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WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Marilyn L. Graves
Clerk

March 1, 1984

Madison,

To: Nola J. Hitchcock Cross
Podell, Ugent & Cross
207 E. Michigan St., #315
Milwaukee, WI 53202

David C. Rice
Asst. Attorney General

Michael R. Wherry
Mark Nelson
815 E. Mason Street
Milwaukee, WI 53202

Decision No. 20184

You are hereby notified that the Court entered the following opinion and order:

83-2007 Milwaukee District Council 48, et al. v. Wisconsin
Employment Relations Commission, et al.

Before Wedemeyer, P.J., Decker and Moser, JJ.

A dispute arose between the Greendale School District and district employees who are members of the custodial bargaining unit represented by Milwaukee District Council 48. The dispute concerned wages, hours and conditions of employment for bus drivers who had joined the bargaining unit. When negotiations reached an impasse, the union filed a petition with the WERC to commence mediation/arbitration. The WERC subsequently dismissed the petition. The dismissal was affirmed by the circuit court. The union filed a notice of appeal. The school district has filed a motion to dismiss the appeal because the issue presented has become moot. The union has not responded to the motion.

During the pendency of these proceedings, the parties began negotiations for a successor labor agreement. Such an agreement has been reached. During the negotiations, the parties entered into an additional agreement concerning the WERC decision which is the subject of this appeal. The parties agreed that "in the event the said WERC decision is reversed on appeal or remand, the union will not proceed to mediation/arbitration in accordance with such decision."

Because of the agreement between the parties, a decision on the merits of the issue presented by this appeal would have no practical effect. Accordingly, the issue presented by the appeal has become moot. As a general rule, this court will not consider moot issues. Wisconsin Assoc. of Manufacturers & Commerce v. PSC, 100 Wis.2d 300, 301 N.W.2d 247 (1981). The union has not shown, nor does it appear, that the issue falls within any of the exceptions to that general rule.

Upon the foregoing reasons,

IT IS ORDERED that the motion to dismiss the appeal is granted. The appeal is dismissed.

Marilyn L. Graves
Clerk of Court of Appeals