

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WISCONSIN LAW ENFORCEMENT ASSOCIATION and
LARRY BROWN, Complainants,

vs.

STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION,
DIVISION OF STATE PATROL, Respondent.

Case ID: 55.0006
Case Type: COMP_PPS

DECISION NO. 36424-A

Appearances:

Sally A. Stix, Stix Law Offices, 700 Rayovac Drive, Suite 117, Madison, Wisconsin, appearing on behalf of the Wisconsin Law Enforcement Association.

Michael J. Gentry, Department of Administration, 101 E. Wilson Street, 10th Floor, Post Office Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin.

ORDER DISMISSING INTERLOCUTORY APPEAL

On August 29, 2016, Examiner Danielle Carne granted a motion to stay and defer to arbitration in this matter. On September 15, 2016, Complainants filed an interlocutory appeal of Examiner Carne's August 29, 2016 ruling. On September 20, 2016, Respondent filed a response to the interlocutory appeal.

We have considered the matter and conclude that we will not exercise our discretionary authority to review Examiner Carne's ruling.

NOW, THEREFORE, it is

ORDERED

The interlocutory appeal is dismissed.

Signed at the City of Madison, Wisconsin, this 26th day of September 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner

MEMORANDUM ACCOMPANYING ORDER
DISMISSING INTERLOCUTORY APPEAL

The examiner's order is not a "final" disposition of the complaint and thus it is discretionary as to whether we should review the merits of the interlocutory appeal. *G & H Products, Inc.*, Dec. No. 17630-B (WERC, 1/82); *Jefferson Board of Education*, Dec. No. 13648-B (WERC, 1/76). While we have reviewed the merits of an appeal of an interlocutory examiner order where the legal issue involved was of general significance, we have generally declined to exercise our discretionary jurisdiction. *State of Wisconsin*, Dec. No. 30124-B (WERC, 7/01); *Village of Kimberly*, Dec. No. 28759-B (WERC, 12/96); *Waukesha County*, Dec. No. 28726-B (WERC, 11/96); *Brown County*, Dec. No. 27553-C (WERC, 1/94); *City of Beloit*, Dec. No. 25917-C (WERC, 10/89). We decline to do so here as well because we are satisfied that the legal issue is not one of general significance. Thus, we have dismissed the appeal.

When Examiner Carne issues a final order in this matter, the Complainants can again raise the matter.

Signed at the City of Madison, Wisconsin, this 26th day of September 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner