

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| In the Matter of the Petition of | : | |
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| SOUTH SHORE EDUCATION ASSOCIATION | : | Case III |
| | : | No. 21061 ME-1388 |
| For Clarification of a Bargaining Unit | : | Decision No. 16484-A |
| Consisting of Certain Employes of | : | |
| | : | |
| SOUTH SHORE JOINT SCHOOL DISTRICT NO. 1 | : | |
| | : | |

ORDER DENYING MOTION FOR RECONSIDERATION

The Commission having, on August 4, 1978, issued and served its Findings of Fact, Conclusions of Law and Order Clarifying Bargaining Unit in the above-entitled matter; and thereafter, the District having, on August 25, 1978, filed a petition for reconsideration and the Commission having reviewed the petition and being satisfied that it is untimely filed, since it was not filed within the time period provided therefor in Section 227.12(1), Stats.;

NOW, THEREFORE, it is

ORDERED

That the petition for reconsideration be, and the same hereby is, denied.

Given under our hands and seal at the City of Madison, Wisconsin this 8th day of September, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Marshall L. Gratz
Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION
FOR RECONSIDERATION

In its motion for reconsideration, the District requests the Commission to reconsider its determination made in an Order issued and served on August 4, 1978 that the principals at its Herbster and Oulu elementary schools are not supervisors but employes, within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act. The sole basis for such request is the alleged failure of the Commission to consider the effect of its decision in the Bruce 1/ case, decided by the Commission on November 3, 1977. We construe the District's petition to be the equivalent of a petition for rehearing under Section 227.12, Stats., alleging a material error of law and conclude that it is untimely.

Section 227.12(1), Stats., requires that petitions for rehearing be filed within 20 days after service of the Commission's decision, which was served by mail on August 4, 1978. Service of a decision is complete when placed in the U.S. mail. See Section 227.11, Stats. and In re Proposed Incorporation of Pewaukee, 72 Wis. 2d 593 241 NW 2d 603 (1976).

We have therefore denied the motion for reconsideration.

Dated at Madison, Wisconsin this 8th day of September, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Marshall L. Gratz
Marshall L. Gratz, Commissioner

1/ Joint School District No. 1, Village of Bruce and Exeland et al.,
Decision No. 11975-A.