Mark A. Warpinski
Mark A. Warpinski, Assistant City Attorney
Its attorney

ORDER

Upon the above and foregoing stipulation of the parties hereto,

IT IS HEREBY ORDERED:

1. The decision of the Wisconsin Employment Relations Commission herein be and the same hereby is vacated;
2. This matter is hereby remanded to the Wisconsin Employment Relations Commission which is directed to enter its order dismissing the complaint herein;
3. No costs are allowed to either party.

Dated this 4th day of MAY 1979.

BY THE COURT:

S/
Circuit Judge