

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOCAL 97, AFSCME, AFL-CIO	:	
PRAIRIE HOME CEMETERY	:	
EMPLOYEES,	:	
	:	
Complainant,	:	Case 3
	:	No. 34204 MP-1650
vs.	:	Decision No. 22316-A
	:	
PRAIRIE HOME CEMETERY,	:	
	:	
Respondent.	:	
	:	

Appearances: 1/
Michael, Best & Friedrich, Attorneys at Law, 250 East Wisconsin Avenue,
Milwaukee, WI 53202-4286, by Mr. Jose Olivieri, appearing on behalf
of the Respondent.

ORDER DISMISSING COMPLAINT

Prairie Home Cemetery Employees, Local 97, AFSCME, AFL-CIO, having on November 30, 1984, filed a complaint with the Wisconsin Employment Relations Commission alleging that Prairie Home Cemetery Commission had committed certain prohibitive practices within the meaning Sec. 111.70(3)(a)4, Stats.; and the Commission having appointed Edmond J. Bielarczyk, Jr., a member of the Commission's staff, as Examiner and to issue Findings of Fact, Conclusions of Law and Order; and hearing in the matter having been scheduled for 10:30 a.m., February 21, 1985, in the Waukesha City Hall, Waukesha, Wisconsin; and Notice of said hearing having been served on the Complainant on February 1, 1985, by certified mail; 2/ and prior to the commencement of said hearing, the Examiner having unsuccessfully attempted to contact the Complainant by telephone at 10:45 a.m. and 11:15 a.m.; and the Examiner having convened the hearing at 11:20 a.m. and the Complainant having failed to appear at said hearing; and the Respondent having moved that the complaint be dismissed with prejudice; and the Examiner being fully advised in the premises, makes and issues the following

ORDER 3/

That the complaint filed in the instant matter be, and the same hereby is, dismissed.

Dated at Madison, Wisconsin this 22nd day of February, 1985.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Edmond J. Bielarczyk, Jr.
Edmond J. Bielarczyk, Jr., Examiner

1/ As noted herein, the Complainant failed to appear.
2/ Certified Mail Receipt No. P611-425-708.
3/ (See Page two for Footnote 3)

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

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.