

STATE OF WISCONSIN  
CIRCUIT COURT  
DANE COUNTY  
BRANCH 12

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DEPARTMENT OF  
CORRECTIONS,

Petitioner-Respondent,

v.

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION,

Respondent-Cross-Petitioner.

WISCONSIN ASSOCIATION OF  
PROFESSIONAL CORRECTIONAL OFFICIERS

Intervenor,

WISCONSIN STATE EMPLOYEES  
UNION, COUNCIL 24, AFSCME, AFL-CIO

Intervenor

Case No. 00-CV-2667  
[Decision Nos. 29448-D, 29495-D, 29496-D, 29497-D]

[NOTE: This document was re-keyed by WERC. Original pagination has been retained.]

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**ORDER**

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This proceeding having been commenced by the Department of Corrections (DOC) on September 29, 2000, for judicial review of a decision and order of the Wisconsin Employment Relations Commission (WERC) under the State Employment Labor Relations Act, *see* Wis. Stats. §§ 111.80-111.94; and

The WERC having counter-petitioned, pursuant to Wis. Stat. § 111.07(7), for enforcement of its order; and

The Wisconsin Association of Professional Correctional Officers (WAPCO) and the Wisconsin State Employees Union (WSEU), Council 24, AFSCME, AFL-CIO, having moved to intervene; and

WAPCO having moved for appropriate temporary relief under Wis. Stat. § 111.07(7) as follows: (1) an order enforcing the WERC order while the proceeding for review and for enforcement of the WERC decision and order is pending, (2) an order requiring the WERC to hold a representation election without the requisite thirty percent showing of interest by WAPCO, (3) an order extending the time for WAPCO to present the requisite showing of interest to the WERC, and (4) an order directing DOC to provide WAPCO a list of the names and addresses of bargaining unit employees; and

The motions having come on for hearing before the court, the Honorable David T. Flanagan, presiding, on October 19, 2000; and

DOC having appeared by Attorney David C. Whitcomb, WERC having appeared by David C. Rice, Assistant Attorney General, and Peter G. Davis, WERC General Counsel, WAPCO having appeared by Attorney Sally A. Stix, WSEU having appeared by Attorneys Ellen S. Hughes and Bruce M. Davey, Lawton & Cates, S.C., and the Department of Employment Relations (DER) having appeared by David J. Vergeront; and

The court having considered the written submission and oral arguments of the parties;

Now Therefore, IT IS ORDERED:

1. The motion of WAPCO to intervene is granted.
2. The motion of WSEU to intervene is granted.
3. The motion of WAPCO to require the WERC to hold a representation election, without the requisite thirty percent showing of interest by WAPCO, is denied.

4. The motion of WAPCO to extend the time for WAPCO to present the requisite showing of interest to the WERC is denied.

5. The motion of WAPCO to direct DOC to provide WAPCO a list of names and addresses of bargaining unit employees is denied.

6. The commencement of proceedings for enforcement of the WERC order under Wis. Stat. § 111.07(7) shall not operate as a stay of the WERC order. *See* Wis. Stat. § 111.07(10).

Dated at Madison, Wisconsin, the 31<sup>st</sup> day of October, 2000.

BY THE COURT:

David T. Flanagan /s/

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Honorable David T. Flanagan  
Circuit Court Judge