

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XIX
No. 20785 Ce-1688
Decision No. 14898-D

No. 14898-D

any merit whatsoever; that Respondent-Union's processing of the instant grievance, including, but not limited to, its decision not to seek arbitration thereof, was not arbitrary, discriminatory or in bad faith.

2. Modifies Finding of Fact 7 to read:

That Complainant's attempt to exhaust all applicable grievance and arbitration procedures with respect to his discharge of January 22, 1976 was frustrated by Respondent-Union's refusal to seek arbitration with respect thereto.

3. Modifies Conclusion of Law to read:

That since Respondent-Union, Shopmen's Local 814 of the International Association of Bridge, Structural and Ornamental Iron Workers, did not violate its duty of fair representation with respect to its refusal to process Complainant's, David J. Butler's, grievance concerning his discharge to arbitration, the examiner refuses to assert the jurisdiction of the Wisconsin Employment Relations Commission to determine the merits of his complaint.

Dated at Milwaukee, Wisconsin, this 12th day of October, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stanley H. Michelstetter II
Stanley H. Michelstetter II
Examiner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSION OF LAW

Corrections were made with respect to inadvertent clerical errors involving dates and omitted material. In addition, I have restated Finding of Fact 7 and the Conclusion of Law to more accurately state the findings and conclusions reached in the original decision.

Dated at Milwaukee, Wisconsin, this 12th day of October, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stanley H. Michelstetter II
Stanley H. Michelstetter II
Examiner