

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BROWN COUNTY SHELTER CARE EMPLOYEES, LOCAL 1901-F, AFSCME, AFL-CIO,	:	
	:	
Complainant,	:	Case 482
	:	No. 48350 MP-2659
v.	:	Decision No. 27553-C
	:	
BROWN COUNTY,	:	
	:	
Respondent.	:	
	:	

Appearances:

Mr. James E. Miller, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 936 Pilgrim Way, #6, Green Bay, Wisconsin 54304, appearing on behalf of Brown County Shelter Care Employees, Local 1901-F, AFSCME, AFL-CIO, referred to below as the Union.

Mr. John C. Jacques, Assistant Corporation Counsel, 305 East Walnut, P. O. Box 23600, Green Bay, Wisconsin 54305-3600, appearing on behalf of Brown County, referred to below as the County.

ORDER DISMISSING PETITION FOR REVIEW

On December 8, 1993, Examiner Richard B. McLaughlin issued Findings of Fact, Conclusions of Law and Order Requiring Further Hearing in the above matter.

On December 22, 1993, Respondent filed a Petition for Review with the Wisconsin Employment Relations Commission asking that the Commission review the Examiner's decision to proceed to hearing.

On January 6, 1994, Complainant filed a written statement urging the Commission not to exercise jurisdiction over Examiner McLaughlin's decision.

The Commission has considered the matter and concluded that it will not exercise its discretionary authority to review the Examiner's decision.

NOW, THEREFORE, it is

ORDERED

The Petition for Review is dismissed.

Given under our hands and seal at the City of
Madison, Wisconsin, this 31st day of January,
1994.

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

BROWN COUNTY

MEMORANDUM ACCOMPANYING
ORDER DISMISSING PETITION FOR REVIEW

Respondent's petition seeks Commission review of the Examiner's decision to proceed to hearing. The Examiner's decision is not a "final" disposition of the parties' dispute as to which a non-discretionary right to Commission review exists. 1/ As we decline to exercise our discretionary power to entertain the Respondent's Petition for Review of the Examiner's interlocutory decision, 2/ we have dismissed the petition. If the case is ultimately decided in a final manner which the Respondent believes to be incorrect, the Respondent is free to file a petition for review at that time raising whatever issues it deems appropriate.

Dated at Madison, Wisconsin, this 31st day of January, 1994.

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

1/ G & H Products, Inc., Dec. No. 17630-B (WERC, 1/82); Jefferson Board of Education, Dec. No. 13648-B (WERC, 1/76).

2/ State of Wisconsin, Dec. No. 11457-C, D (WERC, 3/73), aff'd State of Wisconsin v. WERC, 65 Wis.2d 624 (1974); Milwaukee County, Dec. No. 19545-D (WERC, 3/85), Wisconsin Dells School District, Dec. No. 25997-A (WERC, 6/89); City of Beloit, Dec. No. 25917 (WERC, 10/89).