

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between

CITY OF EAU CLAIRE, WISCONSIN

and

AFSCME LOCAL 284, AFL-CIO

Case 248

No. 59128

MA-11188

(Grievance No. 1998-15)

Appearances:

Mr. Steve Day, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 318 Hampton Court, Altoona, Wisconsin 54720, appeared on behalf of the Union.

Mr. Jeff Hansen, Assistant City Attorney, City of Eau Claire, 203 South Farwell Street, Eau Claire, Wisconsin 54701, appeared on behalf of the City.

ARBITRATION AWARD

On August 17, 2000, the City of Eau Claire, Wisconsin and AFSCME Local 284 requested the Wisconsin Employment Relations Commission to appoint William C. Houlihan, a member of its staff, to hear and decide a grievance pending between the parties. A hearing was conducted on November 15, 2000 in Eau Claire, Wisconsin. At the conclusion of the evidentiary hearing, a bench decision was issued.

ISSUES

The parties stipulated to the following issues:

- (1) Did a City Supervisor perform bargaining unit work on July 4, 1998?
- (2) If so, did the City violate the collective bargaining agreement?

(3) If so, what is the appropriate remedy?

AWARD

The grievance was denied. It was my conclusion that the Union failed to satisfy its burden of proof that a supervisor performed bargaining unit work on the day in question.

Dated at Madison, Wisconsin this 29th day of November, 2000.

William C. Houlihan /s/

William C. Houlihan, Arbitrator

