

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL EMPLOYEES (WCCME), LOCAL 1752D, | : | |
| | : | |
| Complainant, | : | Case VIII |
| | : | No. 24260 MP-957 |
| vs. | : | Decision No. 16914-B |
| | : | |
| SCHOOL DISTRICT OF WAUSAUKEE, | : | |
| | : | |
| Respondent. | : | |
| | : | |

ORDER SETTING ASIDE EXAMINER'S
FINDINGS OF FACT, CONCLUSION OF LAW
AND ORDER AND DISMISSING COMPLAINT

Examiner James D. Lynch having on September 30, 1981 issued Findings of Fact, Conclusion of Law and Order in the above-entitled matter wherein he dismissed the complaint alleging that Respondent had committed prohibited practices within the meaning of Secs. 111.70(3)(a)1 and 4 Stats.; and the Complainant having timely filed a petition with the Commission seeking review of said decision pursuant to Secs. 111.07(5) and 111.70(4)(a) Stats.; and the parties thereafter having agreed to hold the matter in abeyance pending the outcome of related litigation; and the parties having on November 18, 1983 notified the Commission that they had settled their dispute and wished to have the complaint dismissed; and the Commission being satisfied that the Examiner's decision should be set aside and the complaint dismissed;

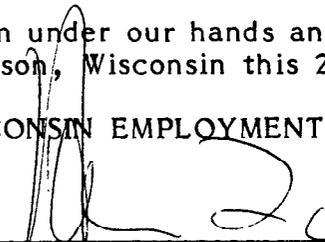
NOW, THEREFORE, it is

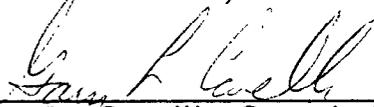
ORDERED

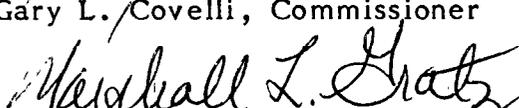
1. That the Examiner's Findings of Fact, Conclusion of Law and Order are hereby set aside.
2. That the complaint is hereby dismissed.

Given under our hands and seal at the City of
Madison, Wisconsin this 21st day of December, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By  _____
Herman Torosian, Chairman

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Gary L. Covelli, Commissioner

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Marshall L. Gratz, Commissioner

1/ Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.12(1) and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.16(1)(a), Stats.

(Continued on page 2)

227.12 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.16 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.15 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.12, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.11. If a rehearing is requested under s. 227.12, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.