

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**LOCAL 311, INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, AFL-CIO, Complainant,**

vs.

MIDDLETON FIRE PROTECTION DISTRICT, Respondent.

Case 2
No. 65048
MP-4181

Decision No. 31528-C

Appearances:

Mr. Peter L. Albrecht, Albrecht Labor & Employment Law, S.C., Attorneys at Law, 131 West Wilson Street, Suite 1202, Madison, Wisconsin 53703, appeared on behalf of the Respondent.

Mr. Bruce F. Ehlke, Hawks, Quindel, Ehlke & Perry, S.C., Attorneys At Law, 222 West Washington Avenue, Suite 705, P.O. Box 2155, Madison, Wisconsin 53701-2155, appeared on behalf of the Complainant.

ORDER GRANTING PETITION FOR REHEARING

On February 25, 2008, the Middleton Fire Protection District filed a petition for rehearing pursuant to Sec. 227.49, Stats. asserting that the Wisconsin Employment Relations Commission made material errors of law and fact in the Order on Review of Examiner's Decision issued February 5, 2008.

On March 10, 2008, the District supplemented its petition by noting that: (1) the Commission's February 5, 2008 decision gave the District the right to receive a hearing and supplemental decision on a portion of the Commission-ordered remedy; (2) the District has exercised that right; (3) the Commission's remedial decision will impact on the District's decision as to whether to seek judicial review; and (4) denying the petition for rehearing will force the District to seek judicial review without knowing the outcome of the remedial issue.

No. 31528-C

On March 14, 2008, Firefighters Local 311 filed a statement in opposition to the petition arguing among other matters that the District is not entitled to another opportunity to litigate matters already decided by the Commission.

Having considered the matter and being fully advised in the premises, we conclude that the petition for rehearing should be granted. By doing so, we will have the opportunity to fully assess the District's contention that we made material errors of law and fact and the parties will receive our decision on the remedial issue before they decide whether to seek judicial review.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is granted.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of March, 2008.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

