

STATE OF WISCONSIN : CIRCUIT COURT : WAUPACA COUNTY

SHERRY PESCH and WEYAUWEGA  
EDUCATION ASSOCIATION,

Petitioners,

v.

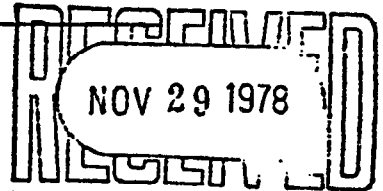
WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION, WEYAUWEGA JOINT  
SCHOOL DISTRICT NO. 2, and  
BOARD OF EDUCATION OF WEYAUWEGA  
JOINT SCHOOL DISTRICT NO. 2,

Respondents.

STIPULATION  
AND ORDER

Case No. 78 CV 89

Decision No. 14373 DEC 12 1978



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STIPULATION

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

IT IS HEREBY STIPULATED by the parties to the above  
entitled proceeding, by their respective counsel, that said  
proceeding may be dismissed with prejudice and without  
further notice or costs to any party.

DATE: November 30, 1978

Wayne Schwartzman  
Wayne Schwartzman, Attorney  
for Petitioners.

DATE: NOVEMBER 28, 1978

David C. Rice  
David C. Rice, Assistant  
Attorney General for Wisconsin  
Employment Relations Commission.

DATE: December 4, 1978

Thomas R. Crone  
Thomas R. Crone, Attorney for  
Weyauwega Joint School District  
No. 2 and Board of Education.

O R D E R

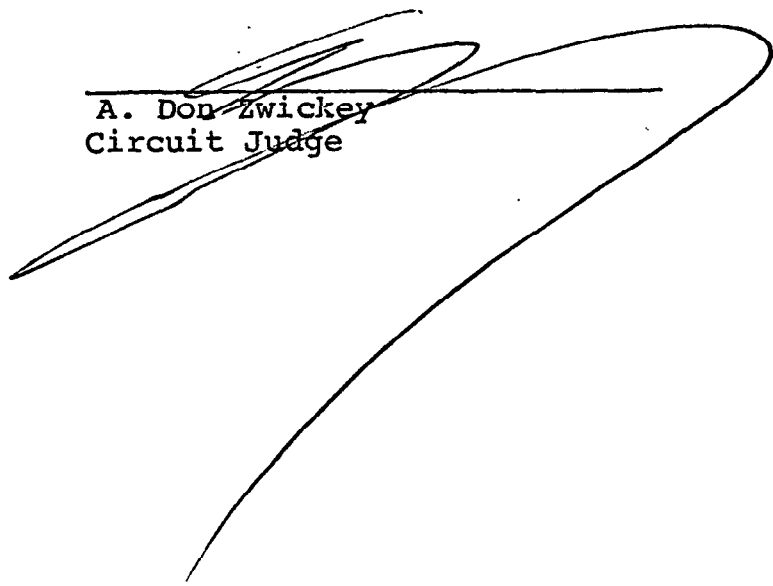
Upon the foregoing stipulation and upon the record,  
IT IS ORDERED that the above entitled proceeding be,

and the same hereby is, DISMISSED with prejudice and without costs to any party.

Dated at Waupaca, Wisconsin, this 7 day of

Jan, 1978.

BY THE COURT:

  
A. Don Zwick  
Circuit Judge

This power to terminate may be inimical to an employee who is represented by a union under its contract with the county. But the judges, who are state officers, are not parties to the union's contract.

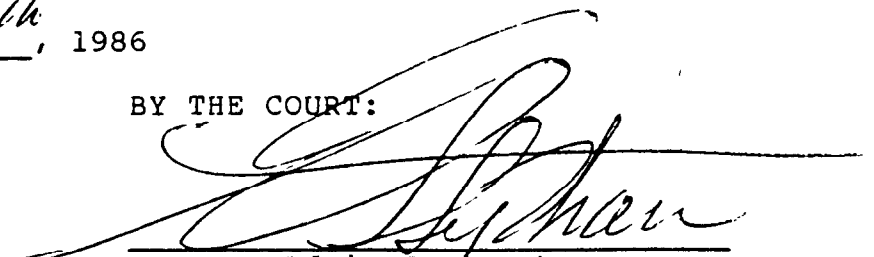
I concede that the judges' authority to discharge an employee without cause is an anachronism from the past, about as scarce as a dinosaur. Perhaps such authority is also inimical to modern-day employment practices, but this authority does exist, and in my mind it must be regarded as a "special exception" to the normal indicia that the commission relies on in determining whether a register in probate is an employee eligible for union membership.

I also find that, because of the special type of employment conditions existing by statute between the judge and the employee, the employee and the circuit judge cannot be bound by the terms of the contract between the union and the county as long as that employee is performing the services of the register in probate, probate registrar and probate court commissioner.

Accordingly, I hereby reverse the findings and order of the commission and the examiner. I find that the register in probate, probate registrar and probate court commissioner is not includable in union membership.

Dated August 6<sup>th</sup>, 1986

BY THE COURT:



Edwin C. Stephan  
Circuit Judge