

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

RACINE EDUCATIONAL ASSISTANTS
ASSOCIATION,

Complainant,

vs.

RACINE UNIFIED SCHOOL DISTRICT and
THE BOARD OF EDUCATION OF THE RACINE
UNIFIED SCHOOL DISTRICT,

Respondents.

Case 140
No. 53281 MP-3101
Decision No. 28614-C

Appearances:

Hanson, Gasiorkiewicz & Weber, S.C., Attorneys at Law, by Mr. Robert K. Weber, 514 Wisconsin Avenue, Racine, Wisconsin, 53403, appearing on behalf of the Racine Educational Assistants Association.

Melli, Walker, Pease & Ruhly, S.C., Attorneys at Law, by Mr. Jack D. Walker and Mr. Douglas E. Witte, 119 Martin Luther King, Jr., Blvd., P. O. Box 1664, Madison, Wisconsin, 53701-1164, and Mr. Frank L. Johnson, Director of Employee Relations, 2220 Northwestern Avenue, Racine, Wisconsin, 53404, appearing on behalf of the Racine Unified School District and the Board of Education of the Racine Unified School District.

ORDER GRANTING PETITION FOR REHEARING

On June 18, 1996, Examiner Lionel L. Crowley issued Findings of Fact, Conclusion of Law and Order with Accompanying Memorandum, in the above-entitled matter determining that the Racine Unified School District had committed prohibited practices within the meaning of the Municipal Employment Relations Act. The District was ordered to take certain affirmative action.

No. 28614-C

One day after the expiration of the 20-day statutory period set forth in Sec. 111.07(5), Stats., for the filing of petitions for review, the District filed a Petition for Review. On July 11, 1996, Commission issued a Notice of Commission's Findings of Fact, Conclusion of Law and Order Pursuant to Section 111.07(5), Stats., indicating that the Examiner's decision had become the Commission's by operation of Sec. 111.07(5), Stats., because no timely petition for review had been filed.

On July 24, 1996, the District filed a Petition for Review, Petition for Rehearing, and Motion to Clarify Order. On August 1, 1996, Complainant Racine Educational Assistants Association filed a written statement in opposition to the District's petitions and motion. The District filed a reply on August 15, 1996.

Having considered the matter, the Commission is persuaded that it should grant the Petition for Rehearing to allow the Commission to determine whether it has made material errors of law or fact.

NOW, THEREFORE, it is

ORDERED

The Petition for Rehearing is granted.

Given under our hands and seal at the City of Madison, Wisconsin,
this 22nd day of August, 1996.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner