

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ROBERT LOUIS SLAMKA, Complainant,

vs.

SHEET METAL WORKERS UNION LOCAL NO. 18, Respondent.

Case ID: 563.0000  
Case Type: COMP\_CE

DECISION NO. 37778-A

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**Appearances:**

Walter Stern III, Attorney, 920 - 85th Street #123, Kenosha, Wisconsin, appearing on behalf of Robert Louis Slamka.

Sara J. Geenen, Attorney, The Previant Law Firm, S.C., 310 W. Wisconsin Ave., Ste. 100 MW, Milwaukee, Wisconsin, appearing on behalf of Sheet Metal Workers Local Union No. 18.

**ORDER GRANTING MOTION TO DISMISS**

On August 20, 2018, Robert Louis Slamka filed a complaint with the Wisconsin Employment Relations Commission alleging that the Sheet Metal Workers Union Local No. 18 had committed various unfair labor practices within the meaning of the Wisconsin Employment Peace Act. The Sheet Metal Workers Union Local No. 18 filed a motion to dismiss on September 21, 2018. Slamka responded on October 20, 2018.

Having considered the matter, it is hereby

**ORDERED**

The complaint is dismissed.

Dated at Madison, Wisconsin, this 6th day of November, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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Peter G. Davis, Examiner

**MEMORANDUM ACCOMPANYING ORDER DISMISSING COMPLAINT**

Slamka's complaint allegations are all matters as to which the National Labor Relations Board has (or could) assert jurisdiction. It is well settled that in such circumstances the Commission cannot assert any jurisdiction it might otherwise have. *Algoma Plywood v. WERB*, 336 U.S. 301 (1949). Therefore, the complaint has been dismissed.<sup>1</sup>

Given the foregoing, the complaint has been dismissed in its entirety.

Dated at Madison, Wisconsin, this 6th day of November, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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Peter G. Davis, Examiner

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<sup>1</sup> As to allegations which allegedly occurred more than one year before the instant complaint was filed, they are also time barred by § 111.07(14), Stats.