

Strategies for Effective and Efficient Bargaining Relationships with Public Safety Employees



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Agenda Overview

- “Rules of the Road” - Bargaining and Interest Arbitration
 - Bill Bracken
- Discipline and Discharge
 - Jim Macy
- WERC Trends and Recent Decisions
 - Panel
- Open Government Issues
 - Kyle Gulya

Rules for the Day

1. There is no such thing as a stupid question (unless more than one person laughs at it).
2. You cannot ask us a question to which we do not have the answer.
3. Any question is fair game (but remember the advice you receive is worth precisely what it cost you to get it!)
4. The “distinguished panel” may jump into the discussion from time to time...

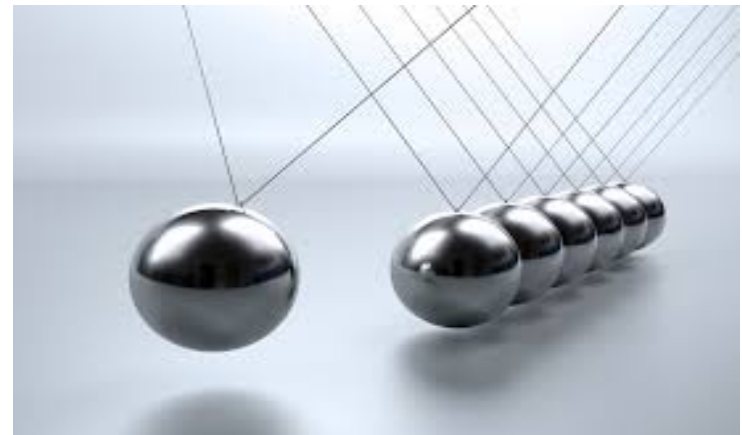
“RULES OF THE ROAD”

Interest Arbitration Lessons Learned

I. Introduction

a. 40 Years' Perspective

b. Pendulum Swinging



II. Public Sector Collective Bargaining

a. Dispute Resolution

b. Act 10



III. Public Safety Dispute Resolution

- a. Bargaining
- b. Mediation/Investigation
- c. Final Offer Arbitration



d. Statutory Factors:

1. Greater weight than all others: local economic conditions.
2. Lawful authority.
3. Stipulations.
4. Interests and welfare of the public/ability to pay.
5. Comparisons.
6. CPI.
7. Overall compensation.
8. Changes.
9. Other factors.

IV. General Principles of Interest Arbitration

- a. Status Quo
- b. “Discount” the quid pro quo
- c. Power of comparables
- d. Financial constraints
- e. “Catch-up”



- f. Settle low
- g. Different economic environment
- h. Statutory factors
- i. Different arbitrators
- j. Close case
- k. “Cost of Living”



V. Lessons Learned Since Act 10 (2011)

- a. Non-organized, general employees
- b. Employee contributions to health insurance and WRS
- c. Wages, health insurance and WRS contributions
- d. Designing health insurance plans
- e. Voluntary settlements



DISCIPLINE AND DISCHARGE PROCESS AND ISSUES

Outline...

WERC TRENDS AND RECENT DEVELOPMENTS

HEALTH INSURANCE PLAN DESIGN

CITY OF MONONA - WERC Decision No. 36748 (11/2016)

INVESTIGATION AND DISCIPLINE OF THE UNION LEADERSHIP

CLARK COUNTY- WERC Dec. No. 35793-B (08/2016)

LOSS OF CREDENTIALS

Local 311, IAFF v. City of Sun Prairie, A/P M-14-026
(Arbitrator Richard McLaughlin, 2/17/15 and 1/19/17)

See Outline...

PUBLIC RECORDS ISSUES

WISCONSIN'S PUBLIC RECORDS LAW

Personal email communications. *Schill v. Wisconsin Rapids School District*, 2010 WI 86.

WISCONSIN'S PUBLIC RECORDS LAW

The public has a right to know who is attempting to influence government. *The John K. MacIver Institute for Public Policy Inc. v. Erpenbach*, 2014 WI App 9.

WISCONSIN'S PUBLIC RECORDS LAW

Social Websites. *Informal Attorney General Opinion from Attorney General J.B. Van Hollen to Gail A. Peckler-Dziki (Dec. 23, 2009).*

DPPA

New Richmond News v. City of New Richmond

**OPEN RECORDS LAWS AND INFORMATION
ABOUT SEXUAL ASSAULT VICTIMS AND LAW
ENFORCEMENT STRATEGIES**

*Democratic Party of Wisconsin v. Wisconsin Dept.
of Justice,
2016 WI 100*

OPEN MEETINGS ISSUES

INTERGOVERNMENTAL COOPERATION AND COMPETITIVE BARGAINING INTERESTS

State ex rel. Herro v. Village of McFarland, 2007 WI App.
172, 737 N.W.2d 55

**BUT ALL PARTS OF THE MEETING MAY NOT
BE CLOSED IF ONLY A PORTION IS SUBJECT
TO THE 19.85 EXEMPTION**

*State ex rel. Citizens for Responsible Development v. City
of Milton, 2007 WI App 114, 731 N.W.2d 640*

LOOSE LIPS SINK SHIPS!

Sands v. Whitnall School District, 2008 WI 89 reversing
2007 WI App. 3, 720 N.W.2d 15

ARE STAFF MEETINGS SUBJECT TO THE OPEN MEETINGS LAW?

Krueger v. Appleton Area School District, Appeal No. 2015AP231 (WI Ct. of Appeals 06/2016) - Oral Arguments made to the Supreme Court (02/15/2017) - Decision Pending

See Outline...

QUESTIONS



For more information, visit
our website:
www.vonbriesen.com

THANK YOU!!