

SUPERIOR BOARD OF EDUCATION EMPLOYEES  
LOCAL UNION NO. 1397, AFSCME, AFL-CIO,

VS.

Respondent.

Case XXV  
No. 17155 MP-282  
Decision No. 12174-E

The Wisconsin Employment Relations Commission, heretofore and on May 21, 1975, having issued an Order affirming the Examiner's Findings of Fact and Conclusions of Law, and expanding the Examiner's Order issued in the above entitled matter; and thereafter and on June 9, 1975, Counsel for the above named Complainant having filed a motion with the Commission requesting that the Commission reconsider its Order remedying the prohibited practice found to have been committed by the above named Respondent; and the Commission being fully advised in the premises, and being satisfied that the motion to reconsider the remedy contained in the Commission's Order should be denied;

ORDERED

Given under our hands and seal at the  
City of Madison, Wisconsin, this 23rd  
day of June, 1975.

By

Morris Slavney, Chairman

Howard S. Bellman, Commissioner

Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION TO RECONSIDER REMEDY

In its Order affirming the Examiner's Findings of Fact and Conclusions of Law and expanding the Examiner's Order issued in the instant proceeding the Commission, among other things, ordered the Respondent to:

"Immediately notify the Department of Industry, Labor and Human Relations, Unemployment Compensation Division, that for the term of the collective bargaining agreement reached on January 21, 1973, the Respondent elected to grant unemployment compensation coverage to bus drivers and class V secretaries for the summer months of 1973, a period in which said employees did not usually work, and in said notification request the Department of Industry, Labor and Human Relations to approve of said election. Should the Department of Industry, Labor and Human Relations approve the election for unemployment compensation coverage to the employees involved, the Respondent shall immediately pay the unemployment compensation due them for the period involved. Should the Department of Industry, Labor and Human Relations not approve the payment of such funds, then the Respondent has no obligation to pay said employees any unemployment compensation for the period involved. However, should the Department of Industry, Labor and Human Relations refuse to rule on the matter because of the lapse of time, or for any other reason or reasons, the Respondent shall reimburse such employees for unemployment compensation benefits for which they would otherwise be entitled."

In its motion requesting the Commission to reconsider such remedy the Complainant requested that the Commission order the Respondent to make direct payment of unemployment compensation payments to the employees involved without, in effect, seeking any consideration or approval of same by the Department of Industry, Labor and Human Relations.

The Commission has denied the motion, since it is of the opinion that its Order is consistent with the purposes of the Municipal Employment Relations Act, as well as the pertinent statutory provisions pertaining to the functions of the Department of Industry, Labor and Human Relations with respect to the matters herein involved.

Dated at Madison, Wisconsin, this 23rd day of June, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

Herman Torosian  
Herman Torosian, Commissioner