

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BROWN DEER EDUCATION ASSOCIATION and	:	
ROBERT DIEKROEGER,	:	
	:	
Complainants,	:	Case IX
	:	No. 17015 MP-263
vs.	:	Decision No. 12045-C
	:	
BOARD OF EDUCATION, BROWN DEER	:	
SCHOOLS, SCHOOL DISTRICT NO. 1,	:	
	:	
Respondent.	:	
	:	

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

Examiner Marshall L. Gratz having, on July 3, 1974, issued his Findings of Fact, Conclusions of Law and Order, with Accompanying Memorandum, in the above entitled proceeding, wherein the above named Respondent was found to have committed a prohibited practice within the meaning of Section 111.70(3)(a)5 of the Municipal Employment Relations Act, and wherein the Respondent was ordered to cease and desist therefrom and to take certain affirmative action with respect thereto; and on July 29, 1974, said Respondent having filed a Petition for Review with the Commission; and the Commission having reviewed the entire record in the matter, the Petition for Review and briefs with respect thereto, and being satisfied that the Findings of Fact and Conclusions of Law should be affirmed and the Order should be enlarged;

NOW, THEREFORE, it is

ORDERED

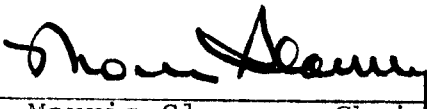
1. That the Findings of Fact and Conclusions of Law issued by the Examiner be, and the same hereby are, affirmed.
2. IT IS FURTHER ORDERED that the Order issued by the Examiner be enlarged 1/ to include as new paragraphs 3, 4 and 5 the following:
3. If, but only if Robert Diekroeger submits or causes to be submitted to the office of the Superintendent on or before August 25, 1975, a medical certification that he was medically fit to resume teaching duties for Respondent at the beginning of the 1974-75 school year, make Robert Diekroeger whole by paying him an amount of money equal to that to which he would have earned had he been reinstated to teaching Business Administration for the 1974-75 school year, less any amount of money he earned or received that he would he would not have earned or received if he had been offered reinstatement to his former position as a Business Administration teacher for the 1974-75 school year.

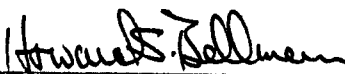
1/ Since the Respondent has not complied with the Examiner's Order to reinstate Diekroeger, and since a new teaching year is approaching, we have enlarged the Order to cover the approaching school year.

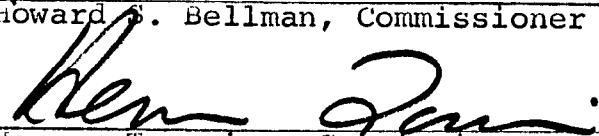
4. If, but only if Robert Diekroeger submits or causes to be submitted to the office of the Superintendent on or before August 25, 1975, a medical certification that he is medically fit to resume teaching duties for Respondent at the beginning of the 1975-76 school year, offer Robert Diekroeger full and complete reinstatement to his former position as a Business Administration teacher for the 1975-76 school year at a salary equal to that to which he would have been entitled had he taught for Respondent during the 1974-75 school year, and restore to Robert Diekroeger all rights and benefits lost by him due to its dismissal of him prior to the 1973-74 school year.^{2/}
5. Notify the Wisconsin Employment Relations Commission, in writing within forty (40) days from receipt of a copy of this Order as to what steps have been taken to comply herewith.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of July, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner

^{2/} Paragraph 4 of the Order shall be effective only if Robert Diekroeger also provides a medical certification that he was medically fit to resume teaching duties for the 1974-75 school year.