STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CRANDON EDUCATION ASSOCIATION AND RICHARD STASKA,	: : :	
Complainants,	:	
vs.	:	Case III No. 14566 MP-94
CRANDON JOINT SCHOOL DISTRICT NO. 1 AND BOARD OF EDUCATION OF CRANDON	:	Decision No. 10271-B
JOINT SCHOOL DISTRICT NO. 1,	:	
Respondents.	•	
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ORDER DENYING MOTION TO DISMISS PETITION FOR REVIEW

Examiner Marvin L. Schurke having on August 20, 1971 issued his Findings of Fact, Conclusions of Law and Order in the above entitled proceeding wherein the above named Respondents were found to have committed prohibited practices within the meaning of Section 111.70(3) (a) (1), Wisconsin Statutes; and said Examiner having issued an Order to remedy the acts found to be prohibited, which order required in part that the Respondents notify the Wisconsin Employment Relations Commission within 20 days from receipt of a copy of the Order as to what steps had been taken to comply therewith; and the Respondents having filed a petition with the Wisconsin Employment Relations Commission for review of the Examiner's Findings of Fact, Conclusions of Law and Order within 20 days after receipt of a copy of same; and the Complainant having filed a motion to dismiss the petition for review as not being timely filed; and the Commission having considered the motion and being satisfied that such motion should be denied;

NOW, THEREFORE, it is

ORDERED

That the Complainants' motion to dismiss the petition for review of the Examiner's Findings of Fact, Conclusions of Law and Order by the Respondent be, and the same hereby is, denied.

> Given under our hands and seal at the City of Madison, Wisconsin, this 2011 day of September, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION By Morris Chrirman Slavney. в. Kerkman, Commissioner

No. 10271-B

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CRANDON EDUCATION ASSOCIATION AND RICHARD STASKA, Complainants, vs. CRANDON JOINT SCHOOL DISTRICT NO. 1 AND BOARD OF EDUCATION OF CRANDON JOINT SCHOOL DISTRICT NO. 1, Respondents.

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO DISMISS PETITION FOR REVIEW

Section 111.07(5) and Rule ERB 12.09 of the Rules of the Wisconsin Employment Relations Commission specifically provide that the period for review of the Findings of Fact, Conclusions of Law and Order of an Examiner appointed by the Commission runs for 20 days from the date of the mailing of such Findings of Fact, Conclusions of Law and Order.

The Examiner's Order in the captioned case required the Respondent to make written notification of compliance to the Commission within 20 days from receipt of a copy of the Examiner's Order. The Findings of Fact, Conclusions of Law and Order were received by the Respondent by certified mail on August 23, 1971. The Respondent's petition for review was received by the Commission on September 13, 1971 which was the first business day following the expiration of 20 days from the receipt of the Order by the Respondent.

We are satisfied that the time for notice of compliance specified by the Examiner was misleading. The time for written notice of compliance should have been stated as 20 days from the date of mailing of the Examiner's Findings of Fact, Conclusions of Law and Order and future Examiner's orders should reflect this policy. The Order of the Examiner had the effect of extending the period for review. The Respondent's petition was filed within the 20 day period specified by the Examiner and we are satisfied that it should be considered in this case.

Dated at Madison, Wisconsin, this 28^{+h} day of September, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION vney, 1 Kerkman, Commissioner

Case III

No. 14566 MP-94

Decision No. 10271-B