

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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STATE ENGINEERING ASSOCIATION,	:	
	:	
Complainant,	:	Case CLXVI
	:	No. 26058 PP(S)-71
vs.	:	Decision No. 17790-B
	:	
STATE OF WISCONSIN,	:	
	:	
Respondent.	:	
	:	

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ORDER DENYING REVIEW OF EXAMINER'S DENIAL OF MOTION TO SEVER

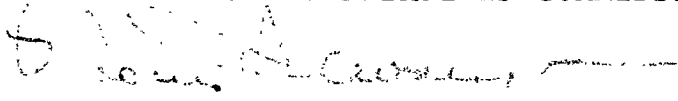
State Engineering Association hereinafter referred to as the Association, having, on April 21, 1980, filed a complaint with the Wisconsin Employment Relations Commission wherein it alleged that the State of Wisconsin, hereinafter referred to as the State, had committed unfair labor practices within the meaning of Sections 111.84(1)(a) and (d) of the State Employment Labor Relations Act, by unilaterally imposing and implementing a policy of charging fees at parking lots administered by the State Department of Administration, and by ordering and implementing a closure of certain State buildings on December 24 and 31, 1979; and the Commission having, on April 30, 1980, issued an Order appointing Peter G. Davis, a member of its staff, as the Examiner in the matter; and said Examiner having, on April 30, 1980, issued a Notice setting hearing in the matter for May 27, 1980, at Madison, Wisconsin; and on May 6, 1980, the State having filed a Motion to sever the complaint, as well as a Motion to extend time for filing of answer and to postpone the hearing scheduled by the Examiner; and on May 12, 1980, said Examiner having issued an Order denying the Motions to sever and postpone, but extending the time to file answer; that subsequently, and on May 20, 1980, the State refiled its Motion to Sever, in effect requesting the Commission to review the Examiner's Order denying same; and upon the request of the State, and the concurrence therein by the Association, the Examiner, on May 22, 1980, issued a Notice rescheduling the hearing on the complaint for July 15, 1980; and the parties having thereafter filed briefs in support of, and in opposition to, the Motion to Sever; and the Commission, being fully advised in the premises, makes and issues the following

ORDER

The Wisconsin Employment Relations Commission hereby denies review of the Order issued by Examiner Peter G. Davis on May 12, 1980, wherein said Examiner denied the Motion of Respondent State of Wisconsin to sever the instant complaint proceeding presently pending before said Examiner.

Given under our hands and seal at the City of Madison, Wisconsin this 24th day of June, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING REVIEW  
OF EXAMINER'S DENIAL OF MOTION TO SEVER


The Commission vests considerable discretion in its Examiners in determining procedural issues, such as presented here, arising in complaint proceedings pending before them. Absent unusual circumstances or a showing of abuse of that discretion, the Commission is not inclined to grant interlocutory review of such determinations.


Upon review of the Motion to Sever, the Examiner's Order, and of the claims asserted by the Respondent, as well as the Complainant's response thereto, we are satisfied that there are no unusual circumstances present here. Further, we are satisfied that the Examiner has not abused his discretion in the matter. We therefore refuse to review the Examiner's Order at this time.

Dated at Madison, Wisconsin this 24th day of June, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
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Morris Slavney, Chairman

  
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Herman Torosian, Commissioner