

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WINTER JOINT SCHOOL DISTRICT, NO. 1,	:	
	:	
Complainant,	:	
	:	Case XXIII
vs.	:	No. 24343 MP-965
	:	Decision No. 16951-A
NORTHWEST UNITED EDUCATORS,	:	
	:	
Respondent.	:	
	:	

ORDER DENYING MOTION TO INTERVENE

Winter Joint School District, No. 1, herein the District, filed the instant complaint on March 28, 1979, wherein it alleged that Northwest United Educators, herein the Association, violated Section 111.70(3)(b)2 of the Municipal Employment Relations Act, herein MERA, by refusing to supply the District with certain requested information pertaining to the Association's expenditure of fair share funds and dues and by allegedly expending fair share funds and dues for political purposes.

Thereafter, on June 4, 1979, three teachers employed by the District, Robert Hanus, Robert Langham and Lloyd D. Williams, through their representative the National Right to Work Legal Defense Foundation, Inc., moved to intervene in the proceeding.

On June 11, 1979 the District advised the Examiner that it did not have any objection to the motion to intervene. On the same day, the Association advised that it did object to said motion.

Based upon the foregoing, it is hereby ordered that the motion to intervene be, and the same hereby is, dismissed.

Dated at Madison, Wisconsin this 2nd day of July, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco
Amedeo Greco, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO INTERVENE

The motion to intervene primarily argues that the three named teachers herein are affected by any fair share agreement reached by the District and the Association and that, as a result, they have the right to intervene pursuant to ERB rule 10.12(2) which provides:

(2) To Intervene. Any person claiming to intervene in any proceeding shall, if prior to hearing, file a motion with the commission. Such motions shall state the grounds upon which such person claims an interest. Intervention at the hearing shall be made by oral motion stated on the record. Intervention may be permitted and upon such terms as the commission or the individual conducting the proceeding may deem appropriate.

The Examiner finds that there is no question but that individuals who are covered under a fair share agreement have an interest in how fair share funds are expended. Indeed, the Wisconsin Supreme Court in Browne 1/ held that individuals affected by fair share provisions have standing to question such expenditures.

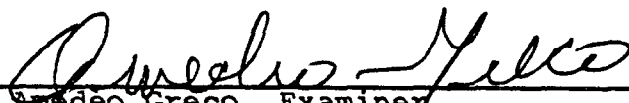
Here, however, there is no fair share agreement in effect. Instead, it appears only that the Association has made a fair share proposal in collective bargaining negotiations. There is no indication upon the basis of the information submitted that the District has agreed to such proposal. It is therefore entirely speculative at this point as to whether the three teachers will ever be covered under a fair share agreement.

As a result, it must be concluded that the three teachers have no standing at the present time to intervene in the instant proceedings, as they have not proven that they will necessarily be affected by the Association's request for a fair share agreement. Their request to intervene is therefore denied.

In this connection, the Association states that it does not have any objection to the three teachers filing an amicus curiae. Accordingly, and because the three teachers have indicated their interest in this matter, they are hereby accorded the opportunity to file an amicus curiae brief.

Dated at Madison, Wisconsin this 2nd day of July, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Amedeo Greco, Examiner

1/ Browne v. Milwaukee Board of School Directors, 69 Wis 2d 169 (1975).