

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA LOCAL 1132 UE,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case XXXIII
	:	No. 31116 Ce-1968
PETER COOPER CORPORATION (U.S. GLUE & GELATIN DIVISION),	:	Decision No. 20488-B
	:	
Respondent.	:	
	:	

ORDER DISMISSING COMPLAINT OF UNFAIR LABOR PRACTICES
UPON RESPONDENT'S PERFECTING REMOVAL TO
FEDERAL DISTRICT COURT

United Electrical, Radio and Machine Workers of America Local 1132 UE, having, on February 9, 1983, filed a complaint with the Wisconsin Employment Relations Commission alleging that Peter Cooper Corporation, Division of U.S. Glue and Gelatin, had committed certain unfair labor practices within the meaning of Section 111.06(1)(f) of the Wisconsin Employment Peace Act by the Respondent-Company's various claimed violations of a collective bargaining agreement, alleged to be then existing between said parties; and on April 4, 1983, the Commission having appointed Robert M. McCormick, a member of its staff, as Examiner to make and issue Findings of Fact, Conclusions of Law and Order pursuant to Section 111.07, Stats.; and the Examiner having scheduled the matter for hearing to be conducted on May 3 and 4, 1983 at the Milwaukee State Office Building; and prior to any further action by the Examiner, the Respondent by Counsel and Co-Counsel having, on April 26, 1983, filed a Petition for Removal of the proceedings to the United States District Court, Western District of Wisconsin, pursuant to 28 U.S.C., subsection 1441; and the Examiner having on April 28, 1983 issued an Order Postponing Indefinitely the Complaint of Unfair Labor Practices upon said Petition for Removal to the Federal District Court; and the Examiner being satisfied that the Respondent perfected such removal of the proceedings through commencement of hearing on the merits of these matters complained of in the instant proceedings, as of November 1, 1983, before the Federal District Court; and the Examiner being satisfied that this Commission is ousted from jurisdiction in the instant proceedings with the commencement of a Section 301 action in Federal District Court, involving matters complained of in this proceeding, pursuant to 28 U.S.C., SS 1441;

NOW, THEREFORE, it is

ORDERED 1/

That the complaint of unfair labor practices filed herein be, and the same hereby is, dismissed.

Dated at Madison, Wisconsin this 20th day of January, 1984.

By Robert M. McCormick
 Robert M. McCormick, Examiner

1/ Any party may file a petition for review with the Commission by following the procedures set forth in Sec. 111.07(5), Stats.

(Footnote continued on page 2)

1/ Footnote continued

Section 111.07(5), Stats.

(5) The commission may authorize a commissioner or examiner to make findings and orders. Any party in interest who is dissatisfied with the findings or order of a commissioner or examiner may file a written petition with the commission as a body to review the findings or order. If no petition is filed within 20 days from the date that a copy of the findings or order of the commissioner or examiner was mailed to the last known address of the parties in interest, such findings or order shall be considered the findings or order of the commission as a body unless set aside, reversed or modified by such commissioner or examiner within such time. If the findings or order are set aside by the commissioner or examiner the status shall be the same as prior to the findings or order set aside. If the findings or order are reversed or modified by the commissioner or examiner the time for filing petition with the commission shall run from the time that notice of such reversal or modification is mailed to the last known address of the parties in interest. Within 45 days after the filing of such petition with the commission, the commission shall either affirm, reverse, set aside or modify such findings or order, in whole or in part, or direct the taking of additional testimony. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings or order it may extend the time another 20 days for filing a petition with the commission.