

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case CCXVII  
No. 27465 DR(M)-166  
Decision No. 18460-A

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.

The City of Milwaukee having filed a petition requesting the Wisconsin Employment Relations Commission to issue a declaratory ruling, pursuant to Section 227.06, Wis. Stats., to determine whether certain proposals made by Milwaukee Police Association, Local 21, IUPA, AFL-CIO in negotiations with the City, with respect to non-supervisory law enforcement personnel in the employ of the City, relate to mandatory or non-mandatory subjects of collective bargaining; and hearing in the matter having been held on March 12, 1981, at Madison, Wisconsin, the full Commission being present; and the parties having been afforded the opportunity to present evidence and arguments material to the proceeding; and during the course of the hearing the parties having resolved all issues in dispute, and the City, therefore, having requested that the petition be dismissed; and the Commission, being fully advised in the premises, being satisfied that the petition be dismissed;

ORDERED

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

By

Morris Slavney, Chairman

Herman Torosian, Commissioner

Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER DISMISSING PETITION FOR  
DECLARATORY RULING

The City, in its petition initiating the instant declaratory ruling, contended that the following proposals contained in the offer of the Association, made during the course of negotiations leading to a new collective bargaining agreement covering wages, hours and working conditions of non-supervisory law enforcement personnel in the employ of the City, related to non-mandatory subjects of collective bargaining, and/or involved subjects reserved to management and the direction of the City, and therefore do not primarily relate to wages, hours and conditions of employment:

A. EMPLOYEES COVERED BY THIS AGREEMENT

The Association at its last meeting discussed its demand of including civilian parking checkers, police aids (sic) and all other civilian employees not presently being represented by other municipal labor unions. The Association now asks the City whether or not it will agree to that demand.

B. LIABILITY INSURANCE

Every employee in the bargaining unit shall be held harmless from any and all liability which may arise against the employee during the good faith performance of such employee's duties for false arrest, false imprisonment, alleged assaults, brutality, destruction of property and/or other hazards that law enforcement officers are usually and customarily confronted with. In the event that any employee is confronted with the situation where it becomes necessary for that employee to establish a defense against such charges as those enumerated above, he shall have the right to secure an attorney of his choice. The City will establish an escrow fund of \$500,000 and shall pay to the officer's attorney any and all monies expended in the officer's defense. A judgment for money damages and for costs will be paid for by the City of Milwaukee without the officer being put in peril of any properties subject to the execution or other collection services.

C. SENIORITY

Seniority shall be the determining factor in all assignments to shifts within all Districts and Bureaus.

At the outset of the hearing on the instant petition, the Association indicated that it was withdrawing the proposals set forth in paragraphs A. and B., supra, from its offer submitted to the Commission's mediator/investigator on January 19, 1981, and therefore said proposals would not be presented in the final and binding arbitration proceeding presently pending between the parties. 1/

Following such an indication, the City advised that it desired to withdraw its petition for declaratory ruling on the Association's seniority proposal set forth in paragraph C., supra, "without in any way discussing the merits of whether it is or is not a permissive subject of bargaining." Since the issues involved in the instant declaratory ruling proceeding have evaporated, we are dismissing the petition initiating such proceeding.

Dated at Madison, Wisconsin, this 23<sup>rd</sup> day of March, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Herman Torosian  
Herman Torosian, Commissioner

Gary L. Covelli  
Gary L. Covelli, Commissioner

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1/ City of Milwaukee (18459-A) issued today.