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STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WISCONSIN FEDERATION OF TEACHERS, :
AFL-CIO, :
Complainant, : Case I
vs. : No. 11239 MP-39
: Decision No. 7907-B
WEST BEND BOARD OF EDUCATION, :
Respondent. :

Appearances:
Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Kenneth
R. Loebel for the Complainant.
Mr. Herbert P. Wiedemann, Attorney at Law, for the Respondent.
Hart, Kraege, Jackman & Wightman, 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 Employment Relations
Commission, Chairman Morris Slavney and Commissioner Zel S. Rice II,
being present, and the Commission having considered the evidence
and arguments 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 the Complainant, Wisconsin Federation of Teachers,
AFL-CIO, hereinafter referred to as the WFT, is an employe organi-
zation having its offices at 7230 West Capitol Drive, Milwaukee,
Wisconsin, and has, as its affiliates, various local organizations
consisting of teachers employed in various school districts through-
out the State of Wisconsin, including the West Bend Teachers Union,
Local 1691, hereinafter referred to as the WBTU.

2. That the Respondent, Board of Education of West Bend Joint School District No. 1, hereinafter referred to as the School Board, has its principal office at 710 South Main Street, West Bend, Wisconsin; that it maintains and operates a high school, junior high school, and grade schools in said community; and in that regard employs, among others, certificated teaching personnel.

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

4. That on September 15, 1964, the School Board, after receiving a petition for recognition from the WBEA, which petition was supported by evidence indicating that approximately 80% of the teaching personnel in the employ of the School Board supported said petition, granted recognition to the WBEA as the exclusive collective bargaining representative of teachers in its employ for the purposes of conferences and negotiations on wages, hours and conditions of employment of said employes.

5. That historically for the past number of years prior to 1966, the WEA and the WFT have held their annual conventions on the first Thursday and Friday of November of each year; that during the winter of 1965-1966 representatives of the School Board and the

WBEA met in negotiations on salaries and other conditions of employment for teachers for the school year 1966-1967; that in said negotiations representatives of the School Board and the WBEA reached an agreement on said conditions of employment, including the school calendar for the year 1966-1967; that the school calendar for said school year was formally adopted by the School Board on February 28, 1966; and that said school calendar, among other things, provided that schools would be closed on the first Thursday and Friday in November, November 3 and 4, 1966, because of "Teachers' Convention".

6. That on April 29, 1966, after it determined to change its practice with respect to the dates on which its annual convention was held, the WFT forwarded a letter to the School Board advising it that the WFT annual teacher convention would be held on October 6 and 7, 1966; that the School Board received such letter on May 4, 1966; that such information was brought to the attention of the members of the School Board prior to October 6, 1966, and on said occasion the School Board refused to alter the 1966-1967 school calendar to include October 6 and 7, 1966, as "teacher convention" days.

7. That prior to October 6, 1966, the Superintendent of the School Board offered to excuse delegates based on 10% of the membership to attend the WFT convention on October 6 and 7, 1966; that, however, such offer was rejected by the WBTU; that on October 6 and 7, 1966, ten teachers in the employ of the School Board attended the WFT convention at Milwaukee, Wisconsin; that the teachers who did attend such convention were not paid for the days on which they absented themselves from their teaching duties as a result of such attendance; that on November 3 and 4, 1966, as provided in the

school calendar, the School Board closed its schools; and that teachers in the employ of the School Board who attended the WEA convention held on said dates, as well as other teachers who did not attend said convention, were paid by the School Board as if they had taught school on said dates.

8. That the School Board, by refusing to alter the 1966-1967 school calendar to include October 6 and 7, 1966, as teacher convention days and by refusing to pay teachers for the days they absented themselves from their teaching duties as a result of attending the WFT convention on October 6 and 7, 1966, did not interfere, restrain or coerce any of the teachers in its employ, with regard to their right to engage in concerted activity, on behalf of the WFT, the WBTU, or any other employee organization of their choosing.

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

CONCLUSION OF LAW

1. That West Bend Board of Education by refusing to alter the 1966-1967 school calendar to include October 6 and 7, 1966, as teacher convention days and by refusing to pay teachers for the days they absented themselves from their teaching duties as a result of attending the Wisconsin Federation of Teachers teachers' convention on October 6 and 7, 1966, did not commit and is not committing any 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 /s/
Morris Slavney, Chairman

Arvid Anderson /s/
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 /s/
Zel S. Rice II, Commissioner

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The dismissal herein is on the basis of the rationale expressed
City of Kenosha Board of Education, Decision No. 8120 issued
today.