STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYM	MENT RELATIONS COMMISSION
WISCONSIN RAPIDS CITY EMPLOYEES UNION LOCAL 1075, AFSCME, AFL-CIO,	: : :
Complainant,	: Case XIX : No. 19731 MP-536
vs.	Decision No. 14083-B
CITY OF WISCONSIN RAPIDS,	
Respondent.	
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CITY OF WISCONSIN RAPIDS, WISCONSIN,	•
Complainant,	:
vs.	: Case XX : No. 19761 MP-539 : Decision No. 14095-B
WISCONSIN RAPIDS CITY EMPLOYEES UNION LOCAL 1075, AFSCME, AFL-CIO,	: Decision No. 14095-B
Respondent.	
Appearances:	
Mr. Malcolm H. Einerson, Represent the Union.	cative, appearing on behalf of

Mr. William L. Nobles, Assistant City Attorney, appearing on behalf of the City.

ORDER SETTING ASIDE APPOINTMENT OF EXAMINER AND DISMISSING COMPLAINTS

Complaints of prohibited practices under the Municipal Employment Relations Act having been filed with the Wisconsin Employment Relations Commission in the above entitled matters; and the Commission having appointed Marvin L. Schurke, a member of its staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Section 111.07(5) of the Wisconsin Statutes; and a consolidated hearing in the matters having been conducted on November 20, 1975, before Examiner Marvin L. Schurke; and subsequent to said hearing, the League of Wisconsin Municipalities and the Wisconsin Association of School Boards, Inc., having, on May 21, 1976, jointly filed a Motion with the Commission requesting to intervene in the instant matters for the purpose of submitting briefs <u>amicus curiae</u> and further having moved that the Commission give public notice of said proceeding prior to rendering a final decision herein; and prior to any further action by the Commission, the parties having advised the Commission that they no longer desired decisions on the merits of their respective complaints on the basis that the issues raised therein had been rendered moot by legislative mandate; and the Commission being fully advised in the premises and being satisfied that the Orders appointing the Examiner be set aside and that the complaints be dismissed;

> No. 14083-B No. 14095-B

NOW, THEREFORE, it is

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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

Ву Morris Slavney, Chairman nice Commissioner Herman Torosian, Hoornstra, Commissioner Charles D.

No. 14083-B No. 14095-B

CITY OF WISCONSIN RAPIDS, XIX, XX, Decision Nos. 14083-B and 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 Slavney, Chairman Morris no Torosian, Commissioner Herman Hoornstra, Commissioner Charles

No. 14083-B No. 14095-B