

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

GENERAL DRIVERS, DAIRY EMPLOYEES AND
HELPERS LOCAL 579, affiliated with
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN AND HELPERS
OF AMERICA.

Case I
No. 13216 ME-495
Decision No. 9334-D

Involving Certain Employees of

CITY OF EVANSVILLE

GENERAL DRIVERS, DAIRY EMPLOYEES
AND HELPERS LOCAL 579, affiliated
with the INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, CHAUFFEURS, WAREHOUSE-
MEN AND HELPERS OF AMERICA,

Case II
No. 13430 MP-79
Decision No. 9440-B

Complainant,

vs.

CITY OF EVANSVILLE,

Respondent.

ORDER GRANTING PERIOD TO FILE AMENDED PETITION
FOR REVIEW AND BRIEF IN SUPPORT THEREOF

Examiner John T. Coughlin having on October 21, 1970, issued Findings of Fact, Conclusions of Law and Order in the above entitled matter, and on November 10, 1970, Counsel for the Respondent having timely filed with the Commission a petition requesting a review of the Examiner's Findings of Fact, Conclusions of Law and Order, pursuant to Section 111.07, Wisconsin Statutes; and at the same time having requested that the Commission grant a period of thirty days in which to file an amended petition for review and a brief in support thereof; and on November 17, 1970, Counsel for the Complainant having, in writing, opposed the granting of such extension; and the Commission being fully advised in the premises and being satisfied that the request of Respondent's Counsel should be granted;

NOW, THEREFORE, it is

ORDERED

That Counsel for the above named Respondent may file an amended petition for review, and brief in support thereof, with the Commission by or before December, 10, 1970.

Given under our hands and seal at the
City of Madison, Wisconsin, this 17th
day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Zel J. Rice II
Zel J. Rice II, Commissioner

Nos. 9334-D
9440-B

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No. 13430 MP-79
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vs.

CITY OF EVANSVILLE,

Respondent.

MEMORANDUM ACCOMPANYING ORDER GRANTING PERIOD TO FILE AMENDED
PETITION FOR REVIEW AND BRIEF IN SUPPORT THEREOF

On October 21, 1970, Examiner John T. Coughlin issued Findings of Fact, Conclusions of Law and Order in the above entitled matter. On November 10, 1970, a petition for review was timely filed by Counsel for the Respondent and at the same time said Counsel requested an additional thirty days in which to file an amended petition for review together with a brief in support thereof. As a basis for such requested extension Counsel for the Respondent alleged that he had been retained following the issuance of the Examiner's decision and had received a transcript of the proceeding only a few days prior to the filing of the petition for review.

Originally, at the hearing before the Examiner, the Respondent was represented by Counsel other than present Counsel and on November 9, 1970, former Counsel consented to a substitution of attorneys.

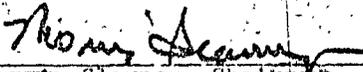
Counsel for the Complainant opposed further delay in the matter and requested that the Commission make interlocutory findings on the basis of the Examiner's decision and to enforce the decision in a court proceeding.

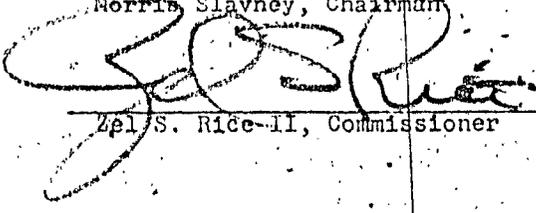
We have considered the circumstances surrounding the request for the extension to file an amended petition for review and the objection of Counsel for the Complainant. Under the circumstances, since the petition for review was timely filed, we are granting new Counsel an additional period of time to review the record and the decision of the Examiner. It should be noted, however, that the "thirty-day" period of extension granted by the Commission is thirty days from the date on which Counsel for the Respondent made its demand, namely, November 10, 1970, and, therefore, the amended petition for review and brief in support thereof must be served on the Commission on or before December 10, 1970.

Dated at Madison, Wisconsin, this 17th day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


J. S. Rice, II, Commissioner