

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

: :
CITY OF BROOKFIELD, LIBRARY :
EMPLOYEES LOCAL 20 OF :
WISCONSIN COUNCIL 40, :
AFSCME, AFL-CIO, :
: :
Complainant, :
: :
vs. :
: :
CITY OF BROOKFIELD, :
: :
Respondent. :
: :

Case XLVII
No. 30242 MP-1369
Decision No. 20691-B

Appearances:

Lawton & Cates, Attorneys at Law, by Mr. Richard V. Graylow, 110 East Main Street, Madison, Wisconsin 53703-3354, appearing on behalf of the Complainant.

Godfrey, Trump & Hayes, Attorneys at Law, by Mr. Tom E. Hayes, 250 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-4278, appearing on behalf of the Respondent.

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having on February 7, 1984 issued an Order Revising Examiner's Findings of Fact, and Affirming Examiner's Conclusions of Law and Order in the above-entitled matter, wherein it affirmed Examiner Edmond J. Bielarczyk's conclusion that the City of Brookfield had not committed prohibited practices within the meaning of Sections 111.70(3)(a)1, 3 or 4, Stats., by laying off employes, including a member of Complainant Local 20's negotiating team and by amending its civil service ordinance relating to said layoffs during the parties' bargaining of an initial collective bargaining agreement; and Local 20 having on February 13, 1984 filed a petition for rehearing pursuant to Sec. 227.12, Stats., asserting that the Commission should reconsider its decision in light of a February 6, 1984 decision by Commission Examiner Carol Rubin, City of Brookfield, 19822-A (2/84); and the City of Brookfield having on February 29, 1984 filed a Statement in opposition to said petition; and the Commission having considered the matter and having concluded that--whatever the ultimate disposition of Decision No. 19822-A which is now pending Commission review--that case could have no bearing on the outcome herein since, for reasons noted in the Commission's decision herein, the City did not implement a unilateral change in any mandatory subject of bargaining; and the Commission being satisfied that the instant petition for rehearing should be denied;

NOW, THEREFORE, it is

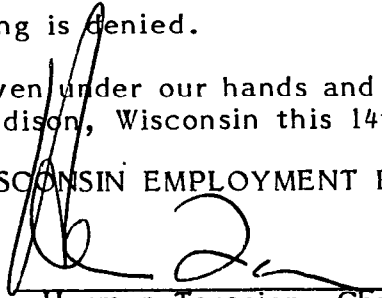
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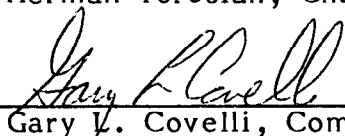
That the petition for rehearing is denied.

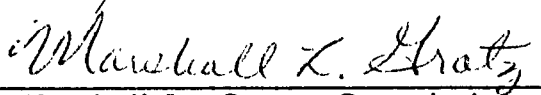
Given under our hands and seal at the City of
Madison, Wisconsin this 14th day of March, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Gary L. Covelli, Commissioner


Marshall L. Gratz, Commissioner

1/ Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties 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.

227.16 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.