

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Stipulation to :
Initiate Mediation-Arbitration :
between : Case XVI
: No. 22646 MED/ARB-47
: Decision No. 16140
CITY OF WISCONSIN DELLS :
: and :
: LOCAL 1401, AFSCME, AFL-CIO :

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

City of Wisconsin Dells and Local 1401, AFSCME, AFL-CIO having, on February 7, 1978, filed a stipulation with the Wisconsin Employment Relations Commission, herein 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 their collective bargaining negotiations in matters affecting wages, hours and conditions of employment of certain employes represented by said Union who are in the employ of said Municipal Employer; and mediation having been conducted on February 7, 1978 by Amedeo Greco, a member of the Commission's staff; and the parties having filed a written waiver of an informal investigation or a 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.

FINDINGS OF FACT

1. That Local 1401, AFSCME, AFL-CIO, herein referred to as the Union, is a labor organization, having its offices at Madison, Wisconsin.
2. That the City of Wisconsin Dells, herein referred to as the Municipal Employer, is a municipal employer, having its offices at Wisconsin Dells, Wisconsin.
3. That at all times material herein, the Union has been, and is, the exclusive collective bargaining representative of employes in the employ of the Municipal Employer in the collective bargaining unit consisting of all employes, except the Directors of Public Works, elected officers and employes of the Police and Fire Department; and that the Union and the Municipal Employer have been parties to a collective bargaining agreement covering the wages, hours and conditions of the employes in said unit, which by its terms, was to expire on December 31, 1977.
4. That, on August 18, 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 4, 1977 the parties exchanged their initial proposals; that prior to February 7, 1978 the parties met in negotiations on four separate occasions in efforts to reach an agreement on

a new collective bargaining agreement; that on December 9, 1977 the Union requested the Commission to appoint a mediator in an effort to assist the parties in reaching such an accord; that Amedeo Greco, a member of the Commission's staff was appointed as the mediator, who on February 7, 1978 attempted to mediate the dispute; that the parties were unable to reach an accord during the course of said mediation and on the same day representatives of the parties executed a stipulation requesting the Commission to initiate a Mediation-Arbitration proceeding 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 Wisconsin Dells and Local 1401, AFSCME, AFL-CIO, with respect to negotiations leading toward a new collective bargaining agreement covering the wages, hours and conditions of employment affecting employes in the bargaining unit set forth in paragraph 3 of the Findings of Fact.

2. That the City of Wisconsin Dells and Local 1401 of 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 Wisconsin Dells and Local 1401, AFSCME, AFL-CIO covering wages, hours and conditions of employment for a new collective bargaining agreement affecting employes 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 Wisconsin Dells and Local 1401, AFSCME, AFL-CIO, involving the employes 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 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 20th day of February, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney -
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

CITY OF WISCONSIN DELLS, XVI, Decision No. 16140

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. Further 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 20th day of February, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Herman Torosian, Commissioner