

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ROBERT L. ALBRIGHT, CARL E. AUSTIN,
LLOYD W. BRIGGS, MARVIN J. KAMMER,
HAROLD P. KLEIN, ELLINGTON H. LANDSOWNE,
KEITH F. LAWLER, RAYMOND A. MARTINSON,
AND JAMES C. OLSON,

Complainants,

vs.

CITY OF MADISON, LOCAL 311 OF THE
INTERNATIONAL ASSOCIATION OF FIRE-
FIGHTERS AFL-CIO, BOARD OF TRUSTEES
OF THE FIRE PENSION FUND OF THE CITY
OF MADISON, PAUL SOGLIN, HOWARD
GALLAGHER, PAUL REILLY, ELDON MAGINNIS,
PAUL G. MCCALLUM, DARRELL FLEMING AND
RICHARD HAACK, INDIVIDUALLY AND IN
THEIR CAPACITY AS MEMBERS OF THE BOARD
OF TRUSTEES OF THE FIRE PENSION FUND
OF THE CITY OF MADISON, AND CHARLES
R. MERKLE, INDIVIDUALLY AND AS
PRESIDENT OF LOCAL 311 OF THE INTER-
NATIONAL ASSOCIATION OF FIREFIGHTERS,
AFL-CIO,

Respondents.

Case XLVII
No. 21058 MP-685
Decision No. 15079-F

ORDER OF DISMISSAL

Examiner Thomas L. Yaeger having, on January 6, 1978, issued his Findings of Fact, Conclusions of Law and Order in the above-entitled matter, wherein he found that the above-named Respondents had not committed any prohibited practices within the meaning of Sections 111.70(3) (a)1, 2, 4 or 5 of the Municipal Employment Relations Act (MERA) over which the Commission had or would assert its jurisdiction, and wherein he dismissed the complaint; and the Complainants having, on January 26, 1978, timely filed a petition asking that the Commission review the decision of the Examiner, pursuant to the provisions of Section 111.07(5), Stats.; and thereafter, before any further action had been taken in the matter, the parties having entered into a stipulation wherein they agreed that the complaint be dismissed; and the Commission being fully advised in the premises and being satisfied that the complaint be dismissed pursuant to said stipulation, makes and issues the following

ORDER

That the Examiner's order dismissing the complaint on the merits herein be, and the same hereby is, set aside and, pursuant to the stipulation of the parties, the file and proceedings herein and upon the

terms of the stipulation, this action be, and hereby is, dismissed on the merits, with prejudice, without costs and without further notice to any party.

Given under our hands and seal at the City of Madison, Wisconsin this 25th day of May, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Marshall L. Gratz
Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Subsequent to the filing of the petition for review and prior to the filing of briefs, the parties agreed, in writing, that the complaint herein should be dismissed. The stipulation reads in relevant part as follows:

"The parties each believe that their action or defense has merit, and without making any concession regarding the position of the respective parties on the merits, the parties recognize and agree that the enactment of Assembly Bill 626 as a law of the State of Wisconsin terminates the existence of the entity known as the Board of Trustees of the Fire Pension Fund of the City of Madison on or about March 31, 1978; that the merits of this action will then be rendered moot by said date; and that it appears to all parties that the merits of this action would not finally be resolved before said date;

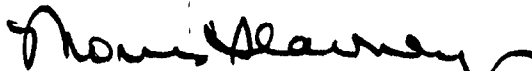
"IT IS HEREBY STIPULATED and agreed by and between the parties, by their respective attorneys, that the above captioned matter may be dismissed, on its merits, with prejudice, without costs and without further notice to any party."

Based on the agreement of the parties, the Examiner's order dismissing the complaint on the merits has been set aside and the complaint has been dismissed on the basis of the stipulation.

Dated at Madison, Wisconsin this 25th day of May, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Marshall L. Gratz, Examiner