



NOW, THEREFORE, it is

ORDERED

That the Orders appointing Marvin L. Schurke as Examiner, dated October 31, 1975 and November 5, 1975, be, and the same hereby are, set aside, and further, that the complaints filed in the instant matter be, and the same hereby are, dismissed.

Given under our hands and seal at the  
City of Madison, Wisconsin this 13th  
day of August, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Herman Torosian  
Herman Torosian, Commissioner

Charles D. Hoornstra  
Charles D. Hoornstra, Commissioner

No. 14083-B  
No. 14095-B

MEMORANDUM ACCOMPANYING ORDER SETTING ASIDE APPOINTMENT  
OF EXAMINER AND DISMISSING COMPLAINTS

Wisconsin Rapids City Employees Union, Local 1075, AFSCME, AFL-CIO, hereinafter the Union, and City of Wisconsin Rapids, hereinafter the Municipal Employer, filed complaints with the Wisconsin Employment Relations Commission on October 27, 1975 and November 3, 1975, respectively, alleging the commission of unfair labor practices within the meaning of Section 111.70 of the Wisconsin Statutes. Whereas the Union alleged that the Municipal Employer refused to bargain in violation of the statute by insisting to the point of impasse, that negotiations be open to the public, the Municipal Employer averred that the Union refused to bargain by insisting to the point of impasse that negotiations be closed to the public and news media. The Commission, by Orders dated October 31, and November 5, 1975, appointed Marvin L. Schurke to serve as Examiner in the matters and to issue Findings of Fact, Conclusions of Law and Orders, pursuant to Sections 111.70(4) and 111.07 of the Wisconsin Statutes. An Order consolidating the cases for hearing was issued on the latter date and hearing was held on November 20, 1975. The Municipal Employer filed a brief at the conclusion of the hearing. The Union filed a reply brief on December 2, 1975, whereupon the Municipal Employer filed a rebuttal brief on December 15, 1975.

Prior to any further action by the Commission in the matter, the Wisconsin League of Municipalities and the Wisconsin Association of School Boards, Inc., jointly filed a Motion on May 21, 1976, wherein they averred that numerous municipal employers had an interest in the determination of the issues raised in the instant proceeding relating to the conduct of negotiations in public. Accordingly, the Petitioners desired to present arguments to the Commission on the question of the right of a municipal employer to insist upon open collective bargaining sessions.

Prior to ruling upon the aforementioned Motion, the Commission was advised in writing that the parties no longer desired decision upon the merits of said matters. The parties agreed that recent changes in the Wisconsin open meeting law (Chapter 426 of the laws of 1975) have rendered the issues raised herein moot.

Dated at Madison, Wisconsin this 13th day of August, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Herman Torosian  
Herman Torosian, Commissioner

Charles D. Hoornstra  
Charles D. Hoornstra, Commissioner