

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STATE ENGINEERS ASSOCIATION,	:	
	:	
Complainant,	:	Case XCIV
	:	No. 21214 PP(S)-40
vs.	:	Decision No. 15183-C
	:	
STATE OF WISCONSIN,	:	
	:	
Respondent.	:	
	:	

Appearances:

Mr. David A. Flesch, Attorney at Law, appearing on behalf of the Complainant.
Mr. Robert C. Stone, Attorney at Law, Department of Administration, appearing on behalf of the Respondent.

SUPPLEMENTAL FINDING OF FACT, CONCLUSION OF LAW AND ORDER

Complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission in the above-entitled matter; and the commission having appointed Amedeo Greco, a member of the commission's 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 hearing on said complaint having been held at Madison, Wisconsin, on March 15, 1977, before the Examiner; and the Examiner thereafter on July 28, 1977, having issued Interim Findings of Fact, Conclusions of Law and Order, wherein he: (1) modified the Arbitration Award herein; (2) requested the State of Wisconsin to advise the Examiner whether it would comply with the modified Award; and (3) retained jurisdiction over this matter; and the parties thereafter on August 24, 1977, having jointly waived further hearing in the matter and having stipulated that the State of Wisconsin has not compensated employees pursuant to the terms of the modified Arbitration Award 1/; and the Examiner having considered the matter, makes and files the following Supplemental Finding of Fact, Conclusion of Law and Order.

FINDING OF FACT

That the State of Wisconsin has failed to compensate the employees herein pursuant to the terms of the December 2, 1976, Arbitration Award which was modified by the July 28, 1977, Interim Order issued by the Examiner.

Upon the basis of the above and foregoing Finding of Fact, the Examiner makes and renders the following

CONCLUSION OF LAW

That the December 2, 1976, Arbitration Award issued by Arbitrator Krinsky, as modified herein, was not in excess of the Arbitrator's

1/ As a result of said waiver and stipulation, the continued hearing scheduled in this matter for September 1, 1977, is hereby cancelled.

powers and that, therefore, the State of Wisconsin, by its refusal to comply with the terms of the modified Award, committed an unfair labor practice within the meaning of Section 111.84(1)(e) of the State Employment Labor Relations Act.

On the basis of the above and foregoing Finding of Fact and Conclusion of Law, the Examiner makes and issues the following

ORDER

IT IS ORDERED that the State of Wisconsin, its officers and agents, shall immediately:

- (1) Cease and desist from refusing to comply with the terms of the December 2, 1976, Arbitration Award issued by Arbitrator Edward B. Krinsky, as modified herein.
- (2) Take the following affirmative action which the Examiner finds will effectuate the policies of the State Employment Labor Relations Act:
 - (a) Comply with the December 2, 1976, Arbitration Award, as modified herein, by compensating the individuals on behalf of whom said grievance was filed in accordance with the terms of said modified Award.
 - (b) Notify the Wisconsin Employment Relations Commission in writing within twenty (20) days from the date of this Order as to what steps it has taken to comply herewith.

Dated at Madison, Wisconsin this 29th day of August, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Amedeo Greco, Examiner

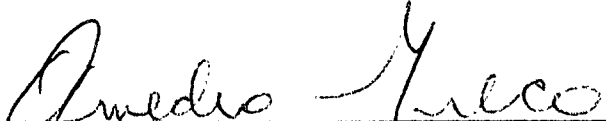
MEMORANDUM ACCOMPANYING SUPPLEMENTAL
FINDING OF FACT, CONCLUSION OF LAW AND ORDER

Inasmuch as the Examiner has found that the December 2, 1976, Arbitration Award herein, as modified, did not exceed the Arbitrator's powers, and since the State of Wisconsin has failed to comply with the terms of said modified Award, it follows that the State of Wisconsin has thereby violated Section 111.84(1)(e) of the State Employment Labor Relations Act. To rectify that conduct, the State of Wisconsin shall undertake the remedial action herein.

Dated at Madison, Wisconsin this 29th day of August, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Amedeo Greco, Examiner