

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JENNIFER A. PESHUT, Complainant,

vs.

**UNIVERSITY OF WISCONSIN MILWAUKEE (UWM);
NANCY L. ZIMPHER, CHANCELLOR; ERIKA SANDER,
ACTING DIRECTOR OF HUMAN RESOURCES; SHANNON BRADBURY,
LABOR RELATIONS MANAGER; WILLIAM R. RAYBURN,
DEAN OF THE GRADUATE SCHOOL; MARJORIE BJORNSTAD,
ASSISTANT DEAN OF THE GRADUATE SCHOOL; SUSAN BURGESS,
DIRECTOR OF THE CENTER FOR WOMEN'S STUDIES**, Respondents.

Case 465
No. 56793
PP(S)-295

Decision No. 29775-D

JENNIFER A. PESHUT, Complainant,

vs.

**AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
COUNCIL 24, WISCONSIN STATE EMPLOYEES UNION (WSEU);
MARTIN BEIL, EXECUTIVE DIRECTOR, KARL HACKER, ASSISTANT
DIRECTOR, JANA WEAVER, FIELD REPRESENTATIVE**, Respondents.

Case 466
No. 56821
PP(S)-296

Decision No. 29776-D

Appearances:

Ms. Jennifer A. Peshut, P.O. Box 11116, Milwaukee, Wisconsin 53211, appearing on her own behalf.

Lawton & Cates, S.C., by **Attorney P. Scott Hassett**, Ten East Doty Street, Suite 400, P.O. Box 2965, Madison, Wisconsin 53701-2965, appearing on behalf of Union Respondents.

Attorney Mark J. Wild, Legal Counsel, Department of Employment Relations, 345 West Washington Avenue, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of UWM Respondents.

Dec. No. 29775-D
Dec. No. 29776-D

ORDER DISMISSING PETITION FOR REVIEW

On April 11, 2001, Examiner Richard B. McLaughlin issued an Order Denying Motion For Further Hearing in the above matters.

On April 26, 2001, Complainant Peshut filed a petition with the Wisconsin Employment Relations Commission seeking review of the Examiner's Order. Respondents filed written responses in opposition to the petition, the last of which was received May 21, 2001.

We have considered the matter and conclude that we will not exercise our discretionary authority to review the Examiner's Order.

NOW, THEREFORE, it is

ORDERED

The petition for review is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin this 8th day of June, 2001.

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

DER (UW-Milwaukee)

MEMORANDUM ACCOMPANYING ORDER
DISMISSING PETITION FOR REVIEW

The Examiner's Order is not a "final" disposition of the complaint and thus it is discretionary as to whether we should review the merits of the petition. G & H PRODUCTS, INC., DEC. NO. 17630-B (WERC, 1/82); JEFFERSON BOARD OF EDUCATION, DEC. NO. 13648-B (WERC, 1/76). While we have entertained an appeal of an interlocutory Examiner order where the legal issue involved was of great significance – CLINTON SCHOOLS, DEC. NO. 20081-C (WERC, 7/84) involving the statutory authority of an Examiner to grant interlocutory relief – we have generally declined to exercise our discretionary jurisdiction. VILLAGE OF KIMBERLY, DEC. NO. 28759-B (WERC, 12/96); WAUKESHA COUNTY, DEC. NO. 28726-B (WERC, 11/96); BROWN COUNTY, DEC. NO. 27553-C (WERC, 1/94); CITY OF БЕЛОIT, DEC. NO. 25917-C (10/89). We decline to do so here as well and thus have dismissed the petition.

If the complaint is ultimately decided in a final manner which the Complainant believes is incorrect, Complainant is free to file another petition for review at that time raising whatever issues she deems appropriate.

Dated at Madison, Wisconsin this 8th day of June, 2001.

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