

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ST. FRANCIS EDUCATION ASSOCIATION,

Complainant,

vs.

SCHOOL DISTRICT NO. 6 OF THE CITY
OF ST. FRANCIS, AND THE SCHOOL BOARD
OF SCHOOL DISTRICT NO. 6 OF THE CITY
OF ST. FRANCIS,

Respondent.

Case XII.

No. 13596 MP-82

Decision No. 9546-B

ORDER AFFIRMING EXAMINER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Examiner Howard S. Bellman having, on June 22, 1971, issued his Findings of Fact, Conclusions of Law and Order, with Memorandum accompanying same, in the above entitled proceeding, wherein the above named Respondent was found to have committed, and was committing, a prohibited practice within the meaning of Section 111.70, Wisconsin Statutes, and wherein said Respondent was ordered to cease and desist therefrom and to take certain affirmative action with respect thereto; and a Petition for Review of the Examiner's decision having been filed with the Commission on July 12, 1971, by the Attorney for the Respondent; and the Commission, having reviewed the record and arguments of the parties and the Petition for Review; being satisfied that the Findings of Fact, Conclusions of Law and Order, and Memorandum accompanying same should be affirmed;

NOW, THEREFORE, it is

ORDERED


That, pursuant to Section 111.07(5) of the Wisconsin Statutes, the Wisconsin Employment Relations Commission hereby adopts the Examiner's Findings of Fact, Conclusions of Law and Order, and Memorandum accompanying same, issued in the above entitled matter, as its Findings of Fact, Conclusions of Law and Order and Memorandum accompanying same, and, therefore, the Respondent, School District No. 6 of the City of St. Francis, and the School Board of School District No. 6 of the City of St. Francis, shall notify the Wisconsin Employment Relations Commission within ten (10) days of the receipt of a copy of this Order as to what steps it has taken to comply therewith.

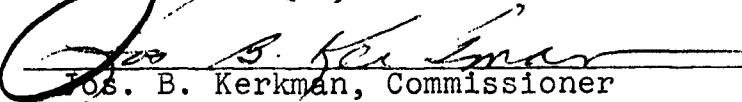
Given under our hands and seal at the
City of Madison, Wisconsin, this 26th
day of October, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

Commissioner Rice would also affirm the Examiner's decision on the basis of his rationale expressed in Elmbrook Board of School Directors.

No. 9546-B

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MEMORANDUM ACCOMPANYING ORDER AFFIRMING
EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

We are affirming the Examiner's Findings of Fact, Conclusions of Law and Order issued in the instant proceeding, and we are also affirming his well reasoned rationale contained in the Memorandum accompanying his decision.


In addition to the Examiner's comments in support of his conclusion that the School Board committed prohibited acts of interference and discrimination, as set forth in paragraphs 1, 2 and 3 of his Conclusions of Law, we wish to add that in Elmbrook Board of School Directors the majority of the Commission held that the withholding of individual teacher contracts was not an activity protected by any provision of Section 111.70. However, the circumstances surrounding the withholding action in the instant proceeding negates the application of the "Elmbrook" doctrine in the determination regarding that issue herein. The commitment of the School Board made during bargaining to consider the individual letters of intent to bind the School Board, regardless of the non-binding effect upon the teachers and its further commitment to permit the teachers to delay the execution of their individual teaching contracts until a master agreement had been reached with the Association, converted the withholding action to a "protected" concerted activity.

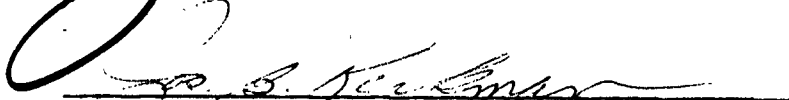
Dated at Madison, Wisconsin, this 26th day of October, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner