

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**CALUMET COUNTY**, Complainant,

vs.

**CALUMET COUNTY COURTHOUSE EMPLOYEES UNIT,  
LOCAL 1362, AFSCME, AFL-CIO**, Respondent.

Case 109  
No. 58937  
MP-3651

**Decision No. 29944-B**

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Appearances:

Davis & Kuelthau, S.C., by **Attorney James R. Macy**, 219 Washington Avenue, P.O. Box 1278, Oshkosh, Wisconsin 54902-1278, on behalf of Calumet County.

Shneidman, Myers, Dowling, Blumenfield, Ehlke, Hawks & Domer, by **Attorney Bruce F. Ehlke**, 217 South Hamilton Street, P. O. Box 2155, Madison, Wisconsin 53701, on behalf of Calumet County Courthouse Employees Unit, Local 1362, AFSCME, AFL-CIO.

**ORDER DISMISSING PETITION FOR REVIEW**

On September 28, 2000, Examiner David E. Shaw issued an Order Denying Motion to Deem Material Facts In Cross-Complaint Admitted and to Declare Hearing On Material Facts Waived in the above matter.

On October 9, 2000, Complainant filed a petition with the Wisconsin Employment Relations Commission seeking review of the Examiner's Order. The parties thereafter filed written argument in support of and in opposition to the petition, the last of which was received November 1, 2000.

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 14th day of November, 2000.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

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James R. Meier, Chairperson

A. Henry Hempe /s/

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A. Henry Hempe, Commissioner

Paul A. Hahn /s/

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Paul A. Hahn, Commissioner

Calumet County

**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 County believes is incorrect, the County is free to file another petition for review at that time raising whatever issues it deems appropriate.

Dated at Madison, Wisconsin this 14th day of November, 2000.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

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James R. Meier, Chairperson

A. Henry Hempe /s/

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B. Henry Hempe, Commissioner

Paul A. Hahn /s/

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Paul A. Hahn, Commissioner

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