

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

HOLMEN EDUCATION ASSOCIATION,  
WEA, NEA and DAVID J. NELTON,

Complainants,

vs.

JOINT SCHOOL DISTRICT NO. 1, VILLAGE OF  
HOLMEN, AND TOWNS OF FARMINGTON, HAMIL-  
TON, HOLLAND AND ONALASKA, LACROSSE  
COUNTY, STATE OF WISCONSIN and BOARD OF  
EDUCATION OF JOINT SCHOOL DISTRICT  
NO. 1, VILLAGE OF HOLMEN, et al.

Respondents.

Case III  
No. 16542 MP-219  
Decision No. 11660-A

ORDER DENYING MOTION FOR ADMISSION OF ADDITIONAL EVIDENCE

The above-entitled matter having come on for hearing on March 22, 1973 before Marvin L. Schurke, an Examiner appointed by the Wisconsin Employment Relations Commission; and during the course of such hearing the Respondent having moved for leave to make a transcription of certain tape recordings in its possession and have said transcription and tape recordings made a part of the record in the instant case; and the Complainant having opposed such motion; and the Examiner having considered said motion and the positions of the parties and being fully advised in the premises, makes and files the following

ORDER

IT IS ORDERED that the Respondents' motion to make certain tape recordings and a transcription of said tape recordings a part of the record in the above-entitled matter be, and the same hereby is, denied.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Marvin L. Schurke, Examiner

MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION FOR ADMISSION OF ADDITIONAL EVIDENCE

The Complainants allege that the Respondent has interfered with, restrained and coerced Complainant Nelton in the exercise of his rights secured by Section 111.70(2) of the Municipal Employment Relations Act, by refusing to postpone a conference concerning Nelton's employment from December 18, 1972 to a date on which a representative of Complainant Association could be available to represent Nelton, all in violation of Section 111.70(3)(a)(3) of the Municipal Employment Relations Act. The Respondent admits that it refused to postpone the indicated conference but contends, for various reasons, that such refusal did not constitute a violation of Section 111.70(3)(a)(3). The indicated conference resulted in the Respondent's placing of Complainant Nelton on probation. Complainant Nelton was later non-renewed but no issue is joined in the instant case as to the merits of the placement on probation or the non-renewal.

The testimony adduced at the hearing held on March 22, 1973 indicates that Nelton made a written request for postponement and received a written denial of his request prior to December 18, 1972. The testimony also indicates that, at the outset of the meeting on December 18, 1972, the postponement request was renewed and again denied. The parties agreed to make tape recordings of the conference, and each party received an original tape recording. The Respondent had not prepared a transcription of its tape prior to the hearing in the instant matter but offered to do so on the basis that such a transcription would provide the best evidence of what went on during the conference. The Examiner reserved ruling on the motion.

It is apparent, upon review of the pleadings and the other evidence adduced at hearing, that the bulk of the conferences so recorded is irrelevant to the instant case. Several allegations had been made concerning Nelton, and discussion of those allegations was the primary purpose of the conference. As such, they would tend to relate primarily to the merits of placing Nelton on probation. Other evidence concerning the merits of placing Nelton on probation has crept into the present record inferentially, but the issue has not been litigated directly. Without a more specific offer of proof showing relevance to the limited issues joined in this case, the Examiner finds that the motion to have the contents of the tape recording made a part of the record must be denied.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Marvin L. Schurke  
Marvin L. Schurke, Examiner