

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
**TEAMSTERS GENERAL UNION LOCAL 662**

Involving Certain Employees of  
**WOOD COUNTY**

Case 151  
No. 61665  
ME-3896

**Decision No. 30584-C**

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**Appearances:**

**Yingtao Ho**, Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, 1555 North RiverCenter Drive, Suite 202, P.O. Box 12993, Milwaukee, Wisconsin, 53212, appearing on behalf of Teamsters General Union Local 662.

**Michael J. Wilson**, Representative at Large, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite B, Madison, Wisconsin, 53717-1903, appearing on behalf of Wisconsin Council 40, AFSCME, AFL-CIO.

**Dean R. Dietrich**, Ruder Ware, Attorneys at Law, 500 Third Street, P.O. Box 8050, Wausau, Wisconsin 54402-8050, appearing on behalf of Wood County.

**ORDER DENYING MOTION TO STAY**

On February 28, 2005, the Wisconsin Employment Relations Commission issued Findings of Fact, Conclusions of Law and Order in the above matter which directed that an election be held to determine whether certain employees of Wood County wished to be represented for the purposes of collective bargaining.

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On March 21, 2005, the County advised the Commission that it would be seeking judicial review of a portion of the February 28, 2005 decision and asked that the election be stayed pending resolution of the County's appeal. On March 25, 2005, Teamsters filed a statement in opposition to the request for a stay.

On March 28, 2005, the Commission advised the parties that it had denied the request for a stay and would be issuing a written decision confirming its decision.

In *CITY OF WEST ALLIS v. WERC*, 72 Wis.2d 268, (1976), the Wisconsin Supreme Court concluded that a Commission decision directing an election is not a judicially reviewable order. Citing the delay in the exercise of statutory rights which would be produced by a contrary result, the Court concluded that a party must wait until the Commission has conducted the election and certified the election results before an appeal can be brought. Consistent with the Court's holding and the rationale therefore, we concluded that the requested stay must also be denied.

NOW, THEREFORE, it is

**ORDERED**

The motion to stay is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 10<sup>th</sup> day of May, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

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