

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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RACINE EDUCATION ASSOCIATION,

Complainant,

vs.

RACINE UNIFIED SCHOOL DISTRICT,

Respondent.  
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Case 98

No. 37307 MP-1870

Decision No. 23904-C

Appearances:

Schwartz, Weber, Tofte & Nielsen, Attorneys at Law, by Mr. Robert K. Weber, 704 Park Avenue, Racine, Wisconsin 53403, appearing on behalf of Complainant.

Melli, Walker, Pease and Ruhly, S.C., Attorneys at Law, by Mr. Jack D. Walker, and Ms. JoAnn M. Hart, Suite 600, 119 Martin Luther King, Jr. Blvd., P.O. Box 1664, Madison, Wisconsin 53701-1664, appearing on behalf of Respondent.

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having on September 2, 1987 issued an Order Affirming Examiner's Findings of Fact and Conclusion of Law and Modifying Examiner's Order in the above matter; and the Racine Unified School District having on September 21, 1987 filed a Petition for Clarification and Rehearing with the Commission pursuant to Sec. 227.49, Stats. as to that portion of the Commission's decision which stated:

. . . the record here establishes that the collective bargaining process was ongoing and the Commission had not certified that the parties were at impasse when the Respondent unilaterally implemented part of its wage offer on June 30, 1986.

and the Racine Education Association having on October 6, 1987, filed a written response to said Petition opposing same; and the Commission having considered the matter and concluded that the Petition should be denied because the Commission's decision was correctly and appropriately based upon a determination that no impasse had been reached inasmuch as the Commission had not issued its Findings of Fact, Conclusion of Law, Certification of Results of Investigation and Order Requiring Mediation-Arbitration;

NOW, THEREFORE, it is

ORDERED 1/

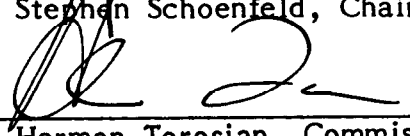
That the instant petition is hereby denied.

Given under our hands and seal at the City of  
Madison, Wisconsin this 21st day of October, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Stephen Schoenfeld, Chairman

  
Herman Torosian, Commissioner

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(Footnote 1/ 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.