

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

BELOIT EDUCATION ASSOCIATION

To Initiate Fact Finding Between
Said Petitioner and

BELOIT BOARD OF EDUCATION

Case IV

No. 16691 FF-551

Decision No. 11851-D

ORDER DENYING MOTION TO MAKE MORE DEFINITE AND CERTAIN

The Wisconsin Employment Relations Commission having, on September 5, 1973, issued an Order appointing Reynolds C. Seitz, Milwaukee, Wisconsin, as the fact finder for the purpose of recommending a final and binding resolution to a dispute existing between the Beloit Education Association and the Beloit Board of Education; and on September 11, 1973, the Commission having amended said Order to limit said final and binding fact finding to a dispute involving a "mutual rights" clause; and hearing before the fact finder having been postponed indefinitely at the request of the parties; and on November 12, 1973, the Beloit Board of Education having filed a motion to dismiss the fact finding proceeding, contending that the matter in dispute no longer was in issue; and on November 19, 1973, the Beloit Education Association having, in writing, opposed the dismissal of the proceeding and not having admitted that the matter involved was no longer in dispute; and the Commission on January 8, 1974, having issued an Order denying the motion of the Beloit Board of Education to dismiss the fact finding proceeding and further ordering the fact finder to proceed in the matter; and thereafter, and on January 15, 1974, the Beloit Board of Education having filed with the Commission a motion that the fact finding petition initiating the instant proceeding filed on April 12, 1973, be made more definite and certain, specifically, (1) to set forth the specific mediation session in which the Beloit Board of Education and the Beloit Education Association mutually agreed to submit the issue of a "mutual rights" clause to binding fact finding, and (2) to describe the specific "mutual rights" clause involved; and the Commission, having reviewed said motion and being fully advised in the premises, being satisfied that said motion be denied;

NOW, THEREFORE, it is

ORDERED

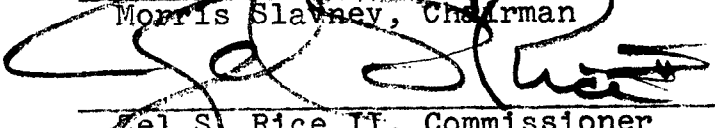
That the motion filed by the Beloit Board of Education to make the petition requesting the Wisconsin Employment Relations Commission to initiate fact finding be made more definite and certain be, and the same hereby is, denied.

Given under our hands and seal at the
City of Madison, Wisconsin, this 17th
day of January, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

No. 11851-D

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO MAKE MORE DEFINITE AND CERTAIN

The Beloit Education Association on April 12, 1973, filed a petition for fact finding with the Commission alleging that the Board of Education and the Association had mutually agreed to submit the issue of a "mutual rights" clause to final and binding fact finding before a fact finder appointed by the Commission. It should be noted that on May 10, 1973, the Board of Education filed an answer to the petition agreeing to submit the issue of a "mutual rights" clause to final and binding fact finding and further agreed that, as a condition thereof, the fact finder would be selected from a panel furnished by the Commission. Thereafter the Commission issued its Order appointing the fact finder, more specifically, on September 5, 1973, and on September 11, 1973, amended said Order to specifically limit the jurisdiction of the fact finder to issue a final and binding recommendation with respect to an issue of a "mutual rights" clause. The fact finding proceeding was held in abeyance at the request of the parties and on November 12, 1973, the Board of Education filed a motion to dismiss the fact finding proceeding contending that the matter in dispute was no longer in issue, since the parties had reached a collective bargaining agreement for the school year 1973-1974. The Association opposed the dismissal of the fact finding proceeding, and on January 8, 1974, the Commission issued an Order denying the motion to dismiss the fact finding petition, and at the same time, ordered the fact finder to proceed in the matter.

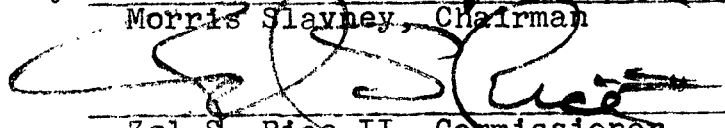
Thereafter and on January 15, 1974, the Board of Education filed with the Commission a motion to make the petition more definite and certain as indicated in the Order. We deem that such motion is not timely since, as far back as May 10, 1973, the Board of Education indicated its agreement to submit the issue on a "mutual rights" clause to final and binding fact finding and on May 15, 1973, the Commission issued a formal Order initiating fact finding and at the same time submitted a panel of individuals from which the parties could select the fact finder. After the selection process had been completed and the Commission had been notified of the individual selected, the Commission, on September 5, 1973, issued its Order appointing Reynolds C. Seitz, Milwaukee, Wisconsin, as the fact finder. On September 11, 1973, the Commission amended its Order to specifically limit the issue to be presented to the fact finder to recommend a final and binding resolution to a "mutual rights" clause. We deem the motion to make the petition more definite and certain filed in this late stage in the proceeding to be most untimely filed, especially since the Board of Education made no protest to the contents of the petition as filed, but to the contrary, in fact, stipulated to the contents thereof by indicating that the parties had mutually agreed to submit the issue involved to final and binding fact finding.

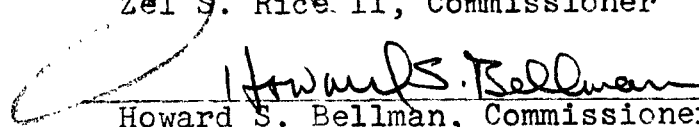
Dated at Madison, Wisconsin, this 17th day of January, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner