

CITY OF MILWAUKEE and HAROLD A.  
BREIER, Chief of Police, City  
of Milwaukee,

Petitioners,

STIPULATION AND ORDER

v.

Case No. 443-342

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION,

Respondent.

Decision No. 13558-C

IT IS HEREBY STIPULATED by and between the parties to the above entitled proceeding, by their respective attorneys, that the court may enter an order modifying the Commission's order dated May 6, 1976, in *Thomas M. Schmidt v. City of Milwaukee and Harold A. Breier, Chief of Police, City of Milwaukee*, Case CLIV, No. 19032, MP-453, Decision No. 13558-B, to read as follows:

IT IS ORDERED that the Respondents, City of Milwaukee and Harold A. Breier, their officers and agents, shall immediately:

1. Cease and desist from giving effect to Order No. 7106 of any other decision made on the basis of the Board of Inquiry hearing held on March 25, 1975 in connection with the discipline of Thomas M. Schmidt.
2. Take the following affirmative action which the Examiner finds will effectuate the policies of the Municipal Employment Relations Act.
  - a. Expunge from the employment records of Thomas M. Schmidt any and all reference to actions taken by Harold A. Breier concerning charges heard by the Board of Inquiry on March 25, 1975, to the extent that such actions were taken on or after March 25, 1975.
  - b. Withdraw Order No. 7106 and make Thomas M. Schmidt whole for any loss of pay or benefits he may have suffered by reason of the suspension of Thomas M. Schmidt pursuant to Order No. 7106.
  - c. Permit Thomas M. Schmidt representation by the Professional Policemen's Protective Association of Milwaukee, or by any other labor organization representing such municipal employee, in any rehearing before the Board of Inquiry of the charges filed on or about March 14, 1975.
  - d. Notify the Wisconsin Employment Relations Commission in writing, within twenty (20) days following the date of this Order as to what steps have been taken to comply herewith.

CITY OF MILWAUKEE and  
HAROLD A. BREIER, Chief of  
Police of the City of Milwaukee

BY: Thomas E. Hayes /s/  
THOMAS E. HAYES  
Assistant City Attorney

WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION

BY: David C. Rice /s/  
DAVID C. RICE  
Assistant Attorney General.

Upon reading and filing the foregoing stipulation, and on motion of counsel for the petitioners,

IT IS ORDERED that the order of the respondent, Wisconsin Employment Relations Commission, dated May 6, 1976, in the case entitled *Thomas M. Schmidt v. City of Milwaukee and Harold A. Breier, Chief of Police, City of Milwaukee*, Case CLIV, No. 19032, MP-453, Decision No. 13558-B, be modified to read as follows:

IT IS ORDERED that the Respondents, City of Milwaukee and Harold A. Breier, their officers and agents, shall immediately:

1. Cease and desist from giving effect to Order No. 7106 of any other decision made on the basis of the Board of Inquiry hearing held on March 25, 1975 in connection with the discipline of Thomas M. Schmidt.
2. Take the following affirmative action which the Examiner finds will effectuate the policies of the Municipal Employment Relations Act.
  - a. Expunge from the employment records of Thomas M. Schmidt any and all reference to actions taken by Harold A. Breier concerning charges heard by the Board of Inquiry on March 25, 1975, to the extent that such actions were taken on or after March 25, 1975.
  - b. Withdraw Order No. 7106 and make Thomas M. Schmidt whole for any loss of pay or benefits he may have suffered by reason of the suspension of Thomas M. Schmidt pursuant to Order No. 7106.
  - c. Permit Thomas M. Schmidt representation by the Professional Policemen's Protective Association of Milwaukee, or by any other labor organization representing such municipal employee, in any rehearing before the Board of Inquiry of the charges filed on or about March 14, 1975.
  - d. Notify the Wisconsin Employment Relations Commission in writing, within twenty (20) days following the date of this Order as to what steps have been taken to comply herewith.

Dated at Milwaukee, Wisconsin, this 4th day of August, 1976.

BY THE COURT:

Robert C. Cannon /s/  
HONORABLE ROBERT C. CANNON  
Circuit Judge, Branch 4