

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XXXIX
No. 22474 MED/ARB-10
Decision No. 16085

City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO having, on January 12, 1978, filed a stipulation with the Wisconsin Employment Relations Commission requesting that the Commission initiate Mediation-Arbitration pursuant to Section 111.70(4)(cm)6 of the Municipal Employment Relations Act, for the purpose of resolving an impasse arising in collective bargaining between City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO on matters affecting the wages, hours and conditions of employment of certain employees, represented by said Union, who are in the employ of said Municipal Employer; and mediation having been conducted on January 12, 1978, by Douglas V. Knudson, a member of the Commission's staff; and the parties having filed a written waiver of informal investigation or formal hearing on the instant stipulation; and the Commission being fully advised in the premises, makes and files the following Findings of Fact, Conclusions of Law, Certification of Results of Investigation and Order Requiring Mediation-Arbitration.

3. That, at all times material herein, the Union has been, and is, the certified exclusive collective bargaining representative of employees in the employ of the Municipal Employer in the collective bargaining unit consisting of all regular full-time and regular part-time craft employees (Building, Housing, Plumbing, Electrical Inspectors), employed at the Beloit Municipal Center, Engineering Department, Library, Health Department, Fire Department, Police Department, Housing Authority, and Department of Public Works; but excluding law enforcement personnel, fire fighters, supervisory, confidential, professional and casual employees, and all employees of the Department of Public Works presently represented by Local 643, AFSCME, AFL-CIO; and that the Union and the Municipal Employer have been parties to a collective bargaining agreement covering the wages, hours and conditions of the employees in said unit, which by its terms, was to expire on December 31, 1977.

4. That, on August 25, 1977 the Union served a notice on the Municipal Employer to open negotiations with respect to the terms and conditions of employment to be included in a collective bargaining agreement to succeed the agreement which was to expire on December 31, 1977; that on October 26, 1977 the parties exchanged their initial proposals; that prior to January 12, 1977 the parties met in negotiations on five separate occasions in efforts to reach an agreement on a new collective bargaining agreement; that on December 29, 1977 the parties forwarded a joint request to the Wisconsin Employment Relations Commission requesting the Commission to appoint a mediator in efforts to assist the parties in reaching such an accord; that Douglas V. Knudson a member of the Commission's staff was appointed as the mediator, and on January 12, 1978 said mediator attempted to mediate the dispute; that the parties were unable to reach an accord during the course of mediation and on the same day representatives of the parties executed a stipulation requesting the Commission to initiate a Mediation-Arbitration in the matter, pursuant to Section 111.70(4)(cm)6, Wisconsin Statutes, that at the same time the parties exchanged as well as submitted their final offers, and a stipulation on matters agreed upon, to said mediator, and thereupon said mediator served notice on the parties, in writing, that the investigation on such stipulation was closed; and thereafter said mediator advised the Commission that the parties remain at impasse.

5. That the parties have not established mutually agreed upon procedures for the final resolution of disputes arising in collective bargaining.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following

CONCLUSIONS OF LAW

1. That an impasse, within the meaning of Section 111.70(4)(cm)6, Wisconsin Statutes, exists between the City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO with respect to negotiations leading toward a new collective bargaining agreement covering the wages, hours and conditions of employment affecting employees in the bargaining unit set forth in paragraph 3 of the Findings of Fact.

2. That the City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO have substantially complied with the procedures set forth in Section 111.70(4)(cm), Wisconsin Statutes, required prior to the initiation of Mediation-Arbitration.

Upon the basis of the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes the following

CERTIFICATION

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of Mediation-Arbitration, as required by Section 111.70(4)(cm)6, Wisconsin Statutes, with respect to negotiations between the City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO covering wages, hours and conditions of employment for a new collective bargaining agreement affecting employees in the bargaining unit in paragraph 3 of the Findings of Fact have been met.

NOW, THEREFORE, IT IS

ORDERED

1. That Mediation-Arbitration be, and the same hereby is, initiated for the purpose of issuing a final and binding award to resolve the impasse existing between the City of Beloit and Local 2537, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO involving the employees of said Municipal Employer employed in the bargaining unit described in paragraph 3 of the Findings of Fact.

2. That the parties select a Mediator-Arbitrator within ten (10) days after the issuance of this Order from the panel of Mediator-Arbitrators submitted to the parties in the accompanying letter of transmittal, by alternately striking four (4) of the members from said panel for the selection of the neutral Mediator-Arbitrator; and thereupon the parties, or either of them, shall notify the Commission, in writing, of the name of the neutral Mediator-Arbitrator, and the Commission shall then issue an Order appointing said neutral Mediator-Arbitrator.

Given under our hands and seal at the
City of Madison, Wisconsin this 30th
day of January, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

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MEMORANDUM ACCOMPANYING FINDINGS OF FACT, CONCLUSIONS OF
LAW, CERTIFICATION OF RESULTS OF INVESTIGATION
AND ORDER REQUIRING MEDIATION-ARBITRATION

It is to be noted that the Commission in its Conclusion of Law No. 2 has found that the parties have substantially complied with the procedures in Section 111.70(4)(cm) which are required prior to the initiation of Mediation-Arbitration. We reach such conclusion for the reason that the parties commenced their negotiations prior to January 1, 1978, the effective date of the new Mediation-Arbitration law, therefore it was not necessary prior to January 1, 1978 that either party notify the other in writing of an intent to reopen negotiations and further that the parties at the time of the initial meeting were not required to hold public meeting for the purpose of exchanging and explaining their initial proposals.

Dated at Madison, Wisconsin this 30th day of January, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner