# STATE OF WISCONSIN

#### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MADISON WATER UTILITIES

EMPLOYEES ASSOCIATION

Case LXXV

No. 26397 ME-1857

Involving Certain Employees of

CITY OF MADISON (WATER UTILITY)

### ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having on May 10, 1982 issued Findings of Fact, Conclusion of Law and Order of Dismissal in the above-entitled matter wherein it dismissed the election petition filed by the Madison Water Utilities Employees Association, on the basis that the unit in which said Association was seeking an election was determined to be an inappropriate collective bargaining unit within the meaning of the Municipal Employment Relations Act; and the Association having on May 27, 1982 filed a petition for rehearing, pursuant to Sec. 227.12, Stats., seeking reconsideration of the Order of Dismissal; and the City of Madison having on June 16, 1982 filed a statement in opposition to said petition for rehearing; and the Commission being fully advised in the premises and being satisfied that the petition should be denied as it failed to allege any material error of law or fact, or any newly discovered evidence which, under Sec. 227.12(3), Stats., would warrant a rehearing in the matter;

NOW, THEREFORE, it is

# ORDERED

That the instant petition is hereby denied. 1/

By

Given under our hands and seal at the City of Madison, Wisconsin this 25th day of June, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Gary L. Covelli, Chairman

Morris Slavney Commissioner

Herman Torosian, Commissioner

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. (Continued on page 2)

### 1/ (Continued)

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 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.