

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

APPLETON EDUCATION ASSOCIATION and  
STEPHEN DWORATSCHEK,

Complainants,

vs.

JOINT SCHOOL DISTRICT NO. 10, CITY OF  
APPLETON, OUTAGAMIE, CALUMET and  
WINNEBAGO COUNTIES, TOWNS OF BUCHANAN  
and GRAND CHUTE, OUTAGAMIE COUNTY,  
TOWN OF HARRISON, CALUMET COUNTY and  
TOWN OF MENASHA, WINNEBAGO COUNTY;  
and BOARD OF EDUCATION OF JOINT SCHOOL  
DISTRICT NO. 10, CITY OF APPLETON,  
OUTAGAMIE, CALUMET AND WINNEBAGO  
COUNTIES, TOWNS OF BUCHANAN and GRAND  
CHUTE, OUTAGAMIE COUNTY, TOWN OF  
HARRISON, CALUMET COUNTY and TOWN OF  
MENASHA, WINNEBAGO COUNTY,

Respondents.

Case XIV  
No. 15578 MP-135  
Decision No. 10996-B

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

Examiner Robert M. McCormick having, on April 19, 1973, issued his Findings of Fact, Conclusions of Law and Order, with Accompanying Memorandum, in the above entitled proceeding, wherein the above named Respondents were found not to have committed any prohibited practices within the meaning of Section 111.70(3)(a)1 of the Municipal Employment Relations Act; and a petition for review of said Examiner's decision having been timely filed by Counsel for the Complainants on May 9, 1973; and the Commission having reviewed the entire record in the matter and being satisfied that the Findings of Fact, Conclusions of Law and Order issued by the Examiner should be affirmed;

NOW, THEREFORE, it is

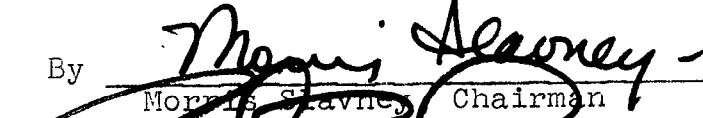
ORDERED


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 issued in the above entitled matter as its Findings of Fact, Conclusions of Law and Order.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 26th  
day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

No. 10996-E

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

As early as January 4, 1972, Dworatschek was advised, in writing, by his principal that the latter could not recommend to the Respondents that Dworatschek's teaching contract be renewed for the coming school year. On January 20, 1972, Dworatschek was advised that he would be provided with a conference, and/or hearing, if he so desired on the proposed non-renewal. On February 16, 1972, Dworatschek notified the Respondents that he desired such a hearing, and it was only four days prior to the scheduled hearing that the Respondents learned that new Counsel was to be substituted to represent Dworatschek at the hearing. Section 118.22 contains no reference to any waiver of the statutory March 15 notice. Our Supreme Court in Muskego-Norway School District v. WERB 1/, in defining the relationship between "school law" and Section 111.70, stated "Construction of statutes should be done in a way which harmonizes the whole system of law of which they are a part, and any conflict should be reconciled if possible." We have affirmed the Examiner's dismissal of the complaint since we are satisfied that his decision reconciles a possible conflict of the right of representation and the statutory notification of teacher non-renewal.

Dated at Madison, Wisconsin, this 26th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slayney  
Morris Slayney, Chairman

Zel N. Rice II  
Zel N. Rice II, Commissioner

Jos. B. Kerkman  
Jos. B. Kerkman, Commissioner

1/ 35 Wis. (2d) 540, 6/67