

UNITED STAFF UNION,  
Complainant,  
vs.  
FLYWAY UNITED EDUCATORS,  
Respondent.

## ORDER HOLDING PROCEEDINGS IN ABEYANCE

NOW, THEREFORE, it is

That any further proceedings on the complaint of unfair labor practices filed in the above-entitled matter be, and the same hereby are, held in abeyance.

Dated at Madison, Wisconsin, this 2nd day of January, 1976.

By Thomas L. Yaeger  
Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING ORDER HOLDING PROCEEDINGS IN ABEYANCE

The National Labor Relations Board, in issuing a consolidated complaint against Flyway United Educators, a party to the dispute herein, and the Wisconsin Education Association Council, determined said Respondents therein to be a single employer engaged in commerce or industries affecting commerce as defined in the National Labor Relations Act. 1/ Inasmuch as the NLRB has made an initial determination that Flyway United Educators comes within its jurisdiction and the unfair labor practices alleged by Complainant herein in its complaint and amended complaint are regulated by the National Labor Relations Act this Commission is without jurisdiction to consider Complainant's allegations herein. 2/ This is true notwithstanding what actions the parties themselves may have taken to confer jurisdiction in the Commission where it would not otherwise have jurisdiction inasmuch as the parties have no power to do so. Thus, it would be inappropriate to proceed any further in the above-entitled matter prior to a final disposition of the aforesaid proceedings now pending before the NLRB.

Dated at Madison, Wisconsin this 2nd day of January, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Thomas L. Yaeger, Examiner

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- 1/ A copy of the NLRB's Order Consolidating Cases, Consolidated Complaint and Notice of Hearing are attached hereto as Exhibit "A".
- 2/ Adelman Laundry and Cleaners (8901) 7/67; Moxness Products, Inc. (8399-A,B) 3/69; Overhead Door Co. (9112-A) 9/69; Sinclair Refining Co. (8526-A,B) 3/69 (Aff. 52 Wis. 2d 126, 6/71); Parkwood IGA (10761-B,C) 2/73.

"APPENDIX A"

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
THIRTIETH REGION

WISCONSIN EDUCATION ASSOCIATION  
COUNCIL; FLYWAY UNITED EDUCATORS

and

Cases Nos. 30-CA-3282  
30-CA-3320

UNITED STAFF UNION

ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

It having been charged by United Staff Union, herein called the Union, in Cases Nos. 30-CA-3282 and 30-CA-3320, that Wisconsin Education Association Council, herein separately called WEAC, and as more fully set forth below, its administrative unit and agent Flyway United Educators, herein separately called Flyway, and herein collectively called Respondent, have engaged in, and are engaging in, certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C., Sec. 151, et seq., herein called the Act, the Acting General Counsel of the National Labor Relations Board, herein called the Board, by the undersigned Regional Director for the Thirtieth Region, having duly considered the matter and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay,

HEREBY ORDERS, pursuant to Section 102.33 of the Board's Rules and Regulations, Series 8, as amended, that these cases be, and they hereby are, consolidated.

Said cases having been consolidated for hearing, the Acting General Counsel of the Board, on behalf of the Board, by the undersigned Regional Director, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, Series 8, as amended, hereby issues this Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case No. 30-CA-3282 was filed by the Union on August 22, 1975, and was served on WEAC, by registered mail, on

August 25, 1975, and was served on Flyway, by registered mail, on September 3, 1975.

(b) The charge in Case No. 30-CA-3320 was filed by the Union on September 16, 1975, and was served on WEAC, by registered mail, on September 17, 1975, and was served on Flyway, by registered mail, on September 18, 1975.

2. (a) WEAC is a voluntary, unincorporated association, with approximately 40,000 members, and is an affiliate of the National Education Association. WEAC's office and headquarters are located in Madison, Wisconsin, and its geographical jurisdiction encompasses the State of Wisconsin.

(b) During the past year, a representative period, WEAC remitted dues, initiation fees and/or assessments from its members, in excess of \$50,000, to the Washington, D. C. headquarters of the National Education Association.

(c) Flyway, located in Watertown, Wisconsin, is one of the several "Uniserv" units throughout the State of Wisconsin, all of which are administrative units and agents of WEAC. Uniserv units assist local associations of WEAC members in bargaining labor agreements and processing grievances. Each Uniserv unit is under written agreement with National Education Association and WEAC. Said tripartite agreement authorizes the establishment of the Uniserv unit, deals with unit funding and prescribes unit policies, including labor relations policies.

(d) At all times material herein, WEAC and Flyway have been a single integrated enterprise, were and are a single Employer within the meaning of Section 2(2) of the Act, and are engaged in "commerce" or in industries "affecting commerce" as defined in Section 2(6) and (7) of the Act.

3. At all times material herein, the Union is, and has been, a labor organization as defined in Section 2(5) of the Act.

4. At all times material herein, the following-named persons have been, and are now, agents of Respondent, acting on its behalf, and are supervisors within the meaning of Section 2(11) of the Act:

Morris Andrews - WEAC Executive Secretary  
Donald Krahn - WEAC Director of Field Services  
Maxine Heimerl - Flyway President  
Weir McQuoid - Member of WEAC Board of Directors  
and former Flyway President  
Glenn Schwock - Member of Flyway Board of Directors

5. On or about the dates listed below, Respondent interfered with, restrained and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act, by the following acts and conduct:

(a) On or about July 16, 1975, at the Flyway office in Watertown, Wisconsin, Respondent, by its agent Glenn Schwock, made disparaging remarks concerning the Union in an effort to discourage its employee Carolyn Armagost, from further activities in support of the Union.

(b) On or about July 21, 1975, Respondent, by its agent Weir McQuoid, solicited an employee to engage in surveillance of employee Carolyn Armagost's union activities.

(c) By letter dated July 30, 1975, Respondent, by its agent Weir McQuoid, reprimanded the employee Carolyn Armagost and urged her to resign her employment all because of her protected and concerted activities.

6. On or about August 22, 1975, Respondent discriminatorily issued a disciplinary suspension to its employee Carolyn Armagost all because of her sympathy for and activities on behalf of the Union, and in order to discourage support for, membership in and activities on behalf of the Union.

7. On or about September 2, 1975, Respondent discriminatorily discharged its employee Carolyn Armagost because of her union and/or protected and concerted activities and/or because she filed charges under the Act.

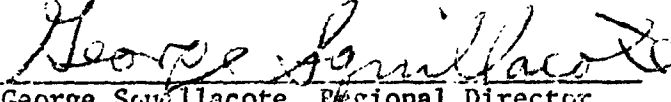
3. By the acts and conduct alleged above, Respondent has engaged in, and is engaging in, unfair labor practices as defined in Section 8(a)(1), (3) and (4) of the Act, affecting "commerce" as defined in Section 2(6) of the Act.

PLEASE TAKE NOTICE that on the 15th day of December 1975, at 1 p.m. (CST) in the Hearing Room, Suite 230, Commerce Building, 744 North Fourth Street, Milwaukee, Wisconsin, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Consolidated Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony.

You are further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, the Respondent shall file with the undersigned Regional Director, acting in this matter as agent of the National Labor Relations Board, an original and four copies of an Answer to said Consolidated Complaint within 10 days from the service thereof, and that unless it does so, all of the allegations in the Consolidated Complaint shall be deemed to be admitted to be true and shall be so found by the Board. You are also notified that pursuant to said Rules and Regulations, immediately upon the filing of the Answer, Respondent shall serve a copy thereof on each of the other parties.

Form NLRB-4668, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, is attached, and Form NLRB-4338 enclosed.

Dated at Milwaukee, Wisconsin this 23rd day of October 1975.

  
George Squillacote, Regional Director  
National Labor Relations Board  
Thirtieth Region  
Suite 230, Commerce Building  
744 North Fourth Street  
Milwaukee, Wisconsin 53203

Attachment