

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BROWN COUNTY SHERIFF'S DEPARTMENT
NON-SUPERVISORY LABOR ASSOCIATION, Complainant

vs.

BROWN COUNTY, Respondent.

Case ID: 115.0019
Case Type: COMP-MP

DECISION NO. 39749-B

Appearances:

Jonathan Cermele, Cermele Law S.C., 6310 W. Bluemound Road, Suite 200, Milwaukee Wisconsin appearing on behalf of the Brown County Sheriff's Department Non-Supervisory Labor Association.

James Macy, von Briesen & Roper, S.C., 55 Jewelers Park Drive, Suite 400, Neenah, Wisconsin appearing on behalf of Brown County.

DECISION ON PETITION FOR REVIEW

On September 26, 2022, the Brown County Sheriff's Department Non-Supervisory Labor Association, herein the Union, emailed a complaint to the Wisconsin Employment Relations Commission alleging that Brown County, herein the County, had committed prohibited practices within the meaning of the Municipal Employment Relations Act. On October 19, 2022, the Commission appointed Peter G. Davis to serve as hearing examiner in the matter. On October 26, 2022, the Union filed an amended complaint. The County subsequently filed answers to both the original and the amended complaint.

A hearing before Examiner Davis was held on December 1, 2022, in Green Bay, Wisconsin. The parties thereafter filed written argument and supplemental argument at the request of the Examiner-the last of which was received April 26, 2023.

On June 8, 2023, Examiner Davis issued a Findings of Fact, Conclusions of Law, and Order dismissing the complaint in part and finding for the Complainant in part.

On June 27, 2023, the Respondent filed a Petition for Review and on July 17, 2023, Respondent then filed a Brief in Support of Petition for Review. On August 7, 2023, the Complainant filed a Brief in Opposition to the Petition for Review and requested attorney's fees

be awarded for having to respond to Respondent's Petition. On August 21, 2023, the Respondent filed a Reply Brief in Support of Petition for Review.

The Commission has considered the matter and concludes the June 8, 2023, decision does not contain any errors of fact or law. As such, Examiner Davis' reasoning is sound.

NOW, THEREFORE, it is:

ORDERED

The Examiner's Findings of Fact, Conclusions of Law, and Order are affirmed. Complainant's request for attorney's fees is denied.¹

Issued at the City of Madison, Wisconsin, this 5th day of October 2023.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

¹ While the Commission has not found the issues raised on review by Respondent County to be persuasive, those issues do not meet the "frivolous" standard created in Wis. Stat. § 227.483. Therefore, the Complainant's request for attorney's fees expended when responding to the petition for review is denied.