

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

**MILWAUKEE MUSICIANS' ASSOCIATION LOCAL 8,
AMERICAN FEDERATION OF MUSICIANS OF THE
UNITED STATES AND CANADA**

Involving Certain Alleged Employees of

MILWAUKEE CHAMBER ORCHESTRA

Case 1
No. 64900
E-3117

Decision No. 31580-A

Appearances:

Marianne Goldstein Robbins, Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, 1555 North Rivercenter Drive, Suite 202, Milwaukee, Wisconsin 53202, appearing on behalf of Milwaukee Musicians' Association Local 8, American Federation of Musicians of the United States and Canada.

Matthew Falk, Falk, Johnson LLC, Attorneys at Law, 111 East Wisconsin Avenue, Suite 1370, Milwaukee, Wisconsin 53202, appearing on behalf of the Milwaukee Chamber Orchestra.

ORDER

On January 11, 2006, the Wisconsin Employment Relations Commission issued an Order denying the request of Milwaukee Musicians' Association Local 8, American Federation of Musicians of the United States of America that it be allowed to withdraw without prejudice its election petition as to alleged employees of the Milwaukee Chamber Orchestra. In that Order, Local 8 was advised that a withdrawal request would be granted subject to a one year bar to a subsequent filing covering the same alleged employees and Local 8 was directed to advise the Commission whether it wished to withdraw the petition subject to the one year bar or wished to have the Commission proceed to a decision on the merits of the petition.

By letter dated January 23, 2006, Local advised the Commission that it wished to withdraw the election petition based on its understanding of the Commission's January 11,

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2006 Order that it was only barred from filing a subsequent petition for one year but was not barred thereafter. Local 8's understanding of our January 11, 2006 Order is correct and based on that Order and Local 8's letter of January 23, 2006 we make and issue the following

ORDER

The election petition filed by Local 8 is dismissed with prejudice to the right of Local 8 to file a subsequent election petition within one year of the date of this Order as to alleged employees of the Milwaukee Chamber Orchestra.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of January, 2006.

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

