
WISCONSIN EMPLOYMENT
RELATIONS COMMISSION,

Petitioner,

MEMORANDUM OPINION

vs.

JOINT SCHOOL DISTRICT NO. 1
CITY OF RIVER FALLS, et al.,
and PAUL W. PROESCHOLDT,

Decision No. 12754-D

Respondents.

The Wisconsin Employment Relations Commission, in an order dated March 26th, 1976, concluded that the School District committed prohibited practices within the meaning of Section 111.70(3)(a) 1 and 3 of the Municipal Employment Relations Act by denying the request of a part-time teacher for maternity leave, by terminating the employment of regular part-time teachers and threatening such teachers with the possibility of loss of future employment because of and in retaliation for engaging in protected, concerted activities.

On failure and refusal of the School District to comply with the Commission's order, the Commission petitioned this Court for enforcement. The School District did not file an appeal from the Commission's order, and on September 20th, 1977, this Court issued a Memorandum Decision wherein the Court affirmed and enforced the decision of the Commission, but indicated intent to remand the matter to the Commission for the purpose of reviewing its order with respect to the individual complainants involved as to their employment following the hearing before the examiner. The Court entered this Order and Judgment on January 3rd, 1978, and on July 12th, 1978, in River Falls, Wisconsin, before Examiner Greco, testimony was taken pursuant to the Court's directive. Following the hearing, the Commission issued supplemental findings of fact, conclusions of law, and order, on January 17th, 1979. The School District complied, or has agreed to comply with all aspects of the Commission's order, except as it relates to employees Gail Anderson and Eleanore Richards. On July 16th, 1979, the Commission moved for confirmation and enforcement of its supplemental order, and on August 7th, 1979, the School District moved for an order granting leave to adduce additional evidence and for modification of the Commission's order on remand. Oral argument was held on September 11th, 1979, and briefs were filed.

It is the decision of this Court that the Commission's findings are supported by credible and competent evidence, and the School District will not be granted leave to adduce additional evidence regarding employees, Anderson and Richards.

Examination of the proceedings show that the School District attempted to introduce evidence to justify its original decision to fill the two part-time positions with one full-time and one half-time position. The original decision of the Commission had rejected this precise argument, and thus, the offer of proof on the part of the School District was simply an attempt to relitigate matters that have been previously determined.

A judgment, order, and decree will be entered enforcing all of the provisions of the Commission's order.

Dated this 17th day of March, 1980.

BY THE COURT:

John G. Bartholomew /s/
John G. Bartholomew
Circuit Judge