

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WALWORTH COUNTY

Involving Certain Employees of

WALWORTH COUNTY

Case 7
No. 55135
ME-885

Decision No. 9394-H

Appearances:

Attorney Dennis D. Costello, Corporation Counsel, Walworth County, 100 West Walworth Street, P.O. Box 1001, Elkhorn, Wisconsin 53121-1001, appearing on behalf of Walworth County.

Mr. Michael J. Wilson, Representative at Large, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite "B", Madison, Wisconsin 53717-1903, appearing on behalf of Walworth County Courthouse Employees, Local 1925B, AFSCME, AFL-CIO.

ORDER DENYING PETITION FOR REHEARING

On May 9, 2002, the Wisconsin Employment Relations Commission issued Findings of Fact, Conclusion of Law and Order Clarifying Bargaining Unit in the above matter wherein the Commission concluded that the Walworth County Zoning Officers are not professional employees within the meaning of Sec. 111.70(1)(L), Stats.

On May 29, 2002, Walworth County filed a petition for rehearing pursuant to Sec 227.49, Stats., asserting that the Commission erred when it concluded that the Zoning Officers were not professional employees. The County asserts the Commission erroneously concluded that the knowledge needed to perform the work of the Zoning Officer is not customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher education.

Dec. No. 9394-H

On June 7, 2002, Walworth County Courthouse Employees, Local 1925B, AFSCME, AFL-CIO filed a statement in opposition to the petition.

We have considered the petition and conclude that we did not make a material error of law or fact when we determined that the Zoning Officers are not professional employees. As stated in our decision, we remain persuaded that “the knowledge provided by a four year specialized degree is ‘desirable’ but not ‘required’ to do the Zoning Officer’s work.”

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 19th day of June, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Steven R. Sorenson /s/

Steven R. Sorenson, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner