

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LANCE S. DAVENPORT, Complainant,

vs.

**MADISON METROPOLITAN SCHOOL DISTRICT
(ART RAINWATER AND JUNE GLENNON) and
MADISON TEACHERS INC. (JOHN MATTHEWS)**, Respondent.

Case 306
No. 67017
MP-4353

Decision No. 32139-E

Appearances:

Lance Davenport, 625 North Blackhawk Avenue, Madison, Wisconsin 53705, appearing on his own behalf.

Richard Thal, Lawton & Cates, Attorneys at Law, Ten East Doty Street, Suite 400, P.O. Box 2965, Madison, Wisconsin 53703-2965, appearing on behalf of Madison Teachers Incorporated and John Matthews.

Heidi S. Tepp, Labor Relations Attorney, Madison Metropolitan School District, 545 West Dayton Street, Madison, Wisconsin 53703, appearing on behalf of Madison Metropolitan School District, Art Rainwater and June Glennon.

ORDER DENYING PETITION FOR REHEARING

On December 1, 2009, the Wisconsin Employment Relations Commission issued an Order on Review of Examiner's Decision wherein it concluded that Respondent Madison Teachers Inc had not breached its duty of fair representation to Lance S. Davenport and therefore that it would not assert jurisdiction over Davenport's claim that Respondent Madison Metropolitan School District had violated a collective bargaining agreement.

No. 32139-E

On December 17, 2009, Davenport filed a petition for rehearing pursuant to Sec. 227.49, Stats., asserting that the Commission had made certain errors of law and fact. Respondent Madison Teachers Inc. filed a statement in opposition to the petition on January 8, 2009.

Having considered the matter, the Commission concludes that it did not make any error of law or fact and thus that the petition for rehearing should be denied.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 15th day of January, 2010.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Commissioner Susan J.M. Bauman did not participate.