

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MILWAUKEE POLICE ASSOCIATION,
LOCAL 21, IUPA, AFL-CIO

For Final and Binding Arbitration
Involving Law Enforcement Personnel
in the Employ of

CITY OF MILWAUKEE

Case CCXV

No. 27263 MIA-550

Decision No. 18459-A

Appearances:

Mr. Gerald P. Boyle, Attorney at Law, 1100 West Wells Street,
Suite 508, Milwaukee, Wisconsin 53233, and Mr. Robert
Kliesmet, President and Mr. Thomas Barth, Secretary-
Treasurer, 411 East Mason Street, Milwaukee,
Wisconsin 53202, for Milwaukee Police Association, Local
21, IUPA, AFL-CIO.

Mr. James B. Brennan, City Attorney, by Mr. Grant F. Langley,
Assistant City Attorney, 800 City Hall, Milwaukee,
Wisconsin 53202, for the City of Milwaukee.

FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION AND ORDER REQUIRING FINAL AND
BINDING ARBITRATION PURSUANT TO SECTION 111.70(4)(jm) OF THE
MUNICIPAL EMPLOYMENT RELATIONS ACT

Milwaukee Police Association, Local 21, IUPA, AFL-CIO having,
on January 7, 1981, filed a petition requesting the Wisconsin
Employment Relations Commission to certify that an impasse exists in
negotiations between it and the City of Milwaukee with respect to the
provisions to be included in a collective bargaining agreement between
them covering the wages, hours and conditions of employment of non-
supervisory law enforcement personnel in the employ of the City, and
that, therefore, the Commission should initiate final and binding
arbitration with respect thereto, pursuant to Section 111.70(4)(jm)
of the Municipal Employment Relations Act, to resolve said impasse;
and, pursuant to the request of the City, the Commission having con-
ducted a hearing in the matter, pursuant to notice, on March 12,
1981, the full Commission being present; and the parties having been
afforded the opportunity to present evidence and argument material
to the proceeding; and the Commission, being fully advised in the
premises, makes and issues the following

FINDINGS OF FACT

1. That Milwaukee Police Association, Local 21, IUPA, AFL-CIO,
hereinafter referred to as the Association, is an employe organiza-
tion having its offices at 411 East Mason Street, Milwaukee,
Wisconsin.

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2. That the City of Milwaukee, hereinafter referred to as the City, is a municipal employer having its offices at the City Hall, 200 East Wells Street, Milwaukee, Wisconsin; and that among its functions the City maintains and operates a Police Department.

3. That the Association has been, and presently is, the exclusive collective bargaining representative of all non-supervisory law enforcement personnel, having the power of arrest, in the employ of the City; and that in said relationship the Association and the City have been parties to a collective bargaining agreement covering the wages, hours and conditions of employment of said law enforcement personnel, which agreement, by its terms was to expire on December 31, 1980, but which the parties have voluntarily extended, at least to the date hereof.

4. That sometime prior to the expiration date of the aforesaid collective bargaining agreement the parties exchanged their initial proposals on matters to be included in a successor collective bargaining agreement to succeed the agreement which was to expire on December 31, 1980; that thereafter the parties met on a number of occasions in negotiations, and with Sherwood Malamud, a mediator on the staff of the Wisconsin Employment Relations Commission, on three occasions in December 1980, and on January 6, 1981, without reaching an accord in their bargaining; that on January 7, 1981, the Association filed a petition initiating the instant proceeding; that on January 19, 1981, said mediator again met with the parties, and on said date the parties presented their proposals, as of that date, to the mediator; that on February 4, 1981, the City filed a petition requesting that the Commission conduct hearing in the matter for the purpose of taking evidence and argument as to whether, in fact, the parties had reached an impasse in their bargaining; and that, pursuant to notice, said hearing was conducted by the full Commission on March 12, 1981, at Madison, Wisconsin.

5. That, although the parties have reached a tentative accord on several of their proposals, there remains matters relating to wages, hours and conditions of employment on which the parties have not reached a mutual accord, and therefore the parties are at impasse in their negotiations with respect to a new collective bargaining agreement.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSION OF LAW

An impasse, within the meaning of Section 111.70(4)(jm)2 of the Municipal Employment Relations Act exists between the parties with respect to negotiations leading toward a new collective bargaining agreement covering the wages, hours and conditions of employment affecting employees in the bargaining unit referred to in paragraph 3 of the Findings of Fact.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes the following

CERTIFICATION

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of binding arbitration pursuant to Section 111.70(4)(jm) of the Municipal Employment Relations Act with respect to negotiations between the parties with respect to wages, hours and conditions of employment for a new collective bargaining agreement affecting the employes in the bargaining unit referred to in paragraph 3 of the Findings of Fact have been met.

NOW, THEREFORE, it is

ORDERED

1. That binding arbitration, pursuant to Section 111.70(4)(jm), Municipal Employment Relations Act, be, and the same hereby is, initiated for the purpose of issuing a final and binding award to resolve the impasse existing between the parties involving the employes in the bargaining unit referred to in paragraph 3 of the Findings of Fact.

2. That the parties select an arbitrator within twenty (20) days after the issuance of this Order from the panel of arbitrators submitted to the parties in the accompanying letter of transmittal, by alternately striking four (4) members from said panel for the selection of the arbitrator; and thereupon the parties or either of them, shall notify the Commission, in writing, of the name of the arbitrator selected, and the Commission shall then issue an order appointing said arbitrator.

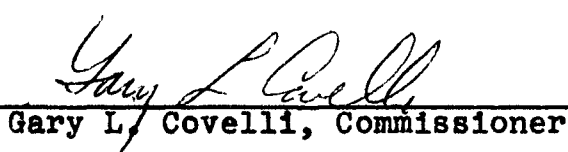
Given under our hands and seal at the
City of Madison, Wisconsin, this 23rd
day of March, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION AND ORDER REQUIRING FINAL AND
BINDING ARBITRATION PURSUANT TO SECTION 111.70(4)(jm) OF THE
MUNICIPAL EMPLOYMENT RELATIONS ACT

Following the filing of the petition by the Association requesting the Commission to order the parties to proceed to final and binding arbitration with respect to the alleged impasse between them concerning negotiations leading to a new collective bargaining agreement covering non-supervisory law enforcement personnel in the employ of the City, the City, on February 4, 1981, filed a petition with the Commission requesting that the Commission issue a declaratory ruling and therein determine whether three proposals of the Association did or did not relate to mandatory subjects of collective bargaining. On the same date, the City also filed a petition requesting that the Commission conduct a formal hearing to determine whether, in fact, the parties had reached an impasse as had been alleged in the petition filed by the Association, seeking final and binding arbitration.

The Commission consolidated both proceedings for purposes of hearing, and hearing was conducted on March 12, 1981, at the Commission's Madison offices. In addition to the three proposals involved in the declaratory ruling proceeding, the City also alleged that the following proposal, as worded, was such that the parties could not be at impasse:

This offer prior to a finding of impasse is not a waiver of the Association's right to define, add, exclude, or redefine any and all items in their various proposals at the time the issues are presented for arbitration.

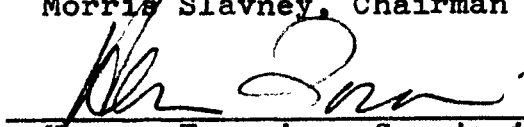
At the outset of the hearing, Counsel for the Association indicated that the above proposal was intended to relate only to those proposals contained in its offer presented to the Commission's mediator/investigator on January 19, 1981. In addition, during that portion of the hearing relating to the declaratory ruling petition, the issues involved therein were resolved by the parties. 1/ The Commission is satisfied that the parties are at impasse in their negotiations and that the Commission should proceed to issue its order directing the parties to proceed to final and binding arbitration, and we are doing so today.

Dated at Madison, Wisconsin, this *23rd* day of March, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Wexsian, Commissioner