

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STEVE PRELLER, Complainant,

vs.

**STATE OF WISCONSIN, DEPARTMENT OF EMPLOYMENT RELATIONS;
UNIVERSITY OF WISCONSIN SYSTEM; UNIVERSITY OF WISCONSIN-MADISON;
CHANCELLOR DAVID WARD; JAMES STRATTON; UW HOSPITAL & CLINICS
DUPERINTENDENT GORDON DERZON; UWHC PUBLIC AUTHORITY
GOVERNING
BOARD; GREG KRAMP; RENAE BUGGE; NEAL SPRANGER; DON KLIMPEL;
BOB SCHEUER; FRANCIS CLIFTON**, Respondents,

and

**LOCAL 171, WISCONSIN STATE EMPLOYEES UNION, COUNCIL 24,
AFSCME, AFL-CIO**, Intervenor.

Case 428
No. 54553
PP(S)-264

Decision No. 28936-C

Appearances:

Mr. Steve Preller, on behalf of himself.

Mr. David J. Vergeront, Chief Legal Counsel, Department of Employment Relations, on behalf of the State of Wisconsin.

Lawton & Cates, S.C., by **Mr. Scott Hassett**, on behalf of Local 171, Wisconsin State Employees Union, AFSCME, Council 24, AFL-CIO.

**NOTICE OF COMMISSION'S FINDINGS OF FACT, CONCLUSION OF LAW
AND ORDER PURSUANT TO SECTION 111.07(5), STATS.**

On February 2, 1998, Examiner Amedeo Greco issued Findings of Fact, Conclusion of Law and Order, with Accompanying Memorandum, in the above-entitled matters determining that the

above-named Respondents had not committed unfair labor practices within the meaning of the State Employment Labor Relations Act. He therefore dismissed the complaints.

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Within the 20-day statutory period set forth in Sec. 111.07(5), Stats., no petition for review of said Findings of Fact, Conclusion of Law and Order was filed 1/ and no intervening order by the Examiner or the Commission was issued.

NOW, THEREFORE, the Commission issues the following

NOTICE

By operation of Sec. 111.07(5), Stats., Examiner Greco's Findings of Fact, Conclusion of Law and Order in the above-entitled matter become the Commission's Findings of Fact, Conclusion of Law and Order on February 24, 1998.

Given under our hands and seal at the City of Madison, Wisconsin this 11th day of March, 1998.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

ENDNOTE

1/ Monday, February 23, 1998 was the last day a petition for review could timely be filed. On February 23, 1998, at 8:21 a.m. the Commission received a petition for review by facsimile transmission (fax) from Complainant Preller. Because the Commission has held that petitions for review cannot be filed by fax, MILWAUKEE BOARD OF SCHOOL DIRECTORS, DEC. NO. 27698-C (WERC, 4/96), the Commission left a message on Preller's telephone answering machine the morning of February 23, 1998 advising him that the fax was not a valid filing and that he had until 4:30 p.m. to file his petition at the Commission's office. No petition was filed within that time frame (or since).

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