

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Respondent.

No. 16930-D

issued in this matter on January 14, 1980, be, and the same hereby is, set aside, and the Commission hereby denies the joint request of the parties to dismiss the instant proceeding on the merits.

Given under our hands and seal at the
City of Madison, Wisconsin, this *14th*
day of April, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Gary L. Covelli
Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING
ORDER SETTING ASIDE NOTICE OF HEARING
AND DENYING REQUEST TO DISMISS

Following a hearing in the instant matter Examiner Davis issued Findings of Fact, Conclusions of Law and Order on August 30, 1979, wherein he concluded that the County committed prohibited practices within the meaning of Section 111.70(3)(a)1 of the Municipal Employment Relations Act by terminating four CETA positions. The Examiner, among other things, ordered the County to offer four individuals, who had occupied said CETA positions, reinstatement to their former or substantially equivalent positions. Neither party filed a petition for review of said Examiner's decision, and on September 24, 1979, the Commission issued a Notice indicating that the Examiner's decision became the Commission's decision by operation of Section 111.07(5), Wisconsin Statutes.

Thereafter a dispute arose between the Union and the County as to whether the County had complied with the Commission's Order, and as a result, the Commission issued an Order for Hearing on the issue with regard to compliance. Said hearing was scheduled by Examiner Davis to be conducted on February 11, 1980, at Oshkosh, Wisconsin. The hearing was adjourned indefinitely pending efforts by the parties to mutually resolve the issue. Prior to any further action, and on April 8, 1980, the Commission received a stipulation executed by representatives of the Union and the County, wherein they agreed that all claims of the Union in the matter had been "satisfactorily compromised and settled." Said representatives further stipulated that the Commission should issue an order "dismissing the above entitled action upon its merits," and that such an order could be entered by the Commission at any time without notice or without cost to either party.

The Commission is gratified that the parties were able to resolve their dispute with respect to compliance of the Order issued in this complaint case. However, since the matter did go to hearing and since the Examiner issued a comprehensive decision and order, and further since the Commission issued a Notice indicating that the Examiner's decision had become the Commission's decision, the Commission will not dismiss the matter on the merits since all issues were fully litigated and considered not only by the Examiner, but by the Commission.

Therefore, we have today issued an Order setting aside the Notice with respect to the hearing on compliance, and we have denied the request of the parties that the Commission dismiss the matter on the merits.

Dated at Madison, Wisconsin, this 14th day of April, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

