

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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RACINE EDUCATION ASSOCIATION,

Complainant,

vs.

UNIFIED SCHOOL DISTRICT NO. 1  
OF RACINE COUNTY, WISCONSIN,

Respondent.  
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Case XVIII  
No. 15996 MP-169  
Decision No. 11315-C

ORDER DENYING MOTION

On January 9, 1974, Examiner George R. Fleischli issued Findings of Fact, Conclusions of Law and Order in the above entitled matter wherein he concluded that the above named Respondent had committed certain prohibited practices within the meaning of the Municipal Employment Relations Act, and wherein he ordered the Respondent to cease and desist from refusing to bargain collectively with the Complainant, to post a notice with regard to said violation, and to notify the Commission as to compliance of the Order; and that on January 31, 1974, said Complainant, by its Counsel, filed a motion with the Commission alleging that during the pendency of the proceeding before the Examiner, and prior to the issuance of his decision, Respondent engaged in subsequent activity similar to that found to be prohibited by the Examiner, and the Complainant requested, in its motion, that the Commission institute enforcement proceedings of the Examiner's Order "to prevent continued violations of Section 111.70, MERA, and of the Decision and Order of the Examiner"; and the Commission having considered said motion and being satisfied that the motion should be denied;

NOW, THEREFORE, it is


ORDERED


That the motion of the above named Complainant requesting the Commission to institute an action to enforce the Examiner's decision issued in the above entitled matter be, and the same hereby is, denied.

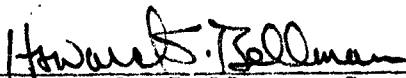
Given under our hands and seal at the  
City of Madison, Wisconsin, this 6th  
day of March, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Howard S. Bellman, Commissioner

No. 11315-C

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION

In its motion the Complainant, in addition to averring that the Respondent was engaged in activities similar to that found by the Examiner to have constituted a prohibited practice, alleged that the Respondent had failed to appeal the Examiner's decision to the Commission within twenty days from the date of the issuance of the Examiner's decision. It should be noted that the Commission, on the date said motion was received, extended to the Respondent the period for the filing of a petition for review to February 5, 1974. Such a petition for review was filed with the Commission by said date, and a brief in support thereof was filed by the Respondent on February 25, 1974, as was the brief filed by the Complainant with respect to the petition for review.


Meanwhile on February 19, 1974, the Complainant filed a new complaint against the Respondent alleging that the Respondent had committed prohibited practices similar to those found by the Examiner to have been committed in the instant proceeding.

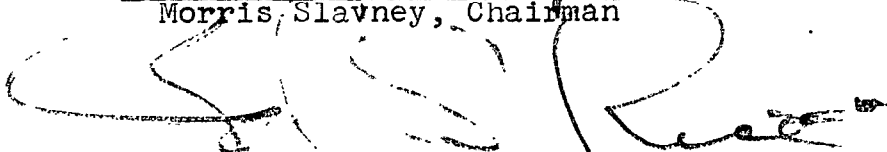
The Commission is now in the process of reviewing the Examiner's decision, as well as the petition for review and briefs filed with respect thereto. It is, therefore, of the opinion that the motion filed by the Complainant Union be denied.

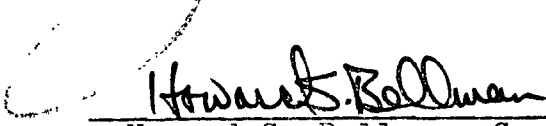
Dated at Madison, Wisconsin, this 6th day of March, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Howard S. Bellman, Commissioner