

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF WEST ALLIS

Case XXX
No. 18940 FF-618
Decision No. 13449

The above-named labor organization having petitioned the Wisconsin Employment Relations Commission to initiate fact finding pursuant to Section 111.70(4)(c)3 of the Wisconsin Statutes with respect to certain employees of the above-named Municipal Employer; and the Wisconsin Employment Relations Commission, by Marshall L. Gratz, a member of its staff, having participated in mediation with said parties at West Allis Wisconsin on February 17 and 25, 1975; and during the course of such mediation, the parties having made known the facts material hereto, and the Commission being fully advised in the premises makes and issues the following Findings of Fact, Conclusion of Law, Certification of Results of Investigation and Order Initiating Fact Finding and Appointing Fact Finder.

1. That Local 228, affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, is a labor organization with offices at 3427 West St. Paul Avenue, Milwaukee, Wisconsin 53208.

2. That the City of West Allis, hereinafter referred to as the Municipal Employer, has its offices at 7525 West Greenfield Avenue, West Allis, Wisconsin 53214.

3. That Petitioner, Local 228, at all times material herein, has been the certified representative of all administrative and clerical employees of the City of West Allis who are employed in the following departments and divisions: Offices of the City Assessor, City Clerk, City Treasurer, City Comptroller, City Planner and City Sealer; Building and Zoning Department, Department of Forestry and Public Grounds (City Hall); Health Department, Library Department, Public Works Department (City Hall); Purchasing Division; and the Police Department (including radio operators and parkettes), excluding supervisory and confidential employees, policemen, nurses and dental hygienists and all other employees.

4. That prior to the February 27, 1975 filing of the instant petition, representatives of the Petitioner and of the Municipal Employer met on various dates during the period August 1974 through February 16, 1975 for the purpose of negotiating about proposed changes in wages and other conditions of employment affecting said employees in efforts to reach an accord on new collective bargaining agreements; and that, thereafter, on February 17 and 25, 1975, 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 City of West Allis and Local 228 affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, after a reasonable period of negotiation with respect to wages and other conditions of employment affecting all administrative and clerical employees of the City who are employed in the following departments and divisions: Offices of the City Assessor, City Clerk, City Treasurer, City Comptroller, City Planner and City Sealer; Building and Zoning Department, Department of Forestry and Public Grounds (City Hall); Health Department, Library Department, Public Works Department (City Hall); Purchasing Division; and the Police Department (including radio operators and parkettes), excluding supervisory and confidential employees, policemen, nurses and dental hygienists and all other employees.

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 Local 228 affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO on issues of wages and other conditions of employment of all administrative and clerical employees of the City who are employed in the following departments and divisions: Offices of the City Assessor, City Clerk, City Treasurer, City Comptroller, City Planner and City Sealer; Building and Zoning Department, Department of Forestry and Public Grounds (City Hall); Health Department, Library Department, Public Works Department (City Hall); Purchasing Division; and the Police Department (including radio operators and parkettes), excluding supervisory and confidential employees, policemen, nurses and dental hygienists and all other employees 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 H. Herman Rauch, Milwaukee, Wisconsin is hereby appointed as the fact finder to proceed forthwith in the matters 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

recommendations 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 18th
day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

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

The instant petition was filed jointly by Locals 80 and 228. Having so petitioned, it is apparently the Unions' positions that a single fact finding proceeding should be conducted with respect to both locals taken together. The City, on the other hand, takes the position that each of the locals has many separate issues, that they represent separate bargaining units and that a combined fact finding would cause confusion rather than convenience and conservation of preparation and presentation time. For those reasons, the City opposes a combining of the two locals into one fact finding proceedings.

Upon consideration of the matter, we have concluded that separate fact finding proceedings for each local are in order. The orders in this and in the companion case have been issued accordingly.

Dated at Madison, Wisconsin this 18th day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner