

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petitions of

**MILWAUKEE PUBLIC SCHOOLS and
MILWAUKEE TEACHERS' EDUCATION ASSOCIATION**

Involving Certain Employees of

MILWAUKEE PUBLIC SCHOOLS

Case 3
No. 58091
ME-991

Decision No. 6021-B

and

Case 370
No. 56856
ME-963

Decision No. 11165-G

Appearances:

City Attorney Grant Langley, by **Assistant City Attorney Donald L. Schriefer**, 800 City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202-3551, appearing on behalf of Milwaukee Public Schools.

Perry, Lerner, Quindel & Saks, S.C., by **Attorney Richard Saks**, 823 North Cass Street, P.O. Box 514005, Milwaukee, Wisconsin 53203-3405, appearing on behalf of the Milwaukee Teachers' Education Association.

Mr. Steve Cupery, Union Representative, Service Employees International Union, Local 150, AFL-CIO, CLC, 8021 West Tower Avenue, Milwaukee, Wisconsin 53223-3215, appearing on behalf of Service Employees International Union Local 150, AFL-CIO, CLC.

Mr. Robert A. Klaus, Staff Representative, Milwaukee District Council 48, AFSCME, AFL-CIO, 3427 West Saint Paul Avenue, Milwaukee, Wisconsin 53208, appearing on behalf of Milwaukee District Council 48, AFSCME, AFL-CIO.

Dec. No. 6021-B
Dec. No. 11165-G

ORDER DENYING PETITION FOR REHEARING

On July 25, 2001, the Wisconsin Employment Relations Commission issued Findings of Fact, Conclusions of Law and Order Clarifying Bargaining Unit in the above matter.

On August 14, 2001, Milwaukee Teachers' Education Association filed a petition for rehearing as to that portion of the Commission decision which concluded that when Child Care Workers work as Recreation Department employees at Congress South, they are part of the AFSCME Part-Time Hourly Recreational Workers unit.

On September 4, 2001, Milwaukee Public Schools filed a written statement in opposition to the petition. No response was received from AFSCME District Council 48 or SEIU Local 150.

On September 10, 2001, the Association filed additional argument in support of the petition for rehearing.

We have reviewed the matter and conclude that our July 25, 2001 decision does not contain a material error of law or fact and that the Association has not established the existence of new evidence that could not have been previously discovered with due diligence that is sufficiently strong to reverse or modify our July 25, 2001 decision.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin this 12th day of September, 2001.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

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