#### STATE OF WISCONSIN

## BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition to Initiate Mediation-Arbitration between	
GATEWAY TECHNICAL INSTITUTE	
and	Case XI No. 22471 MED/ARB-7 Decision No. 16153-B
GATEWAY VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICT BOARD CLERICAL EMPLOYEES, LOCAL 2738, AFSCME,	:
COUNCIL 40, AFL-CIO	
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# ORDER

The Wisconsin Employment Relations Commission having, on February 22, 1978, issued an Order requiring that mediation-arbitration be initiated for the purpose of resolving the impasse arising in collective bargaining between Gateway Technical Institute and Gateway Vocational, Technical and Adult Education District Board Clerical Employees, Local 2738, AFSCME, Council 40, AFL-CIO, on matters affecting wages, hours and conditions of employment of all regular full time and regular part time clerical employes, but excluding supervisory, managerial and confidential employes; and on the same date the Commission having furnished the parties a panel of mediatorarbitrators for the purpose of selecting a single mediator-arbitrator to resolve said impasse; and the Commission having, on March 8, 1978, subsequent to the submission of said panel of five mediator-arbitrators, been advised that the parties have agreed to submit the matter to a tripartite mediation-arbitration panel, and that Jos. B. Kerkman, Fond du Lac, Wisconsin, be named the neutral chairperson of said panel; and thereafter and on March 13, 1978, the Commission issued an Order appointing Jos. B. Kerkman as the neutral chairperson of a tripartite mediation-arbitration panel to endeavor to mediate the issues in dispute, pursuant to Section 111.70(4)(cm)6.b. of the Municipal Employment Relations Act, and should such endeavor not result in a resolution of the impasse between the parties, to issue a final and binding award, pursuant to Section 111.70(4)(cm)6.c. through h. of the Municipal Employment Relations Act, to resolve said impasse by selecting either the total final offer of Gateway Technical Institute or the total final offer of Gateway Vocational, Technical and Adult Education District Board Clerical Employees, Local 2738, AFSCME, Council 40, AFL-CIO; that pursuant to the procedures agreed upon by the parties, Jos. B. Kerkman attempted to mediate the issues in dispute on April 25 and 26, May 22 and June 1, 1978; that on June 1, 1978, the parties executed a stipulation wherein they set forth (1) that Jos. B. Kerkman constitute the sole arbitrator to resolve issues pertaining to wage rates to become effective January 1, 1979. for "full time employes on schedule" and for "full time employes off schedule"; (2) the parties, in said stipulation, submitted their final offers with regard to the above-noted issues; (3) that Jos. B. Kerkman be authorized to issue an award based "upon his sole determination or discretion as to the resolution of the items remaining in dispute"; and (4) that the parties agreed that Jos. B. Kerkman has the sole jurisdiction over the determination of the issues in dispute and that the three-member panel be dissolved; and the Commission being satisfied that, since following the issuance of the

Order appointing mediator-arbitrator issued by the Wisconsin Employment Relations Commission on March 13, 1978, the parties have adopted their own procedure for the resolution of the impasse existing between them; and the Commission being satisfied that said Order be amended to reflect the procedure adopted by the parties;

NOW, THEREFORE, it is

#### ORDERED

That the Order appointing mediator-arbitrator issued by the Commission on March 13, 1978, be amended to read as follows:

That Jos. B. Kerkman is hereby appointed as the sole arbitrator to issue a final and binding award, based upon his sole determination or discretion to resolve the issue pertaining to wage rates to be paid as of January 1, 1979, for full time employes on schedule and for full time employes off schedule in the employ of Gateway Technical Institute.

> Given under our hands and seal at the City of Madison, Wisconsin, this 2nd day of June, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney Chairman Commiss erman Torosian Marshall L. Gratz, Commissioner

GATEWAY TECHNICAL INSTITUTE, XI, Decision No. 16153-B

### MEMORANDUM ACCOMPANYING ORDER

The Order issued today in the instant matter resulted from a stipulation executed by the parties following extensive mediation efforts by Arbitrator Jos. B. Kerkman. During the course of mediation by said Arbitrator, acting as a mediator, the parties mutually resolved a significant number of issues. The parties could not mutually resolve an issue pertaining to wage rates to be implemented on January 1, 1979, for full time employes on schedule and full time employes off schedule. The Arbitrator was able to persuade the parties to adopt their own procedure to resolve the remaining issue. They did so by submitting their final offers with respect to the issue involved, and at the same time agreed to grant the Arbitrator sole discretion to resolve the dispute. In other words, by agreement of the parties, the Arbitrator was not limited to selecting either final offer.

Dated at Madison, Wisconsin, this 2nd day of June, 1978.

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WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Slavney, Morri Chairman Commissioner Torosian. Marshall L. Gratz, Commissioner