

BROWN COUNTY CIRCUIT COURT BRANCH VIII
JUDGE: William M. Atkinson

BROWN COUNTY, Petitioner,
v.
WISCONSIN EMPLOYMENT RELATIONS COMMISSION and AFSCME LOCAL
1901-3, Respondents.

DECISION NO. 28158-G
DECISION NO. 28159-G
Case No. 97-CV-68

NOTICE OF ENTRY OF DECISION ORDER

TO: Mr. John C. Jacques, Assistant Corporation Counsel, Brown County, 305 E. Walnut
St., P.O. Box 23600, Green Bay, WI 54305-3600.

Mr. Bruce F. Ehlke, Shneidman, Myers, Dowling, Blumenfield, Ehlke, Hawks & Domer,
217 S. Hamilton Street, P.O. Box 2155, Madison, WI 53701-2155

PLEASE TAKE NOTICE that a decision and order of the Court affirming that part of the
Commission's Decision that the county challenges in this judicial review proceeding, of
which a true and correct copy is hereto attached, was signed by the court on the 15th
day of September, 1997, and duly entered in the Circuit Court for Brown County, Wisconsin,
on the 15th day of September, 1997.

Notice of entry of this decision and order is being given pursuant to secs. 806.06(5) and
808.04(1), Stats.

Dated this 17th day of September, 1997.

JAMES E. DOYLE, Attorney General

DAVID C. RICE, Assistant Attorney General, State Bar No. 1014323

Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857, (608)
266-6823

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DECISION ISSUED: 9-15-97

ORDER

Brown County petitioner the Court to review the Wisconsin Employment Relations Commission Decision and those findings and conclusions holding Brown County violated Sec. 111.70(3)a. 1. And 4. And to set aside the Cease And Desist Order issued by WERC. The Petitioner cites numerous grounds for reversal and states numerous issues.

AFSCME Local 1901-E filed a brief in opposition to this petition, requesting modifications of the WERC Decision, but failed to properly petition for judicial review. Therefore, the Court will not consider any of the relief requested by AFSCME Local 1901-E in this Brief.

The Court finds the only issue properly presented for judicial review is whether the Commission could reasonably conclude that Brown County committed prohibited practices within the meaning of MERA by unilaterally changing the procedure used by nursing supervisors to select extra work shifts in advance. This Court finds that the Brief of the Wisconsin Employment Relations Commission properly sets forth the facts and the law. Further, the Court adopts the arguments set forth in said Brief and finds that the Commission reasonably could conclude that Brown County committed prohibitive practices within the meaning of MERA by unilaterally changing the procedure used by nursing supervisors to select extra work shifts in advance. The Court affirms that part of the Commission's Decision that the county challenges in this judicial review proceeding.

Dated this 15th day of September, 1997.

BY THE COURT:

William M. Atkinson
Circuit Judge