

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
MANITOWOC COUNTY SHERIFF'S :
DEPARTMENT EMPLOYEES :
To Initiate Final and Binding :
Arbitration Between Said Petitioner :
and :

Case XXXVIII
No. 17771 MIA-98
Decision No. 12721

MANITOWOC COUNTY :

In the Matter of the Petition of :
MANITOWOC COUNTY TRAFFIC :
DEPARTMENT EMPLOYEES :
To Initiate Final and Binding :
Arbitration Between Said Petitioner :
and :

Case XXXIX
No. 17772 MIA-99
Decision No. 12722

MANITOWOC COUNTY :

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

Manitowoc County Sheriff's Department Employees and Manitowoc County Traffic Department Employees having, on March 22, 1974, filed separate petitions with the Wisconsin Employment Relations Commission requesting the Commission to initiate compulsory final and binding arbitration pursuant to Section 111.77(3) of the Municipal Employment Relations Act, for the purpose of resolving impasses arising between said Petitioners and Manitowoc County on matters affecting the wages, hours and conditions of employment of employees of said Municipal Employer employed in its Sheriff's and Traffic Departments; and the Commission by Sherwood Malamud, a staff mediator, having conducted an informal investigation on such petitions on May 2, 1974, during which said mediator attempted to mediate the issues in dispute; 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, Conclusions of Law, Certification of Results of Investigation, Order of Consolidation and Order Requiring Arbitration.

FINDINGS OF FACT

1. That Manitowoc County Sheriff's Department Employees is a labor organization representing employees employed in the Sheriff's Department of Manitowoc County, and that Michael J. Wilson is its principal representative having his address at Manitowoc, Wisconsin.

2. That Manitowoc County Traffic Department Employees is an organization representing employees employed in the Traffic Department of Manitowoc County, and that Michael J. Wilson is its principal representative having his address at Manitowoc, Wisconsin.

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3. That Manitowoc County, hereinafter referred to as the Municipal Employer, has its offices at the Manitowoc County Courthouse, Manitowoc, Wisconsin.

4. That at all times material herein the Municipal Employer has voluntarily recognized the Manitowoc County Sheriff's Department Employees as the bargaining representative of the non-supervisory law enforcement personnel in the employ of the Sheriff's Department of the Municipal Employer; and that at all times material herein the Municipal Employer has voluntarily recognized the Manitowoc County Traffic Department Employees as the bargaining representative of the non-supervisory law enforcement personnel in the employ of the Traffic Department of the Municipal Employer.

5. That prior to November 29, 1973, and December 17, 1973, representatives of the Municipal Employer and the two labor organizations were engaged in negotiations leading to two separate agreements (covering employees) represented by said two labor organizations with respect to wages, hours and working conditions for the year 1974; that on November 29, 1973, and December 17, 1973, the Commission, by Sherwood Malamud, staff mediator, met with the parties in an attempt to mediate the issues in dispute, and that, however, the parties were unable to reach an agreement.

6. That on March 22, 1974, Manitowoc County Sheriff's Department Employees and Manitowoc County Traffic Department Employees filed separate petitions with the Wisconsin Employment Relations Commission, hereinafter referred to as the Commission, requesting the Commission to initiate final and binding arbitration pursuant to Section 111.77(3) of the Municipal Employment Relations Act, hereinafter referred to as MERA, with regard to separate impasses existing between said two bargaining representatives and said Municipal Employer with respect to wages, hours and working conditions for the year 1974 affecting employees of the Municipal Employer represented by such labor organizations.

7. That on May 2, 1974, the mediator conducted an informal investigation on said petitions, during which he again attempted to mediate the issues separately existing between the Municipal Employer and said two labor organizations, and that, however, during said informal investigation no accord was reached, and the Municipal Employer and said two labor organizations remain at impasse with respect to wages, hours and working conditions governing the employees represented by said two labor organizations for the year 1974.

8. That, with respect to a majority of the issues affecting both units, the Municipal Employer's proposals with respect to said issues were identical, and that the proposals of the two labor organizations with respect to said issues, while differing from the proposals of the Municipal Employer, were also identical.

9. That the parties have not established any mutually agreed-upon procedure for the final resolution of disputes arising in collective bargaining, and further, that the parties have not mutually agreed that the arbitrations should not be limited to the last and final offers of each of the parties.

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

CONCLUSIONS OF LAW

1. That an impasse, within the meaning of Section 111.77(3) of MERA, exists between the Manitowoc County Sheriff's Department Employees and Manitowoc County with respect to negotiations leading toward a collective bargaining agreement for the calendar year 1974 covering wages, hours and conditions of employment affecting law enforcement personnel employed by the County of Manitowoc in its Sheriff's Department.

2. That an impasse, within the meaning of Section 111.77(3) of MERA, exists between the Manitowoc County Traffic Department Employees and Manitowoc County with respect to negotiations leading toward a collective bargaining agreement for the calendar year 1974 covering wages, hours and conditions of employment affecting law enforcement personnel employed by the County of Manitowoc in its Traffic Department.

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

CERTIFICATION

IT IS HEREBY CERTIFIED:

1. That the conditions precedent to the initiation of compulsory final and binding arbitration, as required by Section 111.77 of MERA, with respect to negotiations between Manitowoc County Sheriff's Department Employees and the County of Manitowoc on issues of wages, hours and conditions of employment affecting law enforcement personnel employed by the County of Manitowoc in its Sheriff's Department, have been met.

2. That the conditions precedent to the initiation of compulsory final and binding arbitration, as required by Section 111.77 of MERA, with respect to negotiations between Manitowoc County Traffic Department Employees and the County of Manitowoc on issues of wages, hours and conditions of employment affecting law enforcement personnel employed by the County of Manitowoc in its Traffic Department, have been met.

NOW, THEREFORE, it is

ORDERED

1. That the instant proceedings initiated by the separate petitions filed by Manitowoc County Sheriff's Department Employees and the Manitowoc County Traffic Department Employees be, and the same hereby are, consolidated for the purposes of final and binding arbitration.

2. That compulsory final and binding arbitration be, and the same hereby is, initiated for the purpose of issuing a final and binding award to resolve the separate impasses existing between the Manitowoc County Sheriff's Department Employees and the Manitowoc County Traffic Department Employees and the County of Manitowoc.

3. That the Manitowoc County Sheriff's Department Employees file, in written form, its final offer as of March 22, 1974, on the issues remaining in negotiations with the County of Manitowoc, with the Wisconsin Employment Relations Commission on or before June 10, 1974, and at the same time serve a copy thereof on the County of Manitowoc.

4. That the County of Manitowoc file, in written form, its final offer as of March 22, 1974, on the issues remaining in negotiations with the Manitowoc County Sheriff's Department Employees, with the Wisconsin Employment Relations Commission on or before June 10, 1974, and at the same time serve a copy thereof on the Manitowoc County Sheriff's Department Employees.

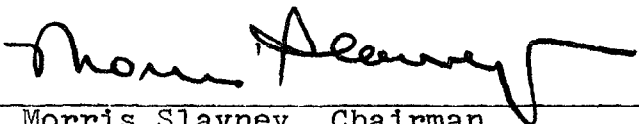
5. That the Manitowoc County Traffic Department Employees file, in written form, its final offer as of March 22, 1974, on the issues remaining in negotiations with the County of Manitowoc, with the Wisconsin Employment Relations Commission on or before June 10, 1974, and at the same time serve a copy thereof on the County of Manitowoc.

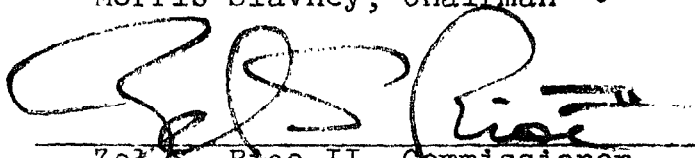
6. That the County of Manitowoc file, in written form, its final offer as of March 22, 1974, on the issues remaining in negotiations with the Manitowoc County Traffic Department Employees, with the Wisconsin Employment Relations Commission on or before June 10, 1974, and at the same time serve a copy thereof on the Manitowoc County Traffic Department Employees.

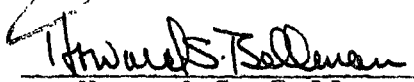
7. That the Manitowoc County Sheriff's Department Employees and the Manitowoc County Traffic Department Employees acting jointly, and Manitowoc County, select an arbitrator within ten (10) days after the issuance of this Order from the panel of arbitrators submitted to the parties in the accompanying letter of transmittal by alternately striking four (4) of the members from said panel for the selection of the neutral arbitrator; and thereupon the parties, or any of them shall notify the Commission, in writing, of the name of the neutral arbitrator and the Commission shall then issue an Order appointing said neutral arbitrator.

Given under our hands and seal at the
City of Madison, Wisconsin, this 24th
day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

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

Since a majority of the issues at impasse in the negotiations between the two separate labor organizations and the Municipal Employer are identical, the appointment of separate arbitrators who might issue divergent awards may strain the collective bargaining relationships involved. The County desired separate arbitrators, indicating a fear that those issues which are at impasse, and which differ as they affect the separate units, would not receive appropriate treatment. It is the conviction of the Commission that a single arbitrator will recognize the different issues and the proposals made by the parties and the affects of same. Furthermore, the arbitrator selected to issue two separate awards is more likely to be consistent than two arbitrators issuing two separate awards. Therefore, we have consolidated the instant proceedings in order to assure the selection of a single arbitrator who will issue two awards. We are convinced that such consolidation will be more effective and in keeping with the policy expressed in Section 111.77 of the Municipal Employment Relations Act.

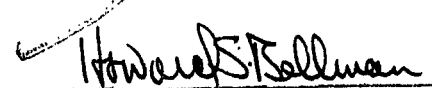
Dated at Madison, Wisconsin, this 24th day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner