

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SHEBOYGAN COUNTY LAW	:	
ENFORCEMENT EMPLOYEES LOCAL	:	
2481, AMERICAN FEDERATION OF	:	
STATE, COUNTY AND MUNICIPAL	:	
EMPLOYEES, AFL-CIO,	:	Case L
	:	No. 28979 MP-1283
Complainant,	:	Decision No. 19384-B
	:	
vs.	:	
	:	
SHERIFF VERNON R. BOECKMANN,	:	
SHEBOYGAN COUNTY,	:	
	:	
Respondent.	:	
	:	

ORDER AFFIRMING EXAMINER'S FINDINGS OF FACT,
CONCLUSION OF LAW AND ORDER

Examiner Douglas V. Knudson having, on July 8, 1982, issued Findings of Fact, Conclusion of Law and Order with Accompanying Memorandum in the above-entitled matter, wherein he concluded that Respondent Sheboygan County, by refusing to reinstate an employe to employment in its Sheriff's Department and by discharging the employe for failing to comply with the conditions for reinstatement as set down in an award issued by Arbitrator Jos. B. Kerkman, did not commit a prohibited practice within the meaning of Sec. 111.70(3)(a)5 of the Municipal Employment Relations Act, and wherein the Examiner therefore dismissed the complaint; and Complainant Sheboygan County Law Enforcement Employees Local 2481, AFSCME, AFL-CIO having timely filed a petition for review on July 27, 1982; and, prior to any further action, the Complainant having, on September 2, 1982, advised the Commission, in writing, that it desired to withdraw its petition for review; and the Commission having considered the record and concluded that the Examiner's decision should be affirmed;

NOW, THEREFORE, it is

ORDERED 1/

That the Examiner's Findings of Fact, Conclusion of Law and Order be, and the same hereby are, affirmed.

Given under our hands and seal at the City of Madison, Wisconsin this 15th day of September, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Gary L. Covelli /s/
Gary L. Covelli, Chairman

Morris Slavney /s/
Morris Slavney, Commissioner

Herman Torosian /s/
Herman Torosian, Commissioner

1/ See page two

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.

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.