## STATE OF WISCONSIN

## BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GENERAL DRIVERS AND HELPERS UNION, LOCAL NO. 662, a/w INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA,

Complainant,

Case VIII

No. 21195 MP-699 Decision No. 15172-B

VS.

NEW RICHMOND JOINT SCHOOL DISTRICT NO. 1,

Respondent.

## ORDER AFFIRMING EXAMINER'S FINDINGS OF FACT AND ORDER, AND MODIFYING EXAMINER'S CONCLUSIONS OF LAW

Examiner Stephen Schoenfeld having on July 27, 1977, issued Findings of Fact, Conclusions of Law and Order in the above-entitled matter, wherein the Examiner concluded that the above-named Respondent had committed a prohibited practice within the meaning of Section 111.70(3)(a)4 and 1 of the Municipal Employment Relations Act by failing to bargain collectively with the Complainant, as the exclusive collective bargaining representative of the bus drivers in the employ of the Respondent, with respect to wages, hours and conditions of employment covering said employes for the school year 1976-1977 and, further, wherein the Examiner found that the Respondent did not commit a prohibited practice by failing to bargain with the Complainant with respect to its decision to subcontract busing operations for the school year 1977-1978; and the above-named Complainant having, pursuant to Section 111.07(5), Wisconsin Statutes, timely filed a petition requesting the Commission to review the Examiner's decision, as well as a brief in support thereof; and the above-named Respondent having filed a brief opposing the petition for review, and supporting the decision of the Examiner; and the Commission having reviewed the entire record, the petition for review and the brief filed in support thereof, as well as the brief filed in opposition thereto, makes and issues the following

## ORDER

- 1. That the Examiner's Conclusions of Law 3 and 4 are modified so that they read as follows:
  - "3. That Complainant waived its right to bargain about Respondent's decision to subcontract its busing operation by its failure to request bargaining about the subject after it was informed that Respondent was contemplating such a decision.
  - 4. That Respondent, by its decisions to abandon its plans to build the bus parking facility, to invite bids for subcontracting of the busing, and to subcontract the busing did not violate secs. 111.70(3)(a)1, 2, 3 or 4 of MERA."

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2. That the Examiner's Findings of Fact, Conclusions of Law (as modified above) and Order 1/ shall be, and hereby are, affirmed.

Given under our hands and seal at the City of Madison, Wisconsin this  $22^{\circ}$  day of May, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Chairman

Commissioner

Marshall L. Gratz, Commissioner

The Commission was advised in writing by the Respondent on August 12, 1977 that the required notice had been posted.