

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of  
CITY OF MADISON

Requesting a Declaratory Ruling  
Pursuant to Section 111.70(4)(b),  
Wis. Stats., Involving a Dispute  
Between Said Petitioner and

CITY OF MADISON EMPLOYEES LOCAL 60,  
AFSCME, AFL-CIO

Case LVIII  
No. 22777 DR(M)-85  
Decision No. 16590-A

ORDER MODIFYING MEMORANDUM

The Commission having, on October 3, 1978, issued its Findings of Fact, Conclusions of Law and Declaratory Ruling with Accompanying Memorandum in the above entitled matter; and thereafter on October 9, 1978 the City of Madison having requested that the Commission reconsider the matter to clarify the intent of certain statements made in the last full paragraph on page 9 of its memorandum accompanying its Declaratory Ruling; and the above named Union having, on October 25, 1978, filed a statement in opposition to said request; and the Commission having reconsidered the matter and having determined to delete said paragraph and substitute another paragraph therefor;

NOW, THEREFORE, it is

ORDERED

That the last full paragraph on page 9 of the Memorandum accompanying our Findings of Fact, Conclusions of Law and Declaratory Ruling in the above entitled proceeding be deleted and the following paragraph be substituted therefor:

For the reasons we expressed in our discussion above, of the affirmative action implications of the seasonal/hourly proposal, we conclude that the City has not demonstrated that the instant proposal would require a violation of an express command of the equal opportunity laws. In particular, we note, as we did in that discussion, that the Union's final offer also includes a provision that "Job postings shall conform to affirmative action and federal regulations of non-discrimination. . ."

Given under our hands and seal at the  
City of Madison, Wisconsin this 26th  
day of October, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Herman Torosian  
Herman Torosian, Commissioner

Marshall L. Gratz  
Marshall L. Gratz, Commissioner