

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE TEACHERS'
EDUCATION ASSOCIATION

Petitioner,

vs.

MILWAUKEE BOARD OF
SCHOOL DIRECTORS,

Respondent.

Case 182
No. 36791 MP-1840
Decision No. 23604-D

Appearances:

Perry, First, Lerner, Quindel & Kuhn, S.C., by Ms. Barbara Zack Quindel,
823 North Cass Street, Milwaukee, WI 53202-3908, appearing on behalf of
the Complainant.

Mr. Stuart S. Mukamal, Assistant City Attorney, 800 City Hall, Milwaukee,
WI 53202-3551, appearing on behalf of the Respondent.

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having on February 26, 1988 issued an Order Affirming, Modifying and Setting Aside Examiner's Findings of Fact, Conclusions of Law and Reversing Examiner's Order in the above-entitled matter wherein it concluded that Respondent Milwaukee Board of School Directors had not committed prohibited practices within the meaning of Secs. 111.70(3)(a)5 and 1, Stats.; and Complainant Milwaukee Teachers' Education Association having on March 16, 1988 filed a Petition for Rehearing with the Commission pursuant to Sec. 227.49, Stats.; and Respondent having filed a statement in opposition to said Petition on March 17, 1988; and the Commission having considered the matter and concluded that its decision at pp. 8-9 fully and correctly addresses the issues raised by Complainant on rehearing and that Complainant seeks to have the Commission substitute the Complainant's interpretation of testimony and events for that already reached by the Commission in its decision; and the Commission being satisfied that the petition should therefore be denied;

NOW, THEREFORE, it is

ORDERED 1/

That the Petition for Rehearing is denied.

Given under our hands and seal at the City of
Madison, Wisconsin this 31st day of March, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Chairman

Herman Torosian, Commissioner

Henry Henpe, Commissioner

Footnote 1/ found on Page 2.

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- 1/ Pursuant to Sec. 227.48(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. 227.53, Stats.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 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. 227.49, 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. 227.48. If a rehearing is requested under s. 227.49, 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. 77.59(6)(b), 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.

(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. 227.57 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.