

HONECK, MANTYH & ARNDT
Attorneys and Counselors

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

FAMILY HOSPITAL,

Petitioner,

Case No. 445-671

vs.

WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

Respondent.

Decision No. 12616-E

ORDER OF REMAND

The petition of Family Hospital for review of the decision and order of the Wisconsin Employment Relations Commission dated July 28, 1976 (Commission's Case VI, Docket No. 17809 Ce-1534, Decision No. 12616-E) and respondent's counter-petition for enforcement of said Commission's order having come on to be heard during the August term of the Court, the Hon. John L. Coffey, Circuit Judge of Milwaukee County, State of Wisconsin, presiding, on the 25th day of July, 1977 and the Court having considered the pleadings, record, written briefs and oral arguments of the parties and upon being advised in the premises, and the respondent having conceded in its written brief and upon oral arguments that the Commission did not make findings upon the factual elements hereafter set forth, and which factual elements the Court determines are essential to its review of the Commission's finding of ultimate fact of discriminatory enforcement of the petitioner's rules, and the Court having determined that the record does not substantiate the Commission's inferences based thereon,

NOW, THEREFORE, BE AND IT IS HEREBY ORDERED:

1. That the Commission's decision and order dated July 28, 1976, be and they are hereby set aside; and

2. The cause is remanded to the Wisconsin Employment Relations Commission, respondent herein, for its reconsideration of and for inclusion in its findings and decision, specific findings upon the following facts essential to its determination upon the issues herein:

a. Whether the petitioner's two rules relating to bulletin board posting and unauthorized entry of other work areas are each a valid exercise of petitioner's management prerogatives;

b. Whether petitioner may enforce said rules against violations which involve union supportive activities; and

c. Whether Julia Meier's conduct on February 21, 1975 in entering the sixth floor nurse's station kitchen room and posting union supportive documents upon the head nurse's patient scheduling bulletin board therein constituted a violation of either or both rules above identified.

Dated this 28 day of July, 1977.

BY THE COURT:

John L. Coffey /s/
Circuit Court Judge

APPROVED as to form:

BRONSON C. LA FOLLETTE
Attorney General of Wisconsin
Attorney for Respondent

By: David C. Rice /s/
Ass't. Attorney General

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