

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 150, Complainant,

vs.

WASHINGTON COUNTY, Respondent.

Case 163
No. 67108
MP-4360

Decision No. 32185-C

Appearances:

Marianne Goldstein Robbins and **Sara J. Geenen**, 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 Service Employees International Union Local 150.

Nancy L. Pirkey, Davis & Kuelthau, S.C., Attorneys at Law, 111 East Kilbourn Avenue, Suite 1400, Milwaukee, Wisconsin 53202-6613, appearing on behalf of Washington County.

ORDER GRANTING PETITON FOR REHEARING

On January 20, 2009, the Wisconsin Employment Relations Commission issued an Order on Review of Examiner's Decision in the above matter in which the Commission concluded that Respondent Washington County had not bargained in good faith with Complainant Service Employees International Union Local 150 and had thereby committed a prohibited practice within the meaning of Sec. 111.70 (3)(a) 4, Stats. As part of the remedy for the prohibited practice, the Commission ordered that the County:

2.

. . .

- b. Give the Union notice and, upon request, bargain in good faith with the Union, before subcontracting bargaining unit work, including the work that had been performed by

No. 32185-C

bargaining unit members prior to August 1, 2007, and over the impact of any such decision on the wages, hours, and conditions of employment of bargaining unit members.

- c. Bargaining that occurs in connection with paragraph (2)(b) of this Order is part and parcel of the negotiations for the parties' 2007-08 successor agreement and thus subject to the statutory dispute resolution procedures set forth in Sec. 111.70(4)(cm), Stats.

On February 6, 2009, Local 150 filed a Motion to Revise Remedy asking that the Commission revise Paragraph 2. c. of the above quoted portion of the January 20, 2009 Order by adding the following sentence at the end thereof:

Any negotiated amendments in the parties' 2007-2008 agreement under this Order shall be applied to the successor agreement covering 2009-2010 to which the parties agreed prior to receipt of the Commission's decision.

By e-mail received after the close of the Commission's offices on February 9, 2009, Local 150 advised the Commission that the Motion had been filed pursuant to the petition for rehearing provisions of Sec. 227.49, Stats.

The parties thereafter filed written argument in support of and in opposition to the Motion-the last of which was received February 27, 2009.

Having considered the matter, the Commission concludes that it will treat the Motion as a petition for rehearing and will grant same for the purpose of considering and determining whether Local 150 has presented "new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence" within the meaning of Sec. 227.49(3)(c), Stats.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is granted.

Given under our hands and seal at the City of Madison, Wisconsin, this 6th day of March, 2009.

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