

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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STEVENS POINT POLICE OFFICERS	:	
ASSOCIATION and JAMES DOWLING,	:	
JOHN BUERMESCH, EDWARD EGGLESTON	:	
and DAVID KRATZKE,	:	
	:	
Complainants,	:	Case 73
	:	No. 43999 MP-2353
vs.	:	Decision No. 26525-B
	:	
THE CITY OF STEVENS POINT and the	:	
POLICE AND FIRE COMMISSION OF THE	:	
CITY OF STEVENS POINT,	:	
	:	
Respondents.	:	
	:	

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Appearances:

Lawton & Cates, S.C., Attorneys at Law, by Mr. Richard V. Graylow, 214 West Mifflin Street, Madison, Wisconsin 53703-2594, appearing on behalf of the Complainants.

Mr. Louis Molepske, City Attorney, 1515 Strongs Avenue, Stevens Point, Wisconsin 54481, appearing on behalf of the Respondents.

NOTICE OF COMMISSION'S FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER PURSUANT TO SECTION 111.07(5), STATS.

Examiner Raleigh Jones having, on February 6, 1992, issued his Findings of Fact, Conclusion of Law and Order, with Accompanying Memorandum, in the above-entitled proceeding, wherein the above-named Respondents were found to have committed, and were committing, prohibited practices within the meaning of Section 111.70(3)(a)3, and derivatively, Section 111.70(3)(a)1 of the Municipal Employment Relations Act, and were ordered to cease and desist therefrom and to take certain affirmative action with respect thereto; 1/ and no petition for review of said Findings of Fact, Conclusion of Law and Order, with Accompanying Memorandum, having been filed within the twenty day statutory period set forth in Section 111.07(5), Stats.; and no intervening order by the Examiner or the Commission having been issued within said statutory period;

NOW, THEREFORE, the Commission issues the following

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1/ By letter dated February 25, 1992, with attached Agreement to Implement Amended Resolution of the Above Entitled Matter, the City Attorney of the City of Stevens Point advised the Commission that the City was in the process of complying with the Examiner's Order.



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.