

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WISCONSIN PROFESSIONAL POLICE
ASSOCIATION/LAW ENFORCEMENT
EMPLOYEE RELATIONS DIVISION,

Complainant,

vs.

CITY OF COLUMBUS (POLICE
DEPARTMENT),

Respondent.

Case 23

No. 48212 MP-2651

Decision No. 27853-C

Appearances:

Cullen, Weston, Pines & Bach, Attorneys at Law, by Mr. Gordon E. McQuillen, 20 North Carroll Street, Madison, WI 53703, appearing on behalf of the Association.

von Briesen & Purtell, S.C., Attorneys at Law, by Mr. James R. Korom, 411 East Wisconsin Avenue, Suite 700, Milwaukee, WI 53202-4470, appearing on behalf of the City.

ORDER GRANTING PETITION FOR REHEARING

On June 15, 1995, the Wisconsin Employment Relations Commission issued an Order Affirming and Modifying Examiner's Findings of Fact, and Affirming in part and Reversing in part Examiner's Conclusions of Law and Order in the above matter.

On July 5, 1995, the Respondent filed a Petition for Rehearing with the Commission pursuant to Sec. 227.49, Stats., alleging that the Commission should vacate its Order because: (1) the case had become moot due to a settlement agreement entered into by the parties prior to the issuance of the Commission's decision; and, in the alternative, (2) the Commission made material errors of law and fact when concluding the Respondent had violated his duty to bargain.

Complainant telephonically advised the Commission on August 4, 1995, that it did not object to the granting of the petition for the purpose of allowing the Commission to determine how

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best to proceed in light of the parties' settlement agreement.

Having considered the matter, we issue the following

ORDER 1/

The petition for rehearing is granted only for the purpose of determining the impact of the parties' settlement agreement on our Order.

Given under our hands and seal at the City of Madison, Wisconsin, this 4th day of August, 1995.

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/ 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 therefore 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

(Footnote 1 continued on page 3)

(Footnote 1 continued from page 2)

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.