

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARY A. PICHELMANN, Complainant,

vs.

**UNIVERSITY OF WISCONSIN-MILWAUKEE; NANCY L. ZIMPLER;
SHANNON BRADBURY; and MARY KAY MADSEN;**

and

**COUNCIL 24, AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO; WISCONSIN STATE EMPLOYEES
UNION; MARTIN BEIL; AND JANA WEAVER**, Respondents.

Case 515
No. 59877
PP(S)-319

Decision No. 30124-B

Appearances:

Mr. Geoffrey R. Skoll, P.O. Box 11116, Milwaukee, Wisconsin, appearing on behalf of Mary A. Pichelmann.

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 Respondents WSEU, et al.

Attorney David J. Vergeront, Chief Legal Counsel, Department of Employment Relations, 345 West Washington Avenue, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of Respondents, University of Wisconsin-Milwaukee, et al.

ORDER DISMISSING PETITION FOR REVIEW

On May 16, 2001, Examiner Daniel J. Nielsen denied Complainant Pichelmann's motion to amend her complaint to add an additional respondent in the above matter.

On May 21, 2001, Complainant Pichelmann 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 June 13, 2001.

Dec. No. 30124-B

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 23rd day of July, 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 (University of Wisconsin – 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.

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

Dated at Madison, Wisconsin this 23rd day of July, 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

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30124-B