STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MENOMONIE MEMORIAL HOSPITAL EMPLOYEES

LOCAL 1849, WCCME, AFL-CIO

To Initiate Mediation-Arbitration
Between Said Petitioner and

MENOMONIE MEMORIAL HOSPITAL

WENOMONIE WEMOKINE HOSFIINE

Case XXXIII

No. 23183 MED/ARB-139

Decision No. 16658-A

ORDER DENYING MOTION TO DISMISS PETITION FOR MEDIATION-ARBITRATION AND AFFIRMING SCHEDULED HEARING

Menomonie Memorial Hospital Employees Local 1849, WCCME, AFL-CIO having, on June 21, 1978, petitioned the Commission to order Mediation-Arbitration under Section 111.70(4)(cm)6, Stats.; and on August 10, 1978, the undersigned Examiner having conducted an informal investigation in the matter, during the course of which an issue arose as to the timeliness of the petition in view of the Municipal Employer's claim that the collective bargaining agreement had been automatically extended; and by Order dated November 7, 1978, the Examiner having noticed the matter for hearing to be held on December 5 and 6, 1978 commencing at 10:30 a.m. on the former date, at the Dunn County Courthouse, Menomonie, Wisconsin; and on November 22, 1978 counsel for the Municipal Employer having filed a Motion to Dismiss the Petition for Mediation-Arbitration on grounds that the Petitioner had failed to reopen the collective bargaining agreement for renegotiation as required by its terms which caused same to be extended; and because the petition is premature under Section 111.70(4)(cm)6, Stats. in that there has been no reasonable period of negotiations between the parties; and the Municipal Employer having further moved that the Commission postpone the scheduled hearing and decide the matters raised by motions on the basis of submitted affidavits and briefs; and the Examiner having considered said motion;

NOW, THEREFORE, it is

ORDERED

That the motion to dismiss and request for postponement of hearing filed by the Municipal Employer in the above-entitled matter be, and the same hereby is, denied.

IT IS FURTHER ORDERED, that hearing in the matter be scheduled as noticed on November 7, 1978, for Tuesday, December 5 and Wednesday, December 6, 1978 commencing at 10:30 a.m. on Tuesday, December 5, 1978. The hearing will be held at the Dunn County Courthouse Auditorium room, Menomonie, Wisconsin.

Dated at Madison, Wisconsin this 24th day of November, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Robert M. McCormick, Examiner

CITY OF MENOMONIE (MEMORIAL HOSPITAL), XXXIII, Decision No. 16658-A

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO DISMISS PETITION FOR MEDIATION-ARBITRATION AND AFFIRMING SCHEDULED HEARING

In this Order, the Examiner has denied the Municipal Employer's Motion to Dismiss said Motion, and matters first raised by the Municipal Employer at the informal investigation held on August 10, 1978, are based upon certain factual allegations which are best disposed of by hearing. The Municipal Employer will be permitted to present evidence in support of its motion at the hearing on December 5 and 6, 1978.

Dated at Madison, Wisconsin this 24th day of November, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION