

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE TEACHERS EDUCATION  
ASSOCIATION,

Complainant,

vs.

MILWAUKEE BOARD OF SCHOOL DIRECTORS,  
Respondent.

Case LVIII  
No. 18346 MP-399  
Decision No. 13642-A

UNITED MILWAUKEE EDUCATORS,

Complainant,

vs.

MILWAUKEE BOARD OF SCHOOL DIRECTORS,  
Respondent.

Case LXIV  
No. 18697 MP-422  
Decision No. 13643-A

ORDER DISMISSING MOTION TO RECONSIDER

Complaints of prohibited practices under the Municipal Employment Relations Act having been filed with the Wisconsin Employment Relations Commission in the above entitled matters; and a consolidated hearing in the matters having been conducted on February 18, 1975 and March 13, 1975 at Milwaukee, Wisconsin; and arrangements having been made at said hearing for the filing of briefs "within three weeks of the issuance of the transcript"; and said transcript having been issued by the court reporter on April 2, 1975; and said briefing period having expired on approximately April 23, 1975; and the Milwaukee Federation of Teachers having filed a brief in the matter on approximately May 12, 1975; and the Milwaukee Teachers Education Association having filed a brief on approximately May 15, 1975; and the Commission having returned said briefs on the grounds that they were untimely filed; and the Commission having issued its Findings of Fact, Conclusions of Law and Order in the matter on May 14, 1975; and the Milwaukee Federation of Teachers having filed a "Motion to Reconsider Conclusions of Law and Order" on May 16, 1975, requesting inter alia that the Commission accept the aforesaid briefs; and the Commission being fully advised in the premises and having determined that the grounds set forth in said Motion for reconsideration are insufficient;

NOW, THEREFORE, it is

ORDERED

That the aforesaid Motion be, and the same hereby is, dismissed.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 20th  
day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

No. 13642-A  
No. 13643-A

MEMORANDUM ACCOMPANYING  
ORDER DISMISSING MOTION TO RECONSIDER

The Motion to reconsider states that it is based on three grounds. One ground relates to the late filing of briefs described in the attached Order. It is alleged that the parties who filed the late briefs were confused by arrangements being made among the parties, and assumed that the Commission's decision would not be prompt. This ground is rejected on the basis that the brief-filing schedule was clearly set forth at the hearing and, therefore, in the transcript; and no request was made of the Commission for an extension of same. The Commission had every reason to assume, and did assume, that the parties elected, as is their right, not to file briefs.


The second basis stated for the Motion is that "there was no conclusion of law entered regarding Intervenor's position that the matter is res judicata . . .". This ground is rejected on the basis that the res judicata argument of the Intervenor was made orally at the hearing, considered by the Commission, and specifically rejected by the Commission in its decision wherein it distinguished the case which the Intervenor has contended rendered the matter res judicata.

Finally, Milwaukee Federation of Teachers argues for reconsideration on the basis that by rejecting its brief, the Commission failed to consider its argument with respect to the holding in Milwaukee Board of School Directors vs. WERC (42 Wis. 2d 637, 1969). However this decision, which was also referred to in the aforesaid res judicata contention, was thoroughly considered by the Commission and discussed in its decision.

Dated at Madison, Wisconsin, this 20th day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman



Howard S. Bellman, Commissioner