

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**DONALD TARKOWSKI**, Complainant,

vs.

**MILWAUKEE COUNTY and MILWAUKEE DISTRICT  
COUNCIL 48, AFSCME, AFL-CIO, LOCAL 882**, Respondents.

Case 541  
No. 63136  
MP-4003

**Decision No. 30848-C**

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**Appearances:**

**Donald Tarkowski**, 3427 South 24<sup>th</sup> Street, Milwaukee, Wisconsin 53215, appearing on his own behalf.

**Timothy R. Schoewe**, Deputy Corporation Counsel, Milwaukee County, Milwaukee County Courthouse, Room 303, 901 North Ninth Street, Milwaukee, Wisconsin 53233, appearing on behalf of Respondent Milwaukee County.

**Mark Sweet**, Law Offices of Mark A. Sweet, 705 E. Silver Spring Drive, Milwaukee, Wisconsin 53217, appearing on behalf of Respondents Milwaukee District Council 48, AFSCME, AFL-CIO and Local 882.

**ORDER DENYING PETITION FOR REHEARING**

On September 27, 2005, Donald Tarkowski filed a petition for rehearing with the Wisconsin Employment Relations Commission pursuant to Sec. 227.49, Stats., asserting that the Commission erred in its September 7, 2005, Order on Review of Examiner's Decision when it concluded that neither Respondent Union nor Respondent County had committed prohibited practices within the meaning of the Municipal Employment Relations Act.

Neither Respondent took a position as to the petition.

Dec. No. 30848-C

Section 227.49 (3), Stats. provides that:

(3) Rehearing will be granted only on the basis of:

- (a) Some material error of law.
- (b) Some material error of fact.
- (c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered with due diligence.

We have reviewed our decision in light of the petition and conclude that we did not make any material errors of law or fact. Mr. Tarkowski has not asserted that he has discovered any new evidence. We further conclude that our September 7, 2005, Order responds as best we can to the arguments Mr. Tarkowski makes in his petition. Thus, we deny the petition without further comment.

NOW, THEREFORE, it is

**ORDERED**

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 25<sup>th</sup> day of October, 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