

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| WISCONSIN POLICE NEGOTIATORS, INC., | : | |
| | : | |
| Complainant, | : | Case I |
| | : | No. 25222 MP-1042 |
| | : | Decision No. 17371-D |
| vs. | : | |
| | : | |
| WISCONSIN PROFESSIONAL POLICEMEN'S | : | |
| ASSOCIATION a/k/a WISCONSIN | : | |
| PROFESSIONAL POLICE ASSOCIATION, | : | |
| | : | |
| Respondent. | : | |

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|---------------------------------------|---|----------------------|
| DRIVERS, SALESMEN, WAREHOUSEMEN, MILK | : | |
| PROCESSORS, CANNERY, DAIRY EMPLOYEES | : | |
| AND HELPERS LOCAL 695, et al., | : | |
| | : | |
| Complainant, | : | Case II |
| | : | No. 25313 MP-1052 |
| | : | Decision No. 17447-B |
| vs. | : | |
| | : | |
| WISCONSIN PROFESSIONAL POLICE | : | |
| ASSOCIATION, | : | |
| | : | |
| Respondent. | : | |

| | | |
|---------------------------------------|---|----------------------|
| DRIVERS, SALESMEN, WAREHOUSEMEN, MILK | : | |
| PROCESSORS, CANNERY, DAIRY EMPLOYEES, | : | |
| AND HELPERS LOCAL 695, et al., | : | |
| | : | |
| Complainant, | : | Case III |
| | : | No. 25314 MP-1053 |
| | : | Decision No. 17448-B |
| vs. | : | |
| | : | |
| WISCONSIN PROFESSIONAL POLICE | : | |
| ASSOCIATION, | : | |
| | : | |
| Respondent. | : | |

ORDER TRANSFERRING CASES

The Wisconsin Employment Relations Commission having previously issued Orders appointing Stanley H. Michelstetter II, a member of the Commission's Staff, as an Examiner to conduct hearing and to issue Findings of Fact, Conclusions of Law and Order in the above-entitled matters; and said Examiner having consolidated the matters for hearing and having conducted hearing in said matters on March 11 and April 11, 14 and 15, 1980; and prior to the filing of briefs said Examiner having resigned his employment with the Commission; and the Commission

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being fully advised in the premises and being satisfied that it should transfer the proceedings to the Commission, as provided in Section 111.07(6), Stats., for the purpose of issuing Findings of Fact, Conclusions of Law and Order in the matters;

NOW, THEREFORE, it is

ORDERED

That the above-entitled proceedings are transferred to the full Commission for the purpose of the issuance of Findings of Fact, Conclusions of Law and Order.

Given under our hands and seal at the City of Madison, Wisconsin this 21st day of August, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

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MEMORANDUM ACCOMPANYING ORDER TRANSFERRING CASES

Pursuant to Commission authority Examiner Michelstetter was appointed Examiner with the authority to conduct hearing and issue Findings of Fact, Conclusions of Law and Order in the instant three complaint cases. Examiner Michelstetter conducted consolidated hearing in the matters, which were completed. However, prior to the filing of briefs by they parties, said Examiner resigned his employment. Thereafter, and prior to any further action by the Commission, the Commission advised all parties of the need to reassign the proceedings, and inquired as to whether the parties agreed that the Commission issue the decisions, and if the parties would be willing to waive the requirements set forth in Section 227.09, Stats., to the extent that said provision may require that a new Examiner be appointed to issue decisions in the matter. All parties responding except Teamsters Union Local 695, a Complainant, indicated their willingness to waive an Examiner decision. 1/ Teamsters preferred that an Examiner be appointed in view of the length and complexity of the record.

Section 227.09(2), Stats., contemplates that the Examiner presiding at the hearing shall prepare a proposed decision where a majority of the officials of the agency, who are to render the final decision are not present for the hearing. However, Section 227.09(4), Wis. Stats., implies that if a majority of the officials of the agency read the record, the agency may issue the decision in its own name. Further, Section 111.07(6), Stats., appearing in the Wisconsin Employment Peace Act, which governs complaint proceedings under the Municipal Employment Relations Act, grants the Commission the power to remove or transfer the proceedings pending before an Examiner. All parties but Teamsters were willing that the matters be transferred to the Commission.

It is to be noted that when an Examiner issues a decision, such decision is appealable to the Commission if either party to the action is dissatisfied with the decision.

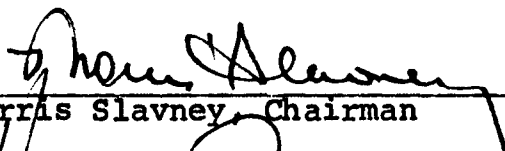
The instant cases present policy considerations which, if determined by the Examiner, in all likelihood would require a review by the Commission. Such proceeding would delay a final determination at least by the Commission. While we agree that the record in the three cases is somewhat lengthy and complex, at least two members of the Commission must read the transcript and the record before the decisions are issued by the Commission.

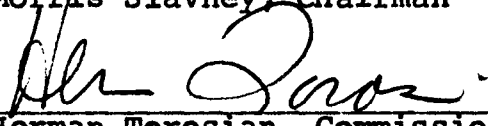
1/ Wisconsin Police Negotiators, Inc., was afforded an opportunity to take a position in the matter but failed to do so.

We believe that the policy of the Act, especially those relating to procedure, will be effectuated by the transfer of the proceedings to the Commission, and, therefore, we have today issued an Order accomplishing that purpose.

Dated at Madison, Wisconsin this 21st day of August, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner