

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

COUNTY OF MARATHON

Requesting a Declaratory Ruling Pursuant to Section 111.70(4)(b),
Wis. Stats., Involving a Dispute Between Said Petitioner and

**THE LAW ENFORCEMENT EMPLOYEE RELATIONS DIVISION OF
THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION, FOR AND ON
BEHALF
OF THE MARATHON COUNTY DEPUTY SHERIFF'S ASSOCIATION, INC.**

Case 253
No. 56084
DR(M)-587

Decision No. 29713

Appearances:

Ruder, Ware & Michler, S.C., by **Attorney Dean R. Dietrich**, 500 Third Street, P.O. Box 8050, Wausau, Wisconsin 54402-8050, appearing on behalf of Marathon County.

Cullen, Weston, Pines & Bach, by **Attorney Gordon E. McQuillen**, 122 West Washington Avenue, Suite 900, Madison, Wisconsin 53703, appearing on behalf of the Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association, for and on behalf of the Marathon County Deputy Sheriff's Association, Inc.

ORDER HOLDING PETITION IN ABEYANCE

On February 2, 1998, Marathon County filed a petition with the Wisconsin Employment Relations Commission seeking a declaratory ruling pursuant to Sec. 111.70(4)(b), Stats., that disciplinary decisions of a County grievance committee as they relate to deputies represented for the purposes of collective bargaining by WPPA are not subject to appeal to a grievance arbitrator but are only subject to judicial review under Chapter 59 of the Wisconsin Statutes.

Efforts by the parties to stipulate to a factual record proved unsuccessful. Commission Examiner Peter G. Davis held a hearing in Wausau, Wisconsin on December 15, 1998. The parties thereafter filed written argument, the last of which was received March 23, 1999.

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The Commission subsequently advised the parties of its intent to take notice of the Drafting Records of the Wisconsin Legislative Reference Bureau for 1993 Wisconsin Act 53. The parties thereafter filed additional argument, the last of which was received May 26, 1999.

On June 8, 1999, the Wisconsin Court of Appeals, District III, issued a decision in EAU CLAIRE COUNTY V. GENERAL TEAMSTERS UNION LOCAL 662, CASE NO. 98-3197, in which it held that because Chapter 59 of the Wisconsin Statutes does not establish the exclusive forum for appeal of discipline or termination determinations, a collective bargaining agreement providing for arbitration of such disputes is valid and enforceable.

Eau Claire County subsequently filed a petition for review with the Wisconsin Supreme Court. The Court has not yet acted on the petition.

We then sought the parties' views regarding the impact on this proceeding of EAU CLAIRE COUNTY and the subsequent filing of a petition for review. The County filed written argument on June 30 and July 16, 1999. The Union did not file a written response.

Having considered the matter, we are persuaded that the ultimate disposition of the EAU CLAIRE COUNTY petition for review is relevant to the ultimate disposition of this proceeding. We are further persuaded that it is therefore prudent and reasonable to hold the instant matter in abeyance pending the disposition of the petition for review now pending before the Court.

NOW, THEREFORE, it is

ORDERED

The petition is held in abeyance.

Given under our hands and seal at the City of Madison, Wisconsin this 7th day of September, 1999.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner