

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CHAUFFEURS, TEAMSTERS, WAREHOUSEMEN AND :
HELPERS UNION, LOCAL NO. 446, a/w :
THE INTERNATIONAL BROTHERHOOD OF :
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN :
AND HELPERS OF AMERICA, :
:

Complainant, :

vs. :

TOWN OF MERCER, :

Respondent. :

Case II
No. 20652 MP-640
Decision No. 14783-B

ORDER AFFIRMING EXAMINER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Examiner Amedeo Greco having, on March 2, 1977, issued his findings of fact, conclusions of law and order with accompanying memorandum, in the above entitled proceeding, wherein the above named respondent was found to have committed, and was committing, prohibited practices within the meaning of sec. 111.70(3)(a)1 and 3 of the Municipal Employment Relations Act (MERA) and wherein the respondent was ordered to cease and desist therefrom and to take certain affirmative action with respect thereto; and the respondent having, on March 15, 1977, timely filed a petition for a review of said findings of fact, conclusions of law and order with accompanying memorandum pursuant to sec. 111.07(5), Stats.; and the commission having reviewed the record presented and being satisfied that the findings of fact, conclusions of law and order, with accompanying memorandum, issued by the examiner should be affirmed;

NOW, THEREFORE, it is

ORDERED

That pursuant to sec. 111.07(5), Stats., the Wisconsin Employment Relations Commission hereby adopts the examiner's findings of fact, conclusions of law and order, with accompanying memorandum, issued in the above entitled matter as its findings of fact, conclusions of law and order with accompanying memorandum, and, therefore the Respondent, Town of Mercer, shall notify the Wisconsin Employment Relations Commission within ten (10) days of the date of this order as to what steps it has taken to comply therewith.

Given under our hands and seal at the
City of Madison, Wisconsin this 28th
day of April, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney -
Morris Slavney, Chairman

Herman Torosian,
Herman Torosian, Commissioner

Charles D. Hoornstra,
Charles D. Hoornstra, Commissioner

MEMORANDUM ACCOMPANYING ORDER AFFIRMING EXAMINER'S
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In its Petition for Review the Respondent contended:

- "1. That the findings of fact and conclusions of law in the decision are not supported by the evidence.
2. The findings of fact are based upon assumptions and conjecture supplied by the examiner not in the record.
3. That the findings are contrary to law."

The Respondent did not file a brief in support of its petition, nor did it, in any manner, set forth any specific finding of fact to which it took exception. The Commission has reviewed the record and concludes that the Examiner's Findings of Fact were not based upon assumptions and conjecture not in the record but, to the contrary, that the Examiner's Findings of Fact and his Conclusions of Law are supported by the evidence adduced during the course of the hearing. Therefore, we have affirmed the Examiner's decision, as well as his Memorandum Accompanying same.

Dated at Madison, Wisconsin this 28th day of April, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney -
Morris Slavney, Chairman
Herman Torosian
Herman Torosian, Commissioner
Charles D. Hoornstra
Charles D. Hoornstra, Commissioner