

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOCAL UNION NO. 487, IAFF,	:	
AFL-CIO, LOCAL UNION NO. 29,	:	
PROFESSIONAL POLICE ASSOCIATION,	:	
POLICE COMMAND GROUP, LOCAL	:	
UNION NO. 9, EAU CLAIRE	:	
PROFESSIONAL POLICE ASSOCIATION	:	
(PATROL GROUP),	:	Case 137
	:	No. 35138 MP-1727
Complainants,	:	Decision No. 22795-E
	:	
vs.	:	
	:	
CITY OF EAU CLAIRE,	:	
	:	
Respondent.	:	
	:	

Appearances:

Lawton & Cates, Attorneys at Law, by Mr. Richard V. Graylow, 214 West Mifflin Street, Madison, WI 53703-2594, appearing on behalf of Complainants.

Mr. Ted Fischer, City Attorney, City Hall, 203 South Farwell Street, Eau Claire, WI 54701, appearing on behalf of Respondent.

ORDER SETTING ASIDE EXAMINER'S REVISED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER AND DISMISSING COMPLAINT AND PETITION FOR REVIEW

On May 22, 1986, Examiner Christopher Honeyman issued Revised Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum in the above matter wherein he concluded that Respondent City had not committed any prohibited practices within the meaning of Secs. 111.70(3)(a)1, 2, 3, or 4, Stats., by creating and implementing a system whereby police department employes are cross-trained and perform firefighting duties as Public Safety Officers (PSO's). The complaint was dismissed in its entirety. Thereafter, the Complainants filed a timely petition for review.

On July 8, 1986, in a separate but related action, the Eau Claire County Circuit Court, Judge Thomas Barland presiding, issued a decision that the City lacks home rule authority to undertake a PSO program as envisioned by the City. The City was enjoined from ordering police officers to perform firefighting duties on a regular basis. The City appealed Judge Barland's decision but also requested that briefing on the Petition for Review be completed and a Commission decision issued on all issues in dispute, and opposed the Union's motion to have Judge Barland's decision entered into the record. The Commission granted the Union's Motion to Receive Trial Court Decision and requested the parties to address the impact of that decision in their written argument.

On April 27, 1987, the Commission issued an Order wherein it decided that review of the Examiner's decision would be held in abeyance pending exhaustion of the judicial appeal process as to Judge Barland's decision.

On January 12, 1989, the Wisconsin Supreme Court issued a decision upholding Judge Barland's decision. On January 26, 1989, the Complainants advised the Commission by letter that they did not believe further proceedings before the Commission were necessary. On February 3, 1989, the Respondent concurred with the Complainants.

NOW, THEREFORE, it is

ORDERED

1. That the Revised Findings of Fact, Conclusions of Law and Order issued by Examiner Christopher Honeyman on May 22, 1986 are hereby set aside.

2. That the complaint and petition for review filed by Complainants Local Union No. 487 et al are hereby dismissed.

Given under our hands and seal at the City of
Madison, Wisconsin this 15th day of March, 1989.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By S. H. Schoenfeld
S. H. Schoenfeld, Chairman

Herman Torosian
Herman Torosian, Commissioner

A. Henry Hempe
A. Henry Hempe, Commissioner