

MILWAUKEE POLICE SUPERVISORS' ORGANIZATION

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FURLOUGH LITIGATION UPDATE

March 25th, 2011

The MPSO has received Judge Timothy Witkowiak's decision, dated March 22nd, 2011, regarding the Circuit Court Case filed as a result of the City's implementation of the 2009 mandatory furloughs. Judge Witkowiak issued a 14 page ruling, which can and should be read by all members on the MPSO web-site. The ruling concludes as follows:

While this Court concedes that the total amount of savings gained by the furlough ordinance amounts to a fraction of the overall TSF, this Court also recognizes that the Plaintiff is not the only group of governmental workers who have been negatively impacted by the financial crisis or the City's attempts to mitigate it. When viewed as a whole, the amount of savings gained from all the furloughs and cuts held across the board to all City agencies is substantial, and thus reasonable and appropriate of a character to effectuate the ordinance's purpose.

The Court concludes that though the ordinance as written did substantially impair the CBA, it did so to effectuate a significant and legitimate public purpose in a manner which was reasonable and appropriate given the gravity of the surrounding circumstances.

In summary, the Court recognized that the City did not have the discretion to alter the pay and duty hours of MPSO members. The Court further determined that the City's unilateral implementation of the furloughs had a significant impact on our member's contractual rights. However, with that, the Court then allowed the City to "substantially impair" the terms of the contract it entered into with the MPSO, even though nowhere in the record does the City prove a link between the level of money in the Tax Stabilization Fund (TSF), basically a savings account in excess of a balanced 2009 budget, and the effect of that balance on the City's bond rating.

For these and other reasons, the MPSO Board will be considering filing a Notice of Appeal with the State of Wisconsin First District Court of Appeals. Members will be advised & updated.

THE BOARD OF DIRECTORS.....03/25/11