STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

		:	
UNITED FURNITURE WORKERS,		:	
		:	
	Complainant,	:	
		:	Case 1
vs.		:	No. 48207 Ce-2133
		:	Decision No. 27525-C
WRICO STAMPING COMPANY		:	
OF WISCONSIN,		:	
		:	
	Respondent.	:	
		:	

Appearances: Katz, Friedman, Schur & Eagle Law Offices, by <u>Mr. Stanley Eisenstein</u>, 77 West Washington Street - 20th Floor, Chicago, Illinois 60602-2803, on behalf of the Complainant. Doherty, Rumble & Butler, P.A., by <u>Mr. John McGirl</u>, 3500 Fifth Street Towers, 150 South Fifth Street, Minneapolis, Minnesota 55402-4235, on behalf of the Respondent.

ORDER DENYING PETITION FOR REHEARING

Pursuant to Sec. 111.07(5), Stats., the Wisconsin Employment Relations Commission issued Findings of Fact, Conclusions of Law and Order on July 13, 1993 1/ wherein Wrico Stamping Company was found to have committed an unfair labor practice within the meaning of Sec. 111.06(1)(f), Stats., and ordered to take certain remedial action.

On July 26, 1993, Wrico filed a petition for rehearing pursuant to Sec. 227.49(3)(c), Stats., asserting that its employes had voted to decertify Complainant United Furniture Workers which action constituted new evidence sufficient to warrant granting the rehearing petition.

On August 3, 1993, Complainant United Furniture Workers filed a written statement opposing the petition wherein it argued the decertification did not affect the rights enforced by the Commission's decision. We agree and are therefore persuaded the petition should be denied.

NOW, THEREFORE, it is

^{1/} The Commission's Notice, issued July 16, 1993, incorrectly stated June 13, 1993 as the date on which Examiner Schiavoni's decision became the Commission's.

ORDERED 2/

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin this 24th day of August,

1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By A. Henry Hempe /s/ A. Henry Hempe, Chairperson

> Herman Torosian /s/ Herman Torosian, Commissioner

William K. Strycker /s/ William K. Strycker, Commissioner

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.

(Footnote 2/ continues on the next page.)

^{2/} 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.

(Footnote 2/ continues from the previous page.)

(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.