

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
RICE LAKE EDUCATION ASSOCIATION  
To Initiate Fact Finding Between  
Said Petitioner and  
BOARD OF EDUCATION, JOINT DISTRICT  
NO. 1, CITY OF RICE LAKE, ET AL  
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Case I  
No. 13280 FF-284  
Decision No. 9455

FINDINGS OF FACT, CONCLUSION OF LAW,  
CERTIFICATION OF RESULTS OF INVESTIGATION AND  
ORDER INITIATING FACT FINDING AND APPOINTING FACT FINDER

Rice Lake Education Association having petitioned the Wisconsin Employment Relations Commission to initiate fact finding pursuant to Section 111.70(4) of the Wisconsin Statutes on behalf of certain employees of Board of Education, Joint District No. 1, City of Rice Lake, et al, employed as teachers in the Municipal Employer's school system; and the Commission, by Zel S. Rice II, a member of its staff, having conducted an investigation on such petition at Rice Lake, Wisconsin, on December 11, 1969, and during the course of such investigation the parties having made known the facts material thereto, and the Commission being fully advised in the premises, makes and files the following Findings of Fact, Conclusion of Law, Certification of Results of Investigation and Order Initiating Fact Finding and Appointing Fact Finder.

FINDINGS OF FACT

1. That Rice Lake Education Association, hereinafter referred to as the Petitioner, is a labor organization and has its office at Rice Lake, Wisconsin.
2. That Board of Education, Joint District No. 1, City of Rice Lake, et al, hereinafter referred to as the Municipal Employer, has its offices at the high school at Rice Lake, Wisconsin; and that the Municipal Employer maintains and operates a school system.
3. That the Petitioner at all times material herein is the voluntarily recognized representative of all full-time and regular part-time employees of the District engaged in teaching, including classroom teachers and librarians, but excluding administrators and coordinators, principals and supervisors, non-instructional personnel such as nurses and social workers and office clerical, maintenance and operating employees.

4. That, prior to the filing of the instant petition on November 10, 1969, representatives of the Petitioner and the Municipal Employer met on various dates during the latter part of 1968 and during 1969 for the purpose of negotiating changes in wages and other conditions of employment affecting said employes in efforts to reach an accord on a new collective bargaining agreement the last occasion being a meeting held on October 8, 1969, and that, however, the parties were unable to reach an accord in their collective bargaining and remain in deadlock with respect thereto.

5. That the Municipal Employer has not established any fact finding procedures pursuant to Section 111.70(4)(m) of the Wisconsin Statutes.

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

#### CONCLUSION OF LAW

That a deadlock within the meaning of Section 111.70(4)(e) of the Wisconsin Statutes exists between Board of Education, Joint District No. 1, City of Rice Lake, et al and Rice Lake Education Association after a reasonable period of negotiations with respect to wages and other conditions of employment affecting all full-time and regular part-time employes of the District engaged in teaching, including classroom teachers and librarians, but excluding administrators and coordinators, principals and supervisors, non-instructional personnel such as nurses and social workers and office clerical, maintenance and operating employes.

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

#### CERTIFICATION AND ORDER

IT IS HEREBY CERTIFIED that the conditions precedent to the initiation of fact finding, as required in Section 111.70(4)(e) of the Wisconsin Statutes with respect to negotiations by Rice Lake Education Association, in issues of wages and other conditions of employment of all full-time and regular part-time employes of the District engaged in teaching, including classroom teachers and librarians, but excluding administrators and coordinators, principals and supervisors, non-instructional personnel such as nurses and social workers and office clerical, maintenance and operating employes, have been met.

NOW, THEREFORE, it is

ORDERED

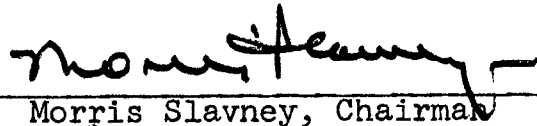
1. That fact finding be initiated for the purpose of recommending a solution to said dispute.

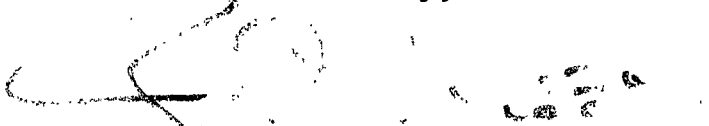
2. That Gerald G. Somers, Madison, Wisconsin, is hereby appointed as the fact finder to proceed forthwith in the matter pursuant to Section 111.70(4)(g) of the Wisconsin Statutes.


Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of January, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
William R. Wilberg, Commissioner

STATE OF WISCONSIN

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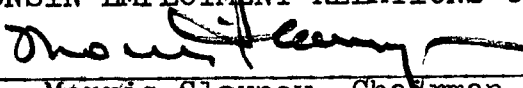
MEMORANDUM ACCOMPANYING  
FINDINGS OF FACT, CONCLUSION OF LAW,  
CERTIFICATION OF RESULTS OF INVESTIGATION AND  
ORDER INITIATING FACT FINDING AND APPOINTING FACT FINDER

During the course of the informal investigation conducted by the Commission the Municipal Employer contended that the parties were not deadlocked while the Association took the position that a deadlock existed. The parties commenced negotiations early in the 1968-1969 school year and they had held 23 meetings prior to the informal investigation. In the course of those meetings an initial agreement on salary was reached in the early part of the negotiations. It was agreed that the master contract would not be negotiated until January of 1969. A number of meetings were held between the Municipal Employer and the Association and agreements were reached on a number of issues. At the time of the informal investigation only five issues remained to be agreed upon and agreement was reached on four of them. The only remaining issue was the question of final and binding arbitration. While the Municipal Employer indicated that it was willing to negotiate further and would present a counter-proposal to the Association, it contended that all of the agreed upon subjects would be reconsidered and reopened if they were to be subject to arbitration. The Association took the position that all of the terms of the agreement had been agreed upon except a provision providing for final and binding arbitration and that it was not willing to consider changing any of them. It would only bargain with respect to a provision on final and binding arbitration. Since the Municipal Employer was unwilling to agree to that and the position of the Association was rigid, the parties were deadlocked. Accordingly, the conditions precedent to fact finding have been met and a fact finder will be appointed.

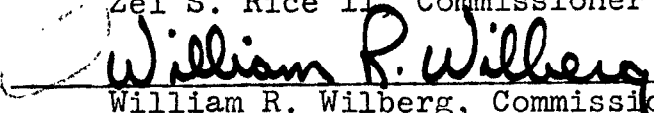
Dated at Madison, Wisconsin, this 16th day of January, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
William R. Wilberg, Commissioner