

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

:
WALTER J. JOHNSON, MARSHALL M. SCOTT, :
GERALD LERANTH, OLIVER J. WALDSCHMIDT, :
ERNA BYRNE, CHRISTINE PITTS, MILDRED :
PIZZINO, JOHN P. SKOCIR, HELEN RYZNAR, :
ANNABELLE WOLTER, CHERRY ANN LE NOIR, :
DORIS M. PIPER, LYNN M. KOZLOWSKI, :
EDWARD L. BARLOW, IRVING NICOLAI, and :
ANNE C. TEBO, et al, :

Complainants, :

Case 161
No. 29581 MP-1322
Decision No. 19545-0

COUNTY OF MILWAUKEE, a body Corporate; :
AMERICAN FEDERATION OF STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, AFL-CIO; :
DISTRICT COUNCIL 48, AMERICAN :
FEDERATION OF STATE, COUNTY AND :
MUNICIPAL EMPLOYEES, ALF-CIO; and :
JOSEPH ROBISON, its Director; :
LOCAL 594, AFSCME, affiliated with :
District Council 48; LOCAL 645, :
AFSCME, affiliated with District :
Council 48; LOCAL 882, AFSCME, :
affiliated with District Council 48; :
LOCAL 1055, AFSCME, affiliated with :
District Council 48; LOCAL 1654, :
AFSCME, affiliated with District :
Council 48 and LOCAL 1656, AFSCME, :
affiliated with District Council 48, :

Respondents. :

Appearances:

Mr. Raymond J. LaJeunesse, Jr., Attorney at Law, National Right to Work
Legal Defense Foundation, Inc., 8001 Braddock Road, Suite 600,
Springfield, Virginia 22160 and Lindner & Marsack, S.C., by Mr.
Charles P. Stevens, Attorney at Law, 411 East Wisconsin Avenue,
Milwaukee, Wisconsin 53202, for the Complainants.

Lawton & Cates, S.C., by Mr. John H. Bowers, Attorney at Law, 214 West
Mifflin Street, Madison, Wisconsin 53703-2594, for Respondent
Unions.

Mr. Larry P. Weinberg, General Counsel, AFSCME, AFL-CIO, 1101 17th
Street, N.W., Suite 1210, Washington D.C. 20036, for Respondent
Unions.

Mr. Robert G. Ott, Corporation Counsel, Milwaukee County, Room 303,
Milwaukee County Courthouse, 901 N. 9th Street, Milwaukee,
Wisconsin 53233, for Respondent County of Milwaukee.

ORDER DISMISSING COMPLAINT

On April 8, 1994, Complainants filed a Motion to Dismiss in the above
matter asking that the complaint be dismissed with prejudice. No objections to
the Motion have been received and the Commission is satisfied the Motion to
Dismiss should be granted.

NOW, THEREFORE, it is

ORDERED 1/

The complaint is dismissed with prejudice.

1994

Given under our hands and seal at the City of
Madison, Wisconsin this 30th day of August,

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By A. Henry Hempe /s/
A. Henry Hempe, Chairperson

Herman Torosian /s/
Herman Torosian, Commissioner

William K. Strycker /s/
William K. Strycker, Commissioner

1/ Pursuant to Sec. 227.48(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. 227.49 and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.53, Stats.

227.49 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,

(footnote 1 continued on page 3)

(footnote 1 continued from page 2)

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.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefore 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. 227.49, 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. 227.48. If a rehearing is requested under s. 227.49, 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. 77.59(6)(b), 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.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified.

. . .

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first

(footnote 1 continued on page 4)

class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

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.