

STATE OF WISCONSIN
CIRCUIT COURT
WAUPACA COUNTY

LOCAL 1756, AFSCME, AFL-CIO.,
Petitioner,

vs.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION and WAUPACA COUNTY,
Respondents.

Case No. 91CV34
Decision No. 24764-B

JUDGMENT

The Wisconsin Employment Relations commission having issued its order Affirming and Revising Examiner's Findings of Fact, and Affirming Examiner's Conclusions of Law and Order in this matter on January 4, 1991, one Commissioner having concurred in part and dissented in part, WERC Decision No. 24764-B, and the Petitioner named above, AFSCME Local 1756, having petitioned the Circuit Court for Waupaca County that it review said Order pursuant to Secs. 227.53 and 227.57, Wis. Stat., said Petitioner having appeared by its attorneys, LAWTON & CATES, S.C. and Bruce F. Ehlke and the Respondent Commission having appeared by the Wisconsin Attorney General and Assistant Attorney General John D. Niemisto, and Waupaca County having appeared by its attorneys, Di Renzo and Bomier and Howard T. Healy, and the Court, the Hon. James T. Bayorgeon, Circuit Judge presiding, having reviewed the written briefs filed by the parties and reviewed the record submitted by the Commission, and, being fully advised in the premises, having issued its written Decision dated January 30, 1992, in which it determined that the commission's interpretation of the parties' collective bargaining agreement had no rational basis and violated well-established rules of contract construction, that the commission's order was not supported by substantial evidence of record within the meaning of Sec. 227.57(6), Wis. Stat., and that Waupaca County had breached said collective bargaining agreement, in violation of Secs. 111.70 (3) (a) 1 and 5, Wis. Stat. now, therefore

IT IS ORDERED AND ADJUDGED That the Order Affirming and Revising Examiner's Findings of Fact, and Affirming Examiner's Conclusions of Law and Order issued by the Wisconsin Employment Relations Commission in this matter on January 4, 1991, WERC Decision No. 24764-B, shall be, and the same hereby is, set aside, and that this matter is remanded to the Commission for enforcement of appropriate measures consistent with the determination of the Circuit Court and the purposes of the statute.

Dated: February 14th 1992.

BY THE COURT:

/s/ James T. Bayorgeon
JAMES T. BAYORGEON
Circuit Judge