

James R. Meier
Chairperson
A. Henry Hempe
Commissioner
Paul A. Hahn
Commissioner



Mailing Address:
14 West Mifflin Street
P. O. Box 7870
Madison, WI 53707-7870
Telephone: (608) 266-1381
Fax: (608) 266-6930

**State of Wisconsin
Wisconsin Employment Relations Commission**

June 24, 1997

Mr. David Campshure
Staff Representative
Wisconsin Council 40,
AFSCME, AFL-CIO
1566 Lynwood Lane
Green Bay, WI 54311

Mr. Richard Boren
City Attorney
City of Marinette
1905 Hall Avenue
P. O. Box 135
Marinette, WI 54143

Re: City of Marinette (Wastewater)
AFSCME Local 260
(Grievance of Richard Dubord)
Case 78 No. 55006 MA-9865

Gentlemen:

This letter is to confirm the "bench" decision rendered by the undersigned in the above-entitled matter on June 11, 1997, in Marinette, Wisconsin.

On April 11, 1997, the Wisconsin Employment Relations Commission designated Dennis P. McGilligan as the impartial arbitrator to resolve the above dispute.

Hearing in the matter was held on June 11, 1997, 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 "any explanation" for the Arbitrator's "bench" decision.

The parties stipulated that there were no procedural issues, and that the instant dispute was properly before the Arbitrator for a decision on its merits pursuant to the terms of the parties' collective bargaining agreement.

Mr. David Campshure

Mr. Richard Boren

Page 2

June 24, 1997

The parties also stipulated as to the removal of the paragraph relating to the Grievant leaving work because he was ill from the City's written reprimand dated October 29, 1996. The City stated, and the Union agreed, that said paragraph was no longer a "reason" for imposing the written reprimand.

The parties were unable to agree on the issue before the Arbitrator. Therefore, based on the entire record, the Arbitrator framed the issue as follows:

Was there just cause to discipline the Grievant for the activities cited in the City's letter dated October 29, 1996?

The Arbitrator found that the answer to the above question was YES, the City did have just cause to discipline the Grievant for the activities cited in its letter dated October 29, 1996. However, based on the entire record and the language of Article 17, the Arbitrator reduced the written warning to a verbal reprimand.

The parties agreed that a copy of this letter would be put in the Grievant's personnel file in place of the written warning letter dated October 29, 1996.

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

Very truly yours,

Dennis P. McGilligan /s/

Dennis P. McGilligan
Arbitrator

DPM/mb
0624DM78.A