

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WISCONSIN COUNCIL 40, AFSCME, AFL-CIO, Complainant

vs.

WALWORTH COUNTY, Respondent

Case 143
No. 55356
MP-3319

Decision No. 29197-A

Appearances:

Mr. Laurence S. Rodenstein, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite "B", Madison, Wisconsin 53717-1903, appearing on behalf of the Complainant.

vonBriesen, Purtell & Roper, S.C., Attorneys at Law, by **Mr. Charles P. Magyera**, 411 East Wisconsin Avenue, Suite 700, Milwaukee, Wisconsin 53202, appearing on behalf of the Respondent.

ORDER DENYING MOTION

On November 24, 1997, Wisconsin Council 40, AFSCME, AFL-CIO, filed a motion with the Commission seeking review of an evidentiary ruling by Examiner Raleigh Jones in the above matter. Walworth County filed a statement in opposition to the motion on December 1, 1997.

The Examiner's ruling is not a "final" disposition of the complaint before him and thus is not a matter as to which a non-discretionary right to Commission review exists. 1/

The Commission has considered the matter and concluded it will not exercise its discretionary authority to review the Examiner's ruling. Once the case is ultimately decided in a final manner, Complainant is free to file a petition for review raising whatever issues it deems appropriate.

No. 29197-A

NOW, THEREFORE, it is

ORDERED

The motion is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 2nd day of December, 1997.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

ENDNOTES

1/ G & H PRODUCTS, INC., Dec. No. 17630-B (WERC, 1/82); JEFFERSON BOARD OF EDUCATION, Dec. No. 13648-B (WERC, 1/76).