

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

:
BROWN COUNTY PROFESSIONAL EMPLOYEES :
LOCAL 1901-E, AFSCME, AFL-CIO, :
:
Complainant, : Case 507
: No. 49765 MP-2787
vs. : Decision No. 28158-D
:
BROWN COUNTY, :
:
Respondent. :
:

:
BROWN COUNTY PROFESSIONAL EMPLOYEES :
LOCAL 1901-E, AFSCME, AFL-CIO, :
:
Complainant, : Case 535
: No. 51103 MP-2901
vs. : Decision No. 28159-D
:
BROWN COUNTY, :
:
Respondent. :
:

Appearances:

Lawton & Cates, S.C., by Mr. Bruce F. Elke, Attorneys at Law, 214 West Mifflin Street, Madison, Wisconsin 53703-2594, on behalf of Local 1901-E.
Mr. John C. Jacques, Assistant Corporation Counsel, Brown County, Brown County Courthouse, P.O. Box 23600, Green Bay, Wisconsin 54305-3600, on behalf of the County.

ORDER DISMISSING PETITION FOR REVIEW

On November 14, 1994, Examiner Sharon A. Gallagher issued an Order Denying Motion to Dismiss in the above matters.

On November 18, 1994, 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.

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 21st day of November,
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 21st day of November, 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).

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