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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

FEB 6 1980

CITY OF WAUWATOSA,

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Petitioner,

NOTICE OF ENTRY
OF JUDGMENT

v.

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Case No. 459-866

Respondent.

Decision No. 15917

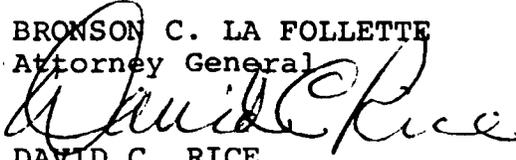
TO: Donald J. Cairns
von Briesen & Redmond, S.C.
757 North Broadway
Milwaukee, WI 53202
Attorney for Petitioner.

John K. Brendel
Brendel, Flanagan, Sendik & Fahl, S.C.
6324 West North Avenue
Wauwatosa, WI 53213
Attorney for Wauwatosa Firemen's
Protective Association.

PLEASE TAKE NOTICE that a judgment, of which a true and correct copy is attached hereto, was duly entered in the above action in the Circuit Court for Milwaukee County, Wisconsin, on the 17th day of December, 1979.

Dated at Madison, Wisconsin, this 5th day of February, 1980.

BRONSON C. LA FOLLETTE
Attorney General


DAVID C. RICE
Assistant Attorney General

Attorneys for Respondent,
Wisconsin Employment
Relations Commission.

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JUDGMENT

The above entitled proceeding having been commenced on December 8, 1977, under secs. 111.07(8), 111.70(4)(b), and 227.16(1), Stats., for review of the declaratory ruling of the Wisconsin Employment Relations Commission in the City of Wauwatosa vs. Wauwatosa Firemen's Protective Association Local 1923, IAFF, WERC Dec. No. 15917 (November 9, 1977); and

The City of Wauwatosa having appeared by Donald J. Cairns, von Briesen & Redmond, the Commission having appeared by David C. Rice, Assistant Attorney General, and the Wauwatosa Firemen's Protective Association having appeared by John K. Brendel, Brendel, Flanagan, Sendik & Fahl; and

The court, the Honorable Ralph G. Gorenstein, presiding, having had the benefit of the written arguments of the parties; and

The court having filed its Decision on October 16, 1979, wherein the court found that the Commission's decision is not supported by substantial evidence and may be an erroneous

interpretation of law, and wherein the court directed that the case be remanded to the Commission for further consideration and testimony,

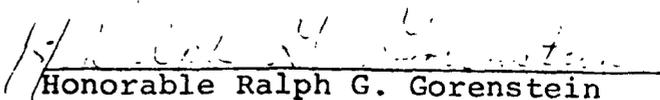
Now, Therefore, pursuant to secs. 227.20(5) and (6), Stats.,

IT IS ORDERED, ADJUDGED and DECREED that the Commission's declaratory ruling is set aside and the case is remanded to the Commission for further consideration and testimony, in view of the following:

1. That the City of Wauwatosa has a new Fire Chief (or Acting Fire Chief).
2. Because this is a case of first impression and requires close and full scrutiny.
3. A determination of what the customs and practices are of other Fire Departments in the State of Wisconsin.
4. Review of the necessity of the training programs the former chief testified to and whether that issue has been resolved.
5. Determine what the hourly rate of compensation is based upon a 24 hour day and based upon an 8 hour duty day, compare it with similar hourly rates in other comparable governmental occupations.
6. Review the recent Wisconsin cases.
7. Any other determination or testimony the Commission feels is necessary.

Dated at Milwaukee, Wisconsin, this 17th day of December, 1979.

BY THE COURT:



Honorable Ralph G. Gorenstein
Circuit Judge