

June 3, 1994

Mr. Steve Hartmann  
Representative  
Wisconsin Council 40,  
AFSCME, AFL-CIO  
P.O. Box 364  
Menomonie, WI 54751

Mr. Stephen L. Weld  
Weld, Riley, Prenn & Ricci, S.C.  
Attorneys at Law  
715 South Barstow  
P.O. Box 1030  
Eau Claire, WI 54702-1030

Re: St. Croix County  
Case 127 No. 50613 MA-8318  
(Shogren discharge grievance)

Gentlepersons:

This letter is written to confirm the "bench" decision rendered by the undersigned in the above-entitled matter on May 25, 1994, in the St. Croix County Courthouse, Hudson, Wisconsin.

Pursuant to a request by St. Croix County Courthouse Employee's Local #576-B, WCCME, AFSCME, AFL-CIO, herein the Union, and the subsequent concurrence by St. Croix County, herein the County, the undersigned was appointed Arbitrator by the Wisconsin Employment Relations Commission pursuant to the procedure contained in the grievance-arbitration provisions of the parties' collective bargaining agreement, to hear and decide a dispute as specified below.

Hearing in the matter was held on May 25, 1994 as noted above. At the hearing the parties requested, and the undersigned agreed to provide, a "bench" award, which is herein confirmed. The parties agreed to waive written analysis and rationale for the Arbitrator's "bench" decision. The parties also agreed to bifurcate the hearing, and take the procedural issues prior to the substantive issues.

The parties stipulated to the following procedural issue:

Is the grievance properly before the Arbitrator?

The Union made a number of arguments at hearing in support of its contention that the grievance is arbitrable while the County

took the opposite position.

Mr. Steve Hartmann  
Mr. Stephen L. Weld  
June 3, 1994  
Page 2

Based on the record evidence and the parties' arguments, the undersigned issued a "bench" decision and found that the answer to the issue as stipulated to by the parties was NO, the grievance is not properly before the Arbitrator. Having ruled in favor of the County on its procedural objection, the Arbitrator ruled that he had no jurisdiction to hear the substantive dispute. The undersigned therefore denied the grievance and dismissed the matter.

By terms of this letter I am confirming same and closing the file on the above case.

Very truly yours,

Dennis P. McGilligan  
Arbitrator

DPM/pb  
0603DM27.A  
c: Ms. Debra Kathan, Personnel Director, St. Croix County