

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GREEN BAY EMPLOYEES LOCAL 1672B,	:	
AFSCME, AFL-CIO, JEROME ZEY, ELROY	:	
DIX, FELIX HOLEWINSKI, MICHAEL	:	
MCCARTNEY, ALBERT BOUTTOT, LESTER	:	
KOLLMAN, GRANT CURRAN and MELVIN	:	
DELAURELLE,	:	
	:	
Complainants,	:	
	:	
vs.	:	Case XIV
	:	No. 15224 MP-110
	:	Decision No. 10722-A
CITY OF GREEN BAY, JOINT SCHOOL	:	
DISTRICT NO. 1, EUGENE SLADKY, DONALD	:	
TILKENS, THOMAS BENO, ROBERT STUART,	:	
MRS. D. C. ANGUS, HARRY BINS,	:	
MRS. JOHN ZIEBELL, and GLENN A. EVJUE,	:	
as members of the Board of Education	:	
of Joint School District No. 1,	:	
	:	
Respondents.	:	
	:	

ORDER DENYING MOTION TO TAKE
DEPOSITION AND THAT SUBPOENA BE ISSUED

The above named Respondents, by its Counsel, having on February 2, 1972, filed a motion with the Wisconsin Employment Relations Commission in the above entitled matter, wherein it requested that the Commission issue an order permitting Respondents to take a deposition of James W. Miller, "an alleged agent of Green Bay Employees Local 1672B, AFSCME, AFL-CIO," and that subpoenas duces tecum be issued by the Commission for the taking of the deposition, and that the witness produce all record books of said organization, including minute books, miscellaneous correspondence and documents that pertain to the agency relationship alleged in Paragraph 1 of the complaint between James Miller and Local 1672B, and further that an order be issued by the Commission to reschedule the hearing in said complaint until after the deposition has been taken; and that the basis of said motion, as stated by Counsel for Respondents, was necessary to complete the investigation of the Respondents and to determine the agency relationship between James Miller and Local 1672B; and, that further, in the Answer filed by the Respondents with the Commission on February 2, 1972, the Respondents, among other matters, moved that all of the employes laid off on November 15, 1971, be made parties to the complaint; and the Commission having considered said motion to take said deposition and to issue the subpoenas above noted, to reschedule the hearing, and the request that all employes involved be made parties to the complaint, and being satisfied that said motion and request should be denied;

NOW, THEREFORE, it is

ORDERED

That the motion to take said deposition and to issue the subpoenas above noted, to reschedule the hearing, and the request that all employes involved be made parties to the complaint be, and the same hereby are, denied.

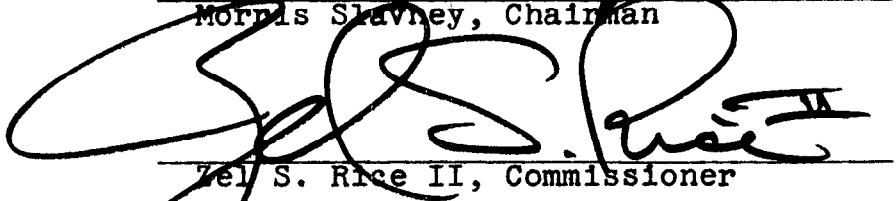
Given under our hands and seal at the
City of Madison, Wisconsin, this 7th
day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



J. S. Rice II, Commissioner



Jos. B. Kerkman, Commissioner

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MRS. D. C. ANGUS, HARRY BINS,
MRS. JOHN ZIEBELL, and GLENN A. EVJUE,
as members of the Board of Education
of Joint School District No. 1,

Respondents.

Case XIV
No. 15224 MP-110
Decision No. 10722-A

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO TAKE
DEPOSITION AND THAT SUBPOENA BE ISSUED

The Commission has denied the motion of the Respondents requesting that Respondents be permitted to take a deposition from James W. Miller, "an alleged agent of Green Bay Employees Local 1672B, AFSCME, AFL-CIO," and the request that subpoenas duces tecum be issued for the taking of said deposition, for the reason that material information desired to be elicited through said discovery proceeding, if not privileged, can be obtained through an adverse examination of James W. Miller during the course of the hearing on the complaint, and further, pursuant to the rules of the Commission, if need be, the Respondents may amend its answer during the course of the hearing.

In its answer the Respondents requested of the Commission that employes, in addition to those named as individual complainants, but who were also laid off on November 15, 1971, be made parties to the complaint in order that their rights and interest in the matter be adjudicated. The Commission has denied such request since said request does not emanate from the individual employes involved, nor is there an allegation in the answer that the Respondents represent such employes.

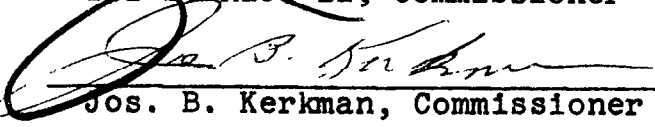
Dated at Madison, Wisconsin, this 7th day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner