

RECEIVED

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

OCT 8 1981

CITY OF CUDAHY
(FIRE DEPARTMENT),

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Petitioner,

STIPULATION AND ORDER
FOR DISMISSAL

-vs-

WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

Case No. 551749
WERC Dec. No. 18502-A

Respondent.

IT IS HEREBY STIPULATED AND AGREED among the parties,
CITY OF CUDAHY (FIRE DEPARTMENT) and its attorneys, Mulcahy &
Wherry, S.C., the WISCONSIN EMPLOYMENT RELATIONS COMMISSION, by
its attorneys, and, Local 1801, International Association of
Firefighters, AFL-CIO, and its attorneys, Lawton & Cates, as
follows:

1. That the letter from Attorney Robert W. Mulcahy of
Mulcahy & Wherry, S.C., to Attorney Richard V. Graylow, Lawton
and Cates, of July 20, 1981, along with attachments A through
E, and the August 19, 1981 letter from Attorney Graylow to
Attorney Mulcahy, copies of which are attached hereto and incorporated
by reference herein, shall be made a part of this Stipulation as
though the terms of said documents were fully and completely set
forth herein; and

2. That subject to the provisions of paragraph 1, above,
the above-captioned action shall be dismissed upon its merits and
without costs to any party.

Local 1801 - International
Association of Firefighters
AFL-CIO

Dated:

9-14-81

By:

Ted Ryan
State Representative

LAWTON & CATES
Attorneys for Local 1801
International Association of
Firefighters, AFL-CIO

Dated:

9.14.81

By:

Richard V. Graylow

Dated: 9-28-81

CITY OF CUDAHY (FIRE DEPARTMENT)

By: Lawrence P. Kelly
Mayor Lawrence P. Kelly

MULCAHY & WHERRY, S.C.
Attorneys for CITY OF CUDAHY
(FIRE DEPARTMENT)

Dated: 9-28-81

By: Robert W. Mulcahy
Robert W. Mulcahy

BRONSON C. LaFOLLETTE
Attorney General
Attorneys for WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Dated: Sep 24, 1981

By: David C. Rice
David C. Rice
Asst. Attorney General

ORDER

Upon reading and filing of the foregoing Stipulation,
IT IS ORDERED that the above-captioned action be dismissed
on its merits and without costs to any party.

Dated this OCT 2 1981 day of ~~September~~, 1981.

BY THE COURT:

/S/ RALPH G. GORENSTEIN

Circuit Court Judge

MULCAHY & WHERRY, S.C

ATTORNEYS AND COUNSELORS AT LAW

July 20, 1981

CHARLES C. MULCAHY
MICHAEL B. WHERRY
PERRY H. FRIELER
DENNIS J. MC NALLY
JAMES L. EVERSON (HON. 1977)
THOMAS P. GUSZKOWSKI
JOHN T. COUGHLIN
JOHN F. MALONEY
RONALD J. RUTLIN
MICHAEL L. NORMAN
DENNIS W. BAKER
WILLIAM J. MULLIGAN
JAMES A. WILLE
DALE L. OLSON
PAUL B. SCHILLING
STEPHEN L. WELD

ROBERT W. MULCAHY
EDWARD J. WILLIAMS
MICHAEL E. PERINO
JOHN W. LOONIS
MARK A. PETERSON
DEAN B. DIETRICH
RICHARD A. ENGELBRECHT
JONATHAN A. MULLIGAN
DIANA L. WATERMAN
STEVEN A. YEATZ
MICHAEL J. BURKE
THOMAS E. CRIGGS
GARY M. BUESCH
DENNIS W. WERLOWSKI
BRUCE A. BARNER
JULIANNA EDEBY
MARK S. NELSON
JOHN E. ANDERSON
MARY A. MOORE

OF COUNSEL
RAY D. WHERRY

PLEASE REPLY TO:
Milwaukee Office

Richard V. Graylow, Esq.
Lawton & Cates
110 East Main Street
Madison, WI 53703

Re: City of Cudahy Fire Department

Dear Mr. Graylow:

It is my understanding that a number of settlement agreements have been recently reached between the City of Cudahy and the International Association of Fire Fighters Local No. 1801.

The following items have been resolved between the parties and are no longer in dispute:

1. The Assistant Chief and the Training Commander are counted as part of the platoon for purposes of minimum manning (see attachment A relating to Article 14, Hours of Work).
2. The Training Commander will be included within the existing bargaining unit, and the Assistant Fire Chief will not be included as part of the existing bargaining unit (see attachment B relating to Article 1, Paragraph 1).
3. The Zawikowski/Goss compensatory time grievance arbitration has been settled per the letter of June 16, 1981 (see attachment C dated June 16, 1981).
4. The City agrees to deduct the one and one-quarter percent (1-1/4%) of the base wage from the Training Commander's salary, effective June 30, 1981 (see attachment D, dated June 30, 1981).
5. The parties agree to abide by the Fire Chief's interpretation of the compensatory time rules regarding compensatory time and regarding reserving holidays (see attachment C and attachment E relating to Article 24, Paragraph 3).

MILWAUKEE OFFICE 815 EAST MASON STREET, SUITE 1800, MILWAUKEE WISCONSIN 53202 • 414-278-7110 • CABLE ADDRESS MULAW
EAU CLAIRE OFFICE 21 1/2 SOUTH BARSTOW, P.O. BOX 1030 EAU CLAIRE WISCONSIN 54702 • 715-839-7786
GREEN BAY OFFICE 414 EAST WALNUT STREET, P.O. BOX 1103 GREEN BAY WISCONSIN 54301 • 414-435-4471
MADISON OFFICE 131 WEST WILSON STREET, SUITE 202 MADISON WISCONSIN 53703 • 608-251-4670
OSHKOSH OFFICE 219 WASHINGTON, OSHKOSH WISCONSIN 54901 • 414-233-6050
WAUSAU OFFICE 408 THIRD STREET, P.O. BOX 1004 WAUSAU WISCONSIN 54401 • 715-842-0502

Richard V. Graylo

-2-

July 20, 1981

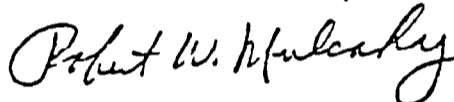
As you can readily see, it is apparent that the parties have in fact reached agreement on nearly all of the outstanding issues regarding the City of Cudahy Fire Department. As you know, there is currently pending an appeal of the Fire Captains decision rendered by the WERC, filed in Circuit Court.

In the event that all of these matters have been resolved, it is probable that we will be able to withdraw the appeal in Circuit Court. However, this withdrawal would be with the express understanding that the Union will not contest the Assistant Fire Chief position now, or at any time in the future. If this is agreeable to the Union, you can merely mark that on this letter and return it to me. Thereafter, we will begin the procedure of withdrawing that lawsuit. It is my understanding that this is consistent with the agreement of the parties.

If there are any questions regarding these matters, please feel free to give me a call.

Very truly yours,

MULCAHY & WHERRY, S.C.



Robert W. Mulcahy

RWM/aez

Attachments

cc: Mr. Alan Brozoski, President (encl.)

bc: Mayor Lawrence P. Kelly (encl.)
Fire Chief Norbert R. Olson (encl.)
Ald. Ronald E. Smolinski (encl.)

bcc: Mark A. Peterson, Esq. (encl.)
Files 110, 112 (encl.)

ATTACHMENT A

Ordinance #1170
Change in Contract Language
Local 1801

6/30/81

JUL 15 1981

Article 14 Hours of Work

add new par. to existing language:

It is understood between the parties that the Asst. Chief and the Training Commander will be counted as part of a platoon for the purpose of minimum manning only for a maximal of 10 (ten) hours per day Mon. to Fri. 7am to 7pm. For the purpose of this clause the Asst. Chief shall only be counted at station #1 and the Training Commander shall only be counted at station #2 for minimum manning requirements, while they are in service and do not leave the city limits.

TO TOTAL NO MORE THAN 40 HRS PER WK.

Ray Louis Asst. Chief

Charles Bejore Lt.

ATTACHMENT B

Change in Contract Language (Ordinance #1170)

Recognition

Article 1 (Par 1)

JUL 15 1981

Add the rank of Training Commander to the end of the sentence
(: Motor Pump Operators, Lieutenants, and Training Commander.)

John Santhorne
Union Rep.
Alvin Bejma

Ray Spis Asst. Chief 6/30/81

Local 1801 agrees that the position of Asst. Chief is not
part of the bargaining unit as of this date. 6/30/81

John Santhorne
Union Rep.
Alvin Bejma

Ray Spis Asst. Chief

The City of Cudahy agrees that the rank of Training Com-
mander is within the bargaining unit.

John Santhorne
Union Rep.
Alvin Bejma

Ray Spis Asst. Chief

ATTACHMENT C



VORBERT R. OLSON, CHIEF

RAY SPIES, CAPTAIN

JUL 15 1981

MUNICIPAL FIRE DEPARTMENT
4626 S. PACKARD AVENUE
CUDAHY, WISCONSIN 53110

June 16, 1981

Proposed settlement of grievance filed by MPO John Zawikowski and John Goss on April 11, 1980, regarding the compensatory time issue. This is also case no. XXXIV, no. 26626 MP-1138 with the W.E.R.C..

The Union will abide by the Fire Chief's interpretation of the compensatory time rules, Article 23, as agreed to in the 1980-1981 labor agreement, dated February 5, 1980.

The Fire Chief will, after the signing of this agreement, remove the disciplinary notices of April 3, 1980 from the personnel files of MPO John Zawikowski and MPO John Goss and they will not be a part of the department records.

Signed

Robert R. Olson

Fire Chief
Cudahy Fire Department

Charles R. Brozanski

Local 1801 IAFF

John B. Zawikowski

James D. Goss

June 16, 1981

ATTACHMENT D

International Association of Fire Fighters

AFFILIATED WITH AFL-CIO - CLC

JUL 15 1981



Local No. 1801

ALAN BROZOSKI

PRESIDENT

3714 E. PLANKINGTON AVE

ADDRESS

CUMAMT, WI. 53110

CITY

STATE

JOHN ZAWIKOWSKI

SECRETARY

6018 S Hately Ave

ADDRESS

Cudahy, WI. 53110

CITY

STATE

6/30/81

DATE

re: Fair Share Agreement

City of Cudahy

Please deduct 1 $\frac{1}{4}$ % of the base salary biweekly from the Training Commanders salary and forward to Local 1801 starting 6/30/81 per Ordinance #1170 Article 7 Fair Share Agreement.

Thank you

John Zawikowski
John Zawikowski

ATTACHMENT E

TO THE HONORABLE JUDGE OF THE DISTRICT COURT
THE CURRENT BARGAINING AGREEMENT

JUL 15 1981

ARTICLE 24 PAR 3 LAST SEN.

JUL

The Fire Chief shall honor all Holidays marked within the 90 day period but reserves the right to cancel Holidays beyond the 90 day period and maintains the right to cancel any future Holidays on the affected shift involved if the Holiday being scheduled would reduce the manning of the shift to below the 7 man minimum manning standard.

1/abt R. Oke FIRE CHIEF 3/3/81
Alvin R. Brozski - President Local 1801
James D. Dwyer I A F F Bargaining Team member
John Zawicki U. P.
Donald J. Williams Bargaining Team Member

LAW OFFICES

AUG 20 1981

LAWTON & CATES

TERRELL BUILDING
110 EAST MAIN STREET
MADISON, WISCONSIN 53703

JOHN A. LAWTON
RICHARD L. CATES
JOHN W. BRYDER
GEORGE E. ALMOCK
JOHN C. CARLSON
JAMES A. OLSON
BRUCE M. DAVIS
BRUCE F. EMMER
RICHARD V. GRAYLOW
KEITH J. CARNELL
JOHN W. LAWTON
JAMES W. GARDNER
JEROME M. OTT
JOHN L. CATES
P. SCOTT HASSETT
EMIL ALBRING FOWLER

August 19, 1981

11-1000000
0.0000000

Mr. Robert W. Mulcahy
Mulcahy & Wherry, S.C.
815 East Mason Street, Suite 1600
Milwaukee, Wisconsin 53202

Re: City of Cudahy Fire Department

Dear Mr. Mulcahy:

You accurately described the status of the various settled matters in your letter to me of July 20, 1981.

In addition, if you wish to prepare Stipulation for Dismissal of your appeal to the Milwaukee County Circuit Court regarding the Supervisory status of the Captains, I would be pleased to sign same.

Very truly yours,

Richard V. Graylow/met
RICHARD V. GRAYLOW

RVG/met

cc: Alan Brozoski