

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

UNITED MILWAUKEE EDUCATORS

Requesting a Declaratory Ruling
Pursuant to Section 227.06,
Wisconsin Statutes, Involving a
Dispute Between Said Petitioner and

MILWAUKEE BOARD OF SCHOOL DIRECTORS

Case LVII

No. 18317 DR(M)-57

Decision No. 13028-A

Appearances:

Mr. Wayne Schwartzman, Acting General Counsel, Wisconsin Education
Association Council, for the Petitioner.

Mr. Richard Perry, Attorney at Law, for the Intervenor.

FINDINGS OF FACT, CONCLUSION
OF LAW AND DECLARATORY RULING

United Milwaukee Educators having on September 13, 1974 filed a petition requesting the Wisconsin Employment Relations Commission to issue a declaratory ruling as to whether the Petitioner is a labor organization within the meaning of Section 111.70(1)(j) of the Municipal Employment Relations Act; and a hearing having been held on October 2, 1974, at Milwaukee, Wisconsin, before Commissioner Zel S. Rice II, and during the course of the hearing Milwaukee Teachers Education Association having been permitted to intervene in the matter on the basis that it is the certified representative of teaching personnel in the employ of the Milwaukee Board of School Directors; and the Commission being fully advised in the premises makes and files the following Findings of Fact, Conclusion of Law and Declaratory Ruling.

FINDINGS OF FACT

1. That the United Milwaukee Educators has offices at 11040 West Bluemound Road, Milwaukee, Wisconsin 53226, and is affiliated with the Wisconsin Education Association Council.

2. The Milwaukee Board of School Directors, Milwaukee, Wisconsin, is a Municipal Employer within the meaning of Section 111.70(1)(a) of the Municipal Employment Relations Act.

3. That the Milwaukee Teachers Education Association is a labor organization within the meaning of Section 111.70(1)(j) and represents teaching personnel employed by the Municipal Employer.

4. That the United Milwaukee Educators is an employee organization in which employees participate and which exists for the purpose of engaging in collective bargaining with a municipal employer concerning grievances, labor disputes, wages, hours and conditions of employment.

CONCLUSION OF LAW

That the United Milwaukee Educators is a labor organization within the meaning of Section 111.70(1)(j) of the Municipal Employment Relations Act.

On the basis of the above and foregoing Findings of Fact and Conclusion of Law the Commission makes and files the following

DECLARATORY RULING

That the United Milwaukee Educators is an employe organization in which employes participate and which exists for the purpose of engaging in collective bargaining with Municipal Employers concerning grievances, labor disputes, wages, hours and conditions of employment and is a labor organization within the meaning of Section 111.70(1)(j) of the Municipal Employment Relations Act.

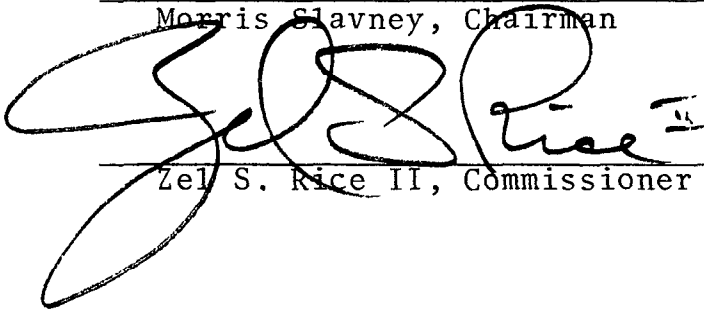
Given under our hands and seal at the
City of Madison, Wisconsin, this 19th
day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSION OF LAW AND DECLARATORY RULING

During the course of the hearing on the petition, the Municipal Employer did not make an appearance. The Milwaukee Teachers Education Association was permitted to intervene. The Petitioner introduced uncontested evidence that it was an employee organization in which employees participate and which exists for the purpose of engaging in collective bargaining with Municipal Employers concerning grievances, labor disputes, wages, hours and conditions of employment. It was also established that it has among its members teachers in the employ of the Municipal Employer and that it is affiliated with the Wisconsin Education Association and the National Education Association.

The Intervenor, Milwaukee Teachers Education Association, and Petitioner entered into a stipulation subsequent to the hearing wherein it was agreed that the Petitioner was a labor organization within the meaning of Section 111.70(1)(j) of the Municipal Employment Relations Act. While the Municipal Employer did not enter into said stipulation, it did not appear at the hearing nor has it indicated any opposition to the facts set forth in the stipulation.

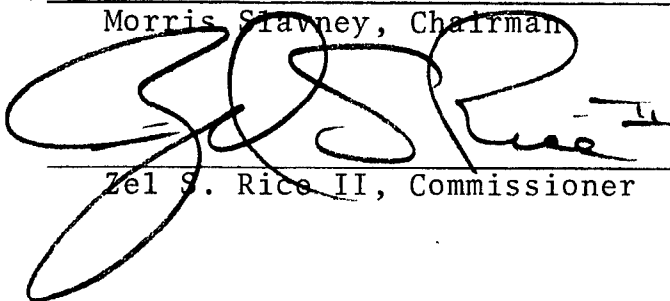
The stipulation entered into by the Petitioner and the Intervenor specifically provided that the question of whether a minority labor organization is entitled to dues check off where there exists a certified majority collective bargaining representative in a collective bargaining unit should not be decided by the Commission in the instant declaratory ruling. The stipulation further provided that the question of the propriety of dues check off is being presented to the Commission in a pending complaint proceeding involving Milwaukee Teachers Education Association against the Milwaukee Board of School Directors.

Dated at Madison, Wisconsin, this 19th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 

Morris Slavney, Chairman



Zel S. Rice II, Commissioner