

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 139
Involving Certain Employees of
VILLAGE OF WEBSTER

Case 6
No. 72822
ME-5217

DECISION NO 34924-B

Appearances:

Adam Benson, Benson Law Office Ltd., 24161 State Road 35, P.O. Box 370, Siren, Wisconsin, appearing on behalf of the Village of Webster.

Casey Aronson, Business Representative, IUOE Local 139, 1003 South Hillcrest Parkway, Altoona, Wisconsin, appearing on behalf of the International Union of Operating Engineers Local 139.

ORDER DISMISSING PETITION FOR REHEARING

On May 29, 2014, the Wisconsin Employment Relations Commission issued and mailed to the parties a Certification of Results of Election in the above matter. On June 20, 2014, the Village of Webster filed a petition for rehearing. Having considered the matter, the Commission concludes that it does not have jurisdiction to consider the petition, because the statutory 20-day time period for filing such a petition ended June 18, 2014.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is dismissed.

Dated at Madison, Wisconsin, this 22nd day of July 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

**MEMORANDUM ACCOMPANYING ORDER DISMISSING
PETITION FOR REHEARING**

Section 227.49(1), Stats., provides in pertinent part:

Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing

“Service” of the order occurs when the order is placed in the mail to the parties.¹ *In Re Proposed Incorporation of Pewaukee*, 72 Wis.2d 593, 241 N.W.2d 603 (1976). The certification was mailed to the parties on May 29, 2014. A petition for rehearing is “filed” when received by the agency. *Currier v Wisconsin Department of Revenue*, 288 Wis.2d 693, 709 N.W.2d 520 (2005). We received the petition on June 20, 2014.

In light of the law stated above, the first day a petition could have been timely filed was May 30, 2014, and the last day for such filing was June 18, 2014. Because the petition for rehearing was filed with us on June 20, 2014, we do not have jurisdiction to consider the petition and it has been dismissed.

Dated at Madison, Wisconsin, this 22nd day of July 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

¹Therefore, contrary to the argument of the Village, the fact that the Village did not receive the certification until June 1, 2014 does not extend the period for timely filing.