

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY  
BRANCH 1

MILWAUKEE COUNTY,

Petitioner,

vs.

Case No. 430-162

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION,

Decision No. 12534-C

Respondent.

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MEMORANDUM DECISION

It appears that on or about the 26th day of February, 1974, the petitioner, Milwaukee County (hereinafter referred to as "Milwaukee"), filed a complaint with the Wisconsin Employment Relations Commission. Said complaint alleging among other things that the individuals named in that complaint were in violation of Section 111.70(3)(a) sub 2 of the Wisconsin Statutes; further that Milwaukee District Council 48, Wisconsin Federation of State, County and Municipal Employees, AFL-CIO (hereinafter referred to as the "Union") was also in violation of the said section.

Under date of March 8, 1974, the Wisconsin Employment Relations Commission appointed Marshall L. Gratz to conduct a hearing on the said complaint and to make and find issues of fact and conclusions of law and order in the matter as provided for in Section 111.70(4) and Section 111.07 of the Wisconsin Statutes.

A hearing was held before the said examiner on the 9th day of May, 1974. At that time it was stipulated by and between complainant, Milwaukee, and the respondent, Union, that those individuals remaining as respondents in that hearing were not either individually or collectively municipal employers within the meaning of Section 111.70 of the Municipal Employment Relations Act (transcript page 4). Under date of May 14, 1974, the examiner ordered the dismissal of quite a few individuals that had been named as respondents, this was done pursuant to stipulation that was orally made on the record on May 9, 1974, before said examiner. The findings of fact as appears in the order of the examiner, Marshall L. Gratz, dated the 17th day of December, 1974, appears to be accurate in all respects.

A fair and complete review of the order affirming the examiner's findings of fact, conclusions of law and order expanding examiner's memorandum accompanying the same, which said order was signed by the Wisconsin Employment Relations Commission on or about the 20th day of March, 1975, is not affected by any error of law, is not in excess of its statutory authority, is completely supported by substantial evidence in view of the entire record as submitted and is not arbitrary or capricious.

The findings of fact, conclusions of law and order of the Wisconsin Employment Relations Commission is affirmed in all respects.

Dated at Milwaukee, Wisconsin, this 30th day of June, 1976.

BY THE COURT:

LOUIS J. CECI  
Circuit Judge