

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**BROWN COUNTY PROFESSIONAL LIBRARY EMPLOYEES, LOCAL 1901-B,
AFSCME, AFL-CIO, BROWN COUNTY LIBRARY CLERK EMPLOYEES,
LOCAL 1901-C, AFSCME, AFL-CIO, BROWN COUNTY PARA-PROFESSIONAL
LIBRARY EMPLOYEES, 1901-D, AFSCME, AFL-CIO, Complainants,**

vs.

BROWN COUNTY, Respondent.

Case 661
No. 61226
MP-3828

Decision No. 30393-B

Appearances:

Mr. Mark DeLorme, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 2010 Memorial Drive, #206, Green Bay, Wisconsin 54303, appearing on behalf of the Brown County Professional Library Employees, Local 1901-B, AFSCME, AFL-CIO, Brown County Library Clerk Employees, Local 1901-C, AFSCME, AFL-CIO, Brown County Para-Professional Library Employees, 1901-D, AFSCME, AFL-CIO.

Attorney John C. Jacques, Assistant Corporation Counsel, Brown County Corporation Counsel, 305 East Walnut Street, P.O. Box 23600, Green Bay, Wisconsin 54305-3600, appearing on behalf of Brown County.

ORDER DISMISSING PETITION FOR REVIEW

On August 30, 2002, Examiner Dennis P. McGilligan issued an Order Denying Motion to Dismiss Complaint in the above matter.

On September 9, 2002, Respondent Brown County 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 opposition to the petition -- the last of which was received October 3, 2002.

Dec. No. 30393-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 18th day of October, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Steven R. Sorenson /s/

Steven R. Sorenson, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

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 reviewed the merits of an appeal of an interlocutory Examiner order where the legal issue involved was of general 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. STATE OF WISCONSIN, DEC. NO. 30124-B (WERC, 7/01); 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 (WERC, 10/89). We decline to do so here as well because we are satisfied that the legal issue is not one of general significance. Thus, we have dismissed the petition.

If the Examiner issues a final Order in this matter that is adverse to Respondent, Respondent can then file another petition for review.

Dated at Madison, Wisconsin, this 18th day of October, 2002.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Steven R. Sorenson /s/

Steven R. Sorenson, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

