

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MILWAUKEE PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 215

Requesting a § 111.70(4)(b), Stats., Declaratory Ruling
Involving a Dispute Between the Petitioner and

CITY OF MILWAUKEE

Case ID: 251.0011

Case Type: DR_M

DECISION NO. 36136

Appearances:

John F. Fuchs and Collette C. Reinke, Fuchs & Boyle, S.C., 1233 North Mayfair Road, Suite 210, Milwaukee, Wisconsin, appearing on behalf of the Milwaukee Professional Firefighters Association, Local 215.

Thomas J. Beamish, Assistant City Attorney, City of Milwaukee, Milwaukee City Hall, 200 East Wells Street, Suite 800, Milwaukee, Wisconsin, appearing on behalf of the City of Milwaukee.

ORDER DISMISSING PETITION FOR DECLARATORY RULING

On October 23, 2015, Milwaukee Professional Firefighters Association, Local 215, filed a petition with the Wisconsin Employment Relations Commission seeking a declaratory ruling, pursuant to § 111.70(4)(b), Stats., as to whether a City of Milwaukee and Local 215 pension proposal pending before an interest arbitrator is a mandatory subject of bargaining. On October 27, 2015, the City filed a motion to dismiss the petition arguing among other matters that it was untimely. The parties thereafter filed supplemental argument until November 9, 2015.¹

¹ On December 3, 2015, the Commission voted to grant the motion to dismiss and the parties were so advised by email that same day. This decision and order confirms that Commission action.

Having considered the matter, the Commission makes and issues the following:

ORDER

The petition for declaratory ruling is dismissed.

Signed at the City of Madison, Wisconsin, this 15th day of December 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner

**MEMORANDUM ACCOMPANYING ORDER DISMISSING
PETITION FOR DECLARATORY RULING**

By communication dated May 1, 2015, following extensive but ultimately unsuccessful mediation efforts, Commission investigator William Houlihan advised the City and Local 215 that their respective final offers indicated that an impasse existed as to the terms of a successor bargaining agreement and that he had therefore closed his investigation. On May 7, 2015, the Commission ordered Local 215 and the City of Milwaukee to proceed to interest arbitration pursuant to § 111.77(4)(b), Stats., to resolve the impasse. Pursuant to Wis. Admin. Code § ERC 30.11, a timely petition for declaratory ruling questioning whether a proposal in a final offer is a mandatory subject of bargaining had to have been filed before the investigation was closed. The instant Local 215 petition was filed well after that and, therefore, has been dismissed as untimely.

Signed at the City of Madison, Wisconsin, this 15th day of December 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner