

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOCAL 1312, WISCONSIN COUNCIL
OF COUNTY AND MUNICIPAL
EMPLOYEES, AFSCME, AFL-CIO,

Complainant,

vs.

JUNEAU COUNTY,

Respondent.

Case 64
No. 38108 MP-1915
Decision No. 24288-B

Appearances:

Mr. Jack Bernfeld, and Mr. Laurence Rodenstein, Staff Representative,
Wisconsin Council 40, AFSCME, AFL-CIO, 5 Odana Court, Madison,
Wisconsin 53719, appearing on behalf of the Union.
Melli, Walker, Pease and Ruhly, S.C., 119 Martin Luther King, Jr. Boulevard,
Madison, Wisconsin 53701, by Ms. JoAnn Hart and Mr. Jack D. Walker.

ORDER DENYING MOTION TO DISMISS PETITION

Examiner Jane B. Buffett having on January 20, 1988, issued Findings of Fact, Conclusions of Law and Order in the above-matter; and Complainant Local 1312 having, on February 1, 1988, filed a petition for review 1/ with the Wisconsin Employment Relations Commission pursuant to Sec. 111.07(5), Stats.; and Juneau County having on February 2, 1988 filed a motion to dismiss the petition for review alleging that Local 1312 had failed to comply with ERB 12.09(2)(a) and (b) or, in the alternative, a motion requiring the amendment of the petition to comply with ERB 12.09(2)(a) and (b); and Local 1312 having on February 8, 1988, submitted a response to said motions; and the Commission having considered the matter and concluded that the motions should be denied as Complainant Local 1312 has minimally complied with ERB 12.09(2).

NOW, THEREFORE, IT IS

ORDERED

That the motion to dismiss petition for review or to require amendment of same is hereby denied.

Given under our hands and seal at the City of
Madison, Wisconsin this 19th day of February, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Chairman

Herman Torosian, Commissioner

A. Henry Hempe, Commissioner

(Footnote 1 on page 2)

1/ The petition for review stated in pertinent part:

Pursuant to Chapter ERB 12.09, Wisconsin Administrative Code, Local 1312, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, is dissatisfied with the findings of fact, conclusions of law and order, because the findings of fact are clearly erroneous and contrary to the preponderance of evidence, that they prejudicially affect the rights of the petitioning Union, and further, that substantial questions of law and administrative policy are involved.

Appeal is taken herewith from all findings of fact and conclusions of law.

ERB 12.09 provides in pertinent part:

(2) PETITION FOR REVIEW; BASIS FOR AND CONTENTS OF. The petition for review shall briefly state the grounds of dissatisfaction with the findings of fact, conclusions of law and order, and such review may be requested on the following grounds:

(a) That any finding of material fact is clearly erroneous as established by the clear and satisfactory preponderance of the evidence and prejudicially affects the rights of the petitioner, designating all relevant portions of the record.

(b) That a substantial question of law or administrative policy is raised by any necessary legal conclusions in such order.