

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of Petition of

VILLAGE OF WILLIAMS BAY

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

**WISCONSIN PROFESSIONAL POLICE ASSOCIATION/
LAW ENFORCEMENT EMPLOYEE RELATIONS DIVISION**

Case 11
No. 60522
DR(M)-629

Decision No. 30385

Appearances:

Consigny, Andrews, Hemming & Grant, S.C., by **Attorney Richard R. Grant**, 303 East Court Street, Post Office Box 1449, Janesville, Wisconsin 53547-1449, appearing on behalf of the Village of Williams Bay.

Attorney Gordon E. McQuillen, Director of Legal Services, Wisconsin Professional Police Association/LEER Division, 340 Coyier Lane, Madison, Wisconsin 53713, appearing on behalf of the Wisconsin Professional Police Association/Law Enforcement Employment Relations Division.

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

On November 5, 2001, the Village of Williams Bay filed a petition with the Wisconsin Employment Relations Commission seeking a declaratory ruling pursuant to Sec. 227.41, Stats., as to whether the contractual interest arbitration proposal of the Wisconsin Professional Police Association/Law Enforcement Employee Relations Division (WPPA) is a mandatory subject of bargaining.

The parties thereafter agreed to a briefing schedule and, pursuant to that schedule, the Village filed its initial brief on January 28, 2002. The WPPA responsive brief was to be filed on or before February 8, 2002.

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By letter dated March 21, 2002, the Commission wrote the parties and inquired as to the status of the briefing schedule. By letter dated April 2, 2002, the Village advised the Commission that it had not had any contact with the WPPA regarding the matter since the Village filed its brief. By letter dated April 29, 2002, WPPA responded by indicating that the delay in filing a brief had resulted from a change in legal counsel and advised that it would be filing its brief on or before May 13, 2002 absent objection from the Village and Commission.

On April 30, 2002, the Village filed a Motion for Default Judgment asking that judgment be entered in favor of the Village due to the failure of WPPA to timely file a brief. On May 14, 2002, the Village supplemented its motion by letter reaffirming its motion for default judgment. On May 20, 2002, the WPPA filed a brief and asked that the motion for default judgment be denied.

We have considered the matter and conclude that the failure to timely file a brief does not warrant granting a default judgment in favor of the Village. We are further persuaded that under the circumstances described in the WPPA letter of April 29, 2002, it is appropriate to consider the WPPA brief filed May 20, 2002. The Village is granted whatever time it needs to respond to that WPPA brief.

NOW THEREFORE, it is

ORDERED

The motion for default judgment is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 20th day of June, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Steven R. Sorenson /s/

Steven R. Sorenson, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner