

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

EAU CLAIRE FEDERATION OF
TEACHERS, LOCAL 696, WISCONSIN
FEDERATION OF TEACHERS, LOREEN
YAGER, SANDY BENEDICT, JEANETTE
FREDERICKSON, SALLY GORDON,
DELLA LEE, CHRIS MEINHOLZ,
PAT NELSON, and JULIE STEIL,

Complainants,

vs.

EAU CLAIRE ASSOCIATION OF
EDUCATORS,

Respondent.

Case I
No. 31789 MP-1490
Decision No. 20858-C

Appearances:

Shneidman, Myers, Dowling, Blumenfield & Albert, Attorneys at Law, 735 West Wisconsin Avenue, Milwaukee, WI 53233-2492, by Mr. Timothy E. Hawks, appearing on behalf of the Complainants.

Mr. Bruce Meredith, Staff Counsel, Wisconsin Education Association Council, 101 West Beltline Highway, P.O. Box 8003, Madison, WI 53708, appearing on behalf of the Respondent.

ORDER SETTING ASIDE EXAMINER'S FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER AND DISMISSING COMPLAINT
AND PETITION FOR COMMISSION REVIEW

On June 22, 1983, the above-named Complainant filed a complaint of prohibited practices against the above-named Respondent. The Commission appointed Lionel L. Crowley to serve as Examiner in the matter. Following a hearing, the Examiner issued Findings of Fact, Conclusions of Law and Order in the matter on April 2, 1984. On April 5, 1984, Respondent timely filed a petition for Commission review of the Examiner's decision.

On June 14, 1984, prior to any further action by the Commission, Counsel for the parties jointly requested, in writing, that the Commission set aside the Examiner's Findings of Fact, Conclusions of Law and Order.

On the basis of the parties' joint request, the Commission is satisfied that the Examiner's decision should be set aside and that the complaint and petition for Commission review should be dismissed.

NOW, THEREFORE, the Commission makes and issues the following

ORDER^{1/}

1. Pursuant to the joint request of the parties, Examiner Crowley's Findings of Fact, Conclusions of Law and Order in this matter dated April 2, 1984, shall be, and hereby are, set aside for the purpose of Commission dismissal of the complaint and petition for review filed in this matter.

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 (Footnote One continued on Page Two)

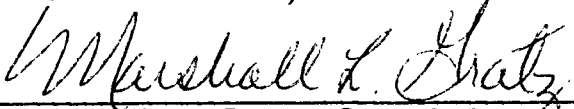
2. The complaint of prohibited practices filed in this matter by the Complainant on June 23, 1984, shall be, and hereby is, dismissed.

3. The petition for Commission review filed in this matter by Respondent on April 5, 1984, shall be, and hereby is, dismissed.

Given under our hands and seal at the City of
Madison, Wisconsin this 25th day of September, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

1/ (Continued)

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.

(Footnote One continued on Page Three)

1/ (Continued)

(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. 227.20 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 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.