

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WILMOT TEACHERS ASSOCIATION
and JOY COVELLI,

Complainants,

vs.

WILMOT UNION HIGH SCHOOL
DISTRICT,

Respondent.

Case IX
No. 28278 MP-1233
Decision No. 18820-C

Appearances:

Mr. Bruce Meredith, Staff Counsel, Wisconsin Education Association Council,
101 West Beltline Highway, P.O. Box 8003, Madison, Wisconsin 53708,
appearing on behalf of the Complainants.

Mr. Karl L. Monson, Representative, Wisconsin Association of School Boards,
122 West Washington Avenue, Madison, Wisconsin 53703, appearing on
behalf of the Respondent.

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having on December 1, 1983 issued an Order Affirming Examiner's Findings of Fact and Conclusion of Law and Modifying Examiner's Order, wherein the Commission inter alia affirmed Examiner Sherwood Malamud's determination that Wilmot Union High School District violated the terms of a collective bargaining agreement between it and the Wilmot Teachers Association by refusing to grant an employee ten days sick leave pay; and the District having on December 21, 1983 timely filed a petition for rehearing pursuant to Sec. 227.12(1), Stats., wherein it asserts that the record contains no credible evidence to support a finding that the employee was sick during the disputed period; and the Association having on January 6, 1984 filed a statement in opposition to the petition; and the Commission having considered the matter and concluded that the petition should be denied and that the December 1, 1983 Commission decision adequately addresses the issue raised by the petition;

NOW, THEREFORE, it is

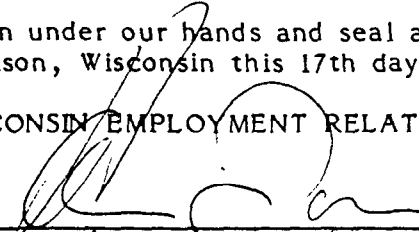
ORDERED 1/


That the petition for rehearing is hereby denied.

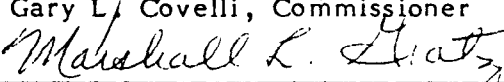
Given under our hands and seal at the City of
Madison, Wisconsin this 17th day of January, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Gary L. Covelli, Commissioner


Marshall L. Gratz, Commissioner

1/ See footnote on page 2.

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

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.