



MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION

On October 24, 1974, the City of Milwaukee, hereinafter referred to as the City, filed a complaint with the Commission alleging that the Milwaukee Professional Policemen's Protective Association, hereinafter referred to as the Association, committed prohibited practices within the meaning of Section 111.70(3)(b)3 of the Municipal Employment Relations Act in that the Association failed and refused to bargain in good faith with the City in their negotiations on a collective bargaining agreement to succeed an agreement, which, by its terms, would have expired on November 2, 1974. <sup>1/</sup> Thereafter and on November 4, 1974, the Association filed a petition with the Commission requesting the Commission to initiate final and binding arbitration with respect to said negotiations pursuant to Section 111.70(4)(jm) of the Municipal Employment Relations Act. Thereafter and on November 5, 1974, the Commission set hearing in both matters for Friday, November 22, 1974. As indicated in the preface to the Commission's Order the City, on November 19, 1974, filed a motion requesting the Commission to adjourn the hearing on the petition for final and binding arbitration. It should be noted that the City waited some 13 days after the receipt of the Notice of Hearing to file its motion, and that said motion was filed only 3 days prior to the date set for the hearing.

In its motion for adjournment of the hearing on the arbitration petition the City alleges that the Association "has not engaged in collective bargaining" and therefore that "no determination on the Milwaukee Professional Policemen's Protective Association's petition for arbitration can be had until such time as the Commission has determined the merits of the City's prohibited practice charge."

It should further be noted that in its complaint the City alleged that the City and the Association met on August 8, September 24 and October 4, 1974, "to elicit an understanding of the Respondent's demands and to indicate areas of movement which Complainant believes should be explored further in future negotiating sessions." The complaint also alleges that the Association modified and altered its demands and added additional demands.

The purpose of the hearing on the arbitration petition is to determine whether an impasse has been reached. The allegations in the complaint proceeding are so entwined with the matters which the Commission must consider in determining whether an impasse has been reached that the Commission finds no basis for adjourning the hearing on the petition for arbitration.

Dated at Madison, Wisconsin, this 19th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slawney, Chairman

  
Zel S. Rice II, Commissioner

1/ City of Milwaukee, CXLVI.