

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

IAFF LOCAL 342

For Final and Binding Arbitration Involving
Public Safety Employees in the Employ of

CITY OF WEST ALLIS

Case ID: 313.0005

Case Type: MIA

DECISION NO. 38462

Appearances:

Christopher MacGillis, MacGillis Wiemer, LLC, 11040 W. Bluemound Road, Suite 100,
Wauwatosa, Wisconsin, appearing on behalf of the IAFF Local 342.

Sheryl Kuhary, 7525 W. Greenfield Avenue, Rm. 232, West Allis, Wisconsin, appearing on
behalf of the City of West Allis.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, CERTIFICATION OF RESULTS
OF INVESTIGATION, AND ORDER REQUIRING ARBITRATION**

Petitioner having, on July 24, 2020, filed a petition with the Wisconsin Employment Relations Commission to initiate compulsory final and binding arbitration pursuant to § 111.77(3) of the Municipal Employment Relations Act, for the purpose of resolving an impasse arising in collective bargaining between it and the IAFF Local 342, on matters affecting the wages, hours, and conditions of employment of public safety employees in the employ of the City of West Allis and an informal investigation having been conducted by a member of the Commission's staff; and the Commission, being fully advised in the premises, makes and files the following Findings of Fact, Conclusions of Law, Certification of Results of Investigation, and Order Requiring Arbitration.

FINDINGS OF FACT

1. The City of West Allis, hereinafter referred to as the Employer, is a municipal employer maintaining its offices at 7525 W. Greenfield Avenue, West Allis, Wisconsin.
2. The IAFF Local 342, hereinafter referred to as the Union, is a labor organization maintaining its offices at 15135 W. Harmony Drive, New Berlin, Wisconsin.

3. At all times material herein the Union has been, and is, the exclusive collective bargaining representative of the public safety employees in the employ of said Employer.

4. On July 24, 2020, the instant petition was filed with the Wisconsin Employment Relations Commission requesting the Commission to initiate final and binding arbitration, pursuant to § 111.77(3) of the Municipal Employment Relations Act, with regard to an impasse existing between the parties with respect to wages, hours, and conditions of employment of public safety employees; a member of the Commission's staff conducted an informal investigation which reflected that the parties were at impasse; and said Investigator, having advised the Commission that the parties are at impasse on the existing issues as outlined in their final offers, on July 27, 2020, transmitted those offers along with the Advice to Commission and closed the investigation on that basis.

5. The parties have not established mutually agreed upon procedures for the final resolution of disputes arising in collective bargaining and, further, the parties have not mutually agreed that the arbitrator should have the power to determine all issues in dispute involving wages, hours, and conditions of employment.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following:

CONCLUSIONS OF LAW

An impasse within the meaning of § 111.77(3) of the Municipal Employment Relations Act exists between the Union and the Employer with respect to negotiations leading toward a new collective bargaining agreement covering wages, hours, and conditions of employment for public safety employees employed by said Employer.

Upon the basis of the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes the following:

CERTIFICATION

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of compulsory final and binding arbitration, as required by § 111.77 of the Municipal Employment Relations Act, with respect to negotiations between the Union and the Employer on issues of wages, hours, and conditions of employment of public safety employees employed by said Employer have been met.

NOW, THEREFORE, it is:

ORDERED

1. Compulsory final and binding interest arbitration pursuant to Wisconsin Stat. § 111.77(4)(b), be, and the same hereby is, initiated for the purpose of issuing a final and binding award to resolve the impasse existing between the Union and the Employer.

2. That the parties select an arbitrator within ten (10) days after the issuance of this order from the panel of arbitrators submitted to the parties in the accompanying letter of transmittal, by alternately striking four (4) of the members from said panel for the selection of the neutral arbitrator; and thereupon the parties, or either of them, shall notify the Commission, in writing, of the name of the neutral arbitrator, and the Commission shall then issue an order appointing said neutral arbitrator.

Signed at the City of Madison, Wisconsin, this 5th day of August, 2020.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman