

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WISCONSIN FEDERATION OF TEACHERS, :
AFL-CIO, :
 :
Complainant, : Case XIV
 : No. 11236 MP-36
vs. : Decision No. 7906-B
 :
MILWAUKEE BOARD OF SCHOOL DIRECTORS, :
 :
Respondent. :

Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by
Mr. Kenneth R. Loebel, for the Complainant.
Mr. John Fleming, Milwaukee City Attorney, by
Mr. Harry G. Slater, Deputy City Attorney, and
Mr. Carl F. Kinnel, Assistant City Attorney, for
the Respondent.
Hart, Kraege, Jackman, Wightman & Bieber, Attorneys at
Law, by Mr. F. Halsey Kraege, for the Wisconsin
Education Association.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

The above entitled matter having come on for hearing
on March 21, 1967, at Madison, Wisconsin, before the Wisconsin
Employment Relations Board, now known as the Wisconsin Employ-
ment Relations Commission, Chairman Morris Slavney and Commissioner
Zel S. Rice II being present, and the Commission having considered
the evidence and briefs of counsel and being fully advised in the
premises, makes and files the following Findings of Fact, Conclusion
of Law and Order.

FINDINGS OF FACT

1. That Complainant Wisconsin Federation of Teachers,
AFL-CIO, hereinafter referred to as the WFT, is an employe organ-
ization having its offices at 7230 West Capitol Drive, Milwaukee,
Wisconsin, and has as its affiliates various local employe organ-
izations, consisting of teachers employed in various school districts

2. That Respondent Milwaukee Board of School Directors, hereinafter referred to as the School Board, has its offices at 5225 West Vliet Street, Milwaukee, Wisconsin; and that it maintains and operates high schools, junior high schools and grade schools in that community and in that regard employs, among others, certificated teaching personnel.

3. That Milwaukee Teachers Education Association, hereinafter referred to as the MTEA, is an employee organization existing for the purpose of representing teachers in conferences and negotiations in matters pertaining to the conditions of their employment, and has its offices at Milwaukee, Wisconsin; that the MTEA is affiliated with the Wisconsin Education Association, hereinafter referred to as the WEA, which is an employee organization having its offices at Madison, Wisconsin; and that the WEA has as its affiliates various local employee associations consisting of teachers employed in various school districts throughout the State of Wisconsin.

4. That on February 11 and 12, 1964, the Wisconsin Employment Relations Board, hereinafter referred to as the WERB, conducted an election among non-supervisory teaching personnel in the employ of the School Board to determine whether such employees desired to be represented for the purpose of conferences and negotiations by the MTU or by the MTEA, or by neither of said organizations; that said election resulted in a majority of the non-supervisory teaching personnel casting ballots in favor of the MTEA as their representative; and that on February 19, 1964, the WERB issued a certification of the results of the election, wherein the MTEA was certified as the exclusive collective bargaining representative of all regular teaching personnel teaching at least 50% of a full teaching schedule and all librarians and welfare counselors.

5. That historically for the past number of years prior to 1966, the WEA and the WFT have held their annual convention on the first Thursday and Friday of November of each year; that after representatives of the MTEA and the Superintendent of Schools, as an agent of the School Board, had engaged in conferences and negotiations on conditions of employment with regard thereto, the School Board, on January 11, 1966, formally adopted the school calendar for the year 1966-1967 wherein it provided, among other things, that schools would be closed on Thursday and Friday, November 3 and 4, 1966, because of the annual teacher conventions.

6. That after the adoption of said 1966-1967 school calendar, and prior to April 29, 1966, the WFT determined to change its practice with respect to the dates on which its annual convention was held; that on June 27, 1966, the WFT sent a communication to the School Board calling its attention to the fact that the WFT had scheduled its annual convention for October 6 and 7, 1966, and therein requested that the School Board place such dates on the school calendar; that on July 5, 1966, the School Board referred the request of the WFT to the Superintendent of Schools and to its Committee on Appointment and Instruction; that the Superintendent and said Committee considered said request and on August 2, 1966, recommended to the School Board that the request be denied; that on said date the School Board voted to deny the request; that at the same meeting the School Board received a communication from the MTU requesting (a) that all teachers be excused without loss of salary to attend the WFT convention to be held on October 6 and 7, 1966, (b) recommending that all schools be closed during the convention of the WFT and the convention of the WEA, and further (c) recommending that teachers who did not attend said conventions would be expected to report to their schools for professional work related to their classroom teaching; that the request and recommendations of the MTU were referred to the Superintendent and the Committee on Appointment and Instruction; that on August 30, 1966, the Superintendent recommended to the School Board that the request and recommendations of the MTU be denied; that at the School Board meeting on September 6, 1966, the Committee on Appointment and Instruction reported to the full School Board and recommended, contrary to the recommendation of the Superintendent, that the request and recommendations of the MTU be granted; and that at said School Board meeting on said date, the School Board formally denied the request and recommendations of the MTU.

7. That on October 6 and 7, 1966, an undisclosed number of teachers in the employ of the School Board attended the WFT convention at Milwaukee, Wisconsin; that those teachers who did attend said convention were not paid for the days on which they absented themselves from their teaching duties as a result of said convention; that on November 3 and 4, 1966, as provided in the school calendar, the School Board closed its schools; and that all teachers in the employ of the School Board, regardless of whether or not they attended the WEA convention, which was held on the latter dates, were paid by the School Board as if they had taught school on said dates.

8. That the School Board, by refusing to permit teachers in its employ to be excused without loss of salary to attend the WFT convention on October 6 and/or 7, 1966, and by refusing to pay teachers for the days they absented themselves from their teaching duties to attend said convention, did not interfere, restrain or coerce or discriminate against any teachers in its employ in regard to their right to engage in concerted activity on behalf of the MTU or any other employe organization of their choosing.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following

CONCLUSION OF LAW

That the Respondent, Milwaukee Board of School Directors, by refusing to excuse teachers without loss of salary to attend the annual convention of the Wisconsin Federation of Teachers on October 6 and/or 7, 1966, and by refusing to pay teachers for the days they absented themselves from their teaching duties as a result of attending said convention on said dates, did not commit, and is not committing, a prohibited practice within the meaning of Section 111.70 of the Wisconsin Statutes.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes the following

ORDER

IT IS ORDERED that the complaint filed in the instant matter be, and the same hereby is, dismissed.^{1/}

Given under our hands and seal at the
City of Madison, Wisconsin, this **3rd**
day of August, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

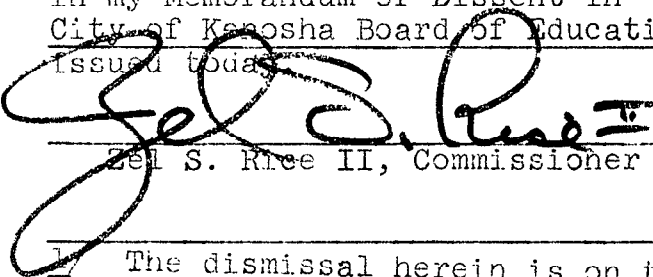


Morris Slavney, Chairman



Arvid Anderson, Commissioner

I dissent for the reasons set forth
in my Memorandum of Dissent in
City of Kenosha Board of Education
issued today.



Zel S. Rice II, Commissioner

^{1/} The dismissal herein is on the basis of the rationale expressed
in City of Kenosha Board of Education, Decision No. 8120 issued today.