

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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AFSCME, LOCAL UNION 2236,		:
AFL-CIO,		:
	Complainant,	:
		:
vs.		:
		:
CHIPPEWA COUNTY,		:
		:
	Respondent.	:
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Case 136
No. 36783 MP-1837
Decision No. 24521-A

Appearances:

Lawton & Cates, S.C., Attorneys at Law, by Mr. Bruce F. Ehlke,
214 West Mifflin Street, Madison, Wisconsin 53703, appearing
on behalf of AFSCME, Local Union 2236, AFL-CIO.

Mulcahy & Wherry, S.C., Attorneys at Law, by Mr. Michael J. Burke
and Mr. Michael E. Perino, with Mr. Stephen L. Weld on the
briefs, P. O. Box 1030, Eau Claire, Wisconsin 54702-1030,
appearing on behalf of Chippewa County.

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission having, on May 28, 1987, issued Findings of Fact, Conclusion of Law and Order in the above matter wherein it concluded that Chippewa County did not have a duty to bargain with AFSCME, Local Union 2236, AFL-CIO over the County's decision to sell the Chippewa County Health Care Center; and AFSCME having, on June 9, 1987, filed a petition for rehearing with the Commission pursuant to Section 227.49, Stats., wherein AFSCME alleged that the Commission had made certain material errors of law and fact; and the parties having submitted written argument in support of and in opposition to the petition, the last of which was received on July 2, 1987; and the Commission having considered the matter and concluded that it did not commit any material errors of law or fact and that there is no basis for granting the petition under Section 227.49(3), Stats.;

NOW, THEREFORE, it is

ORDERED 1/

That the Petition for Rehearing be, and the same hereby is, denied.

Given under our hands and seal at the City of
Madison, Wisconsin this 9th day of July, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Chairman

Herman Torosian
Herman Torosian, Commissioner

Danae Davis Gordon
Danae Davis Gordon, Commissioner

1/ See footnote on Page 2.

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.