

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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STATE OF WISCONSIN,	:	
DEPARTMENT OF EMPLOYMENT RELATIONS,	:	
	:	
Complainant,	:	Case CLII
	:	No. 26562 PP(S)-75
vs.	:	Decision No. 18012-A
	:	
WISCONSIN ASSOCIATION OF SCIENCE	:	
PROFESSIONALS, LOCAL 3732, WISCONSIN	:	
FEDERATION OF TEACHERS, AFL-CIO,	:	
	:	
Respondent.	:	

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Appearances

Mr. Thomas E. Kwiatkowski, Attorney at Law, Division of Collective Bargaining, Department of Employment Relations, 149 East Main Street, Madison, Wisconsin 53702, on behalf of the Complainant.

Habush, Habush & Davis, S.C., by Mr. John S. Williamson, Jr., Attorneys at Law, Suite 2200, First Wisconsin Center, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, on behalf of Complainant.

ORDER DISMISSING MOTION FOR INTERLOCUTORY ORDER TO STAY ARBITRATION

On July 24, 1980, Complainant filed the instant unfair labor practice complaint with the Wisconsin Employment Relations Commission wherein it alleged that Respondent has unlawfully sought arbitration of a prohibited subject of bargaining in violation of the State Employment Labor Relations Act. The Commission on August 13, 1980 appointed Amedeo Greco, a member of it's staff, to make and issue Findings of Fact, Conclusions of Law and Order, as provided for in Section 111.07(5) of the Wisconsin Statutes. Respondent filed an answer on September 19, 1980. Thereafter, on October 24, 1980, Complainant filed a Motion for Interlocutory Order to Stay Arbitration wherein it requested that the Examiner issue an Interlocutory Order to Stay Arbitration of the disputed grievance pending a final determination by Examiner of the unfair labor practice complaint. On October 29, 1980, Respondent filed a statement opposing said motion.

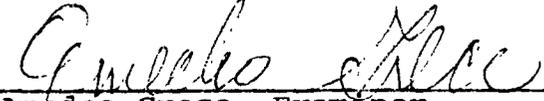
Having considered the matter, NOW, THEREFORE, it is

ORDERED

That the Complainant's motion be, and the same hereby is, denied.

Dated at Madison, Wisconsin this 5th day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Amedeo Greco, Examiner

MEMORANDUM ACCOMPANYING ORDER DISMISSING  
MOTION FOR INTERLOCUTORY ORDER TO STAY ARBITRATION

Since the instant matter contains several factual and legal disputes which can only be resolved through an evidentiary hearing, and because Complainant has failed to show that it would suffer irreparable harm if the scheduled arbitration herein commenced, Complainant's motion is denied.

Dated at Madison, Wisconsin this 5th day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Amedeo Greco, Examiner