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WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

BEFORE THE MEDIATOR/ARBITRATOR

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| In the Matter of the Mediation/ Arbitration Between | : | |
| WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL NO. 40, AFSCME, AFL-CIO, CITY OF RACINE, LOCAL 2239 | : | Case CLXX No. 30904 MED/ARB 2079 Decision No. 21009-A |
| and | : | AWARD |
| CITY OF RACINE | : | |

APPEARANCES: MR. ROBERT CHYBOWSKI, District Representative,
appearing on behalf of the Union.

MR. JAMES C. KOZINA, Personnel Director,
appearing on behalf of the Employer.

MR. ROBERT J. MUELLER, Mediator/Arbitrator

BACKGROUND

The above-named parties were found by the Wisconsin Employment Relations Commission to have reached an impasse in their bargaining for a Collective Bargaining Agreement covering a bargaining unit of employees identified as school crossing guards. The undersigned was selected by the parties to serve as mediator/arbitrator in the matter. No petition for public hearing was filed by any interested taxpayer. Prior to an initial mediation meeting being scheduled, the parties jointly requested the mediator/arbitrator to allow a period of time for the parties to attempt to mutually resolve their differences.

After the passing of a period of time in which the parties engaged in good faith earnest efforts to resolve

the differences existing between their two final offers previously filed in the case, the parties jointly submitted certain stipulations including a modification of the Union's final offer and agreement permitting such modification by the Employer and requesting the mediator/arbitrator to issue an award without hearing on the basis of the indicated agreements and stipulations of the parties.

Both the Union and Employer agreed in writing to the following:

1) The parties waive their right to mediation and to the conduct of a hearing in this matter.

2) The Union modifies its final offer as follows:

1. Two-year agreement, effective January 1, 1983 through December 31, 1984.
2. .20¢ per hour wage increase on all 1982 rates effective January 1, 1983.
3. .20¢ per hour wage increase on all 1983 rates effective January 1, 1984.
4. \$10 per year additional clothing allowance for 1983.
5. No other changes in the terms and conditions of the 1981 - 82 agreement.

3) The City agrees to allow the Union to modify its final offer as above set forth.

4) The Union and City stipulate and state that the Union's modified final offer is more reasonable than the City's final offer based on internal and external comparisons, increases in the cost of living and other statutory criteria that the mediator/

arbitrator must consider.

5) The Union and City stipulate and agree that the mediator/arbitrator shall issue and award the Union's modified final offer as the basis and terms of settlement of the parties' dispute for the two-year term of the labor agreement as indicated in such modified final offer.

DECISION AND AWARD


On the basis of the above recitation of facts, agreements, and stipulations of the parties, the undersigned mediator/arbitrator finds as follows:

1. That on the basis of the joint stipulation of the parties, the modified final offer of the Union is more reasonable than the City's final offer based on the application of the applicable statutory criteria and the written stipulation of the parties to that fact.

Based on the above facts and stipulations, the undersigned renders the following

AWARD

That the Union's modified offer is hereby awarded as the basis of the parties' agreement for the term January 1, 1983 through December 31, 1984 pursuant to its terms and along with such other stipulations and agreements of the parties as may be applicable.


Robert J. Mueller
Mediator/Arbitrator

Dated at Madison, Wisconsin
this 5th day of April, 1984.