

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CHARLES T. WAGNER, Complainant,

vs.

**AFSCME, STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS**, Respondents.

Case 794
No. 67803
PP(S)-388

Decision No. 32418-B

Appearances:

Charles T. Wagner, 3150 Waucheeta Trail, Madison, Wisconsin 53711, appearing on his own behalf.

Peggy A. Lautenschlager, Bauer & Bach, LLC, 123 East Main Street, Suite 300, Madison, Wisconsin 53703, appearing on behalf of AFSCME.

David J. Vergeront, Chief Legal Counsel, Office of State Employment Relations, 101 East Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of State of Wisconsin, Department of Military Affairs.

**NOTICE OF COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER PURSUANT TO SECTION 111.07(5), STATS.**

On October 29, 2009, Examiner Coleen A. Burns issued Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum in the above-entitled matter determining that AFSCME had not committed an unfair labor practice within the meaning of Sec. 111.84, Stats. She further concluded that she would not assert the Commission's jurisdiction to determine whether State of Wisconsin had committed an unfair labor practice. She ordered that the complaint be dismissed.

Within the 20-day statutory period set forth in Sec. 111.07(5), Stats., no petition for review of said Findings of Fact, Conclusions of Law and Order was filed and no intervening order by the Examiner or the Commission was issued.

No. 32418-B

NOW, THEREFORE, the Commission issues the following

NOTICE

By operation of Sec. 111.07(5), Stats., Examiner Burns' Findings of Fact, Conclusions of Law and Order in the above-entitled matter became the Commission's Findings of Fact, Conclusions of Law and Order on November 19, 2009.

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