

LA CROSSE COUNTY (HILLVIEW
NURSING HOME),

Petitioner,

v.

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Respondent.

NOTICE OF ENTRY
OF JUDGMENT AND ORDER

Case No. 78-CV-492

Decision No. 14704-B

TO: Ray A. Sundet
Corporation Counsel
La Crosse County
P. O. Box 966
La Crosse, Wisconsin 54601

PLEASE TAKE NOTICE that a final judgment of which a true and correct copy is hereto annexed, was duly entered in the above action in the Circuit Court for Dane County, Wisconsin, on the 5th day of June, 1980;

FURTHER TAKE NOTICE that an order of which a true and correct copy is hereto annexed, remanding the matter to the WERC for further proceedings on the limited question of the amount of back pay due and facts in mitigation thereof, also was duly entered in the same action on the 5th day of June, 1980.

Dated at Madison, Wisconsin, this 25th day of June, 1980.

BRONSON C. LA FOLLETTE
Attorney General

John Niemisto /s/
JOHN D. NIEMISTO
Assistant Attorney General

Attorneys for Respondent,
Wisconsin Employment Relations Commission

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LA CROSSE COUNTY (HILLVIEW
NURSING HOME),

Petitioner,

v.

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Respondent.

ORDER

Case No. 78 CV 492

Decision No. 14704-B

The above matter having come on for hearing before the court upon the petition of the petitioner above named for a review of an order of the Wisconsin Employment Relations Commission, and on the counter-petition of the Wisconsin Employment Relations Commission for enforcement of the same order; petitioner appearing by Ray A. Sundet, Corporation Counsel; respondent appearing by Bronson C. La Follette, Attorney General, and John D. Niemisto, Assistant Attorney General; intervenor respondent employe Peter Mohm appearing by Johns, Flaherty & Gillette, S.C., by James G. Birnbaum; and the court having considered the matter upon the record and written arguments of counsel, and having, on the 28th day of February, 1980, filed its decision in writing, and on the 5th day of June, 1980, filed its Order and Judgment affirming the Wisconsin Employment Relations Commission's order and reserving jurisdiction to make such further order or judgment in the premises as may be necessary to give full force and effect to the said order of the Commission, now, on motion,

IT IS ORDERED that the above matter be remanded to the Wisconsin Employment Relations Commission for further proceedings on the limited question of the amount of back pay due and facts in mitigation thereof.

Dated this 5 day of June, 1980.

BY THE COURT:

/s/

William F. Eich
Circuit Judge

LA CROSSE COUNTY (HILLVIEW
NURSING HOME),

Petitioner,

ORDER AND JUDGMENT
Case No. 78 CV 492

v.

Decision No. 14704-B

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Respondent.

The above matter having come on for hearing before the court upon the petition of the petitioner above named for a review of an order of the Wisconsin Employment Relations Commission, and on the counter-petition of the Wisconsin Employment Relations Commission for enforcement of the same order; petitioner appearing by Ray A. Sundet, Corporation Counsel; respondent appearing by Bronson C. La Follette, Attorney General, and John D. Niemisto, Assistant Attorney General; intervenor respondent employe Peter Mohm appearing by Johns, Flaherty & Gillette, S.C., by James C. Birnbaum; and the court having considered the matter upon the record and written arguments of counsel, and having, on the 28th day of February, 1980, filed its decision in writing, now, on motion,

IT IS ORDERED, ADJUDGED, AND DECREED that the order of the Wisconsin Employment Relations Commission, entered on July 31, 1978, in the matter of "Peter Mohm III, Complainant, vs. Hillview Nursing Home, La Crosse County, Respondent, Case XLII, No. 20550 MP-629, Decision No. 14704-B" be, and the same hereby is, confirmed and enforced, the court reserving jurisdiction to make such further order or judgment in the premises as may be necessary to give full force and effect to the said order of the Commission and the enforcement thereof on the evidence in the record or on the taking of such further evidence as appears to the court to be necessary, the present order and judgment of the court to be deemed interlocutory as to those matters that may call for or require further action on the part of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, its officers and agents shall immediately:

1. Cease and desist from discriminating against Peter Mohm III, or any other employes, because of their union activities on behalf of Local 150, Service and Hospital Employees International Union, AFL-CIO, or any other labor organization and from discouraging employes from Union membership in Local 150.
2. Take the following affirmative action which the court finds will effectuate the purposes of the Municipal Employment Relations Act:
 - (a) Immediately offer to Peter Mohm III, full reinstatement to his former position, or a substantially equivalent position, without prejudice to his seniority, benefits or other rights and privileges previously enjoyed by him, and make him whole for any loss of pay or benefits he may have suffered by payment to him of the sum of money equal to that which he would normally have earned or received as an employe, from the date of his suspension on May 13, 1976, to the effective date of the unconditional offer of reinstatement made pursuant to this Order, less any earnings he may have received during said period and less the amount of unemployment compensation, if any, received by him during said period, and, in the event that he received unemployment compensation benefits, reimburse the Unemployment Compensation Division of the Wisconsin Department of Industry, Labor and Human Relations.

- (b) Notify all employes, by posting in conspicuous places in its offices where employes are employed, copies of the notice attached to the Commission's Order and marked "Appendix A". That notice shall be signed by petitioner, and shall be posted immediately upon receipt of a copy of this Order and shall remain posted for thirty (30) days thereafter. The petitioner shall take reasonable steps to ensure that said notices are not altered, defaced or covered by other material.
- (c) Notify the Wisconsin Employment Relations Commission, in writing, within twenty (20) days from the receipt of notice of entry of this Order and Judgment regarding what steps it has taken to comply herewith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petition of the aforesaid petitioner for review of the said order of the Commission be, and the same hereby is, dismissed.

Dated this 5 day of June, 1980.

BY THE COURT:

W. Eich /s/
Circuit Judge