

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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PHYLLIS ANNE BROWNE, BEVERLY ENGELLAND, :  
ELEANORE PELISKA, BETTY C. BASSETT, :  
YETTA DEITCH, VIRGINIA LEMBERGER, :  
DONNA SCHLAEFER, KATHERINE L. HANNA, :  
LORRAINE TESKE, JUDITH D. BERNS, :  
NINETTE SUNN, MARY MARTINETTO, :  
CHARLOTTE M. SCHMIDT and ESTHER :  
PALSGROVE, et al, :  
:   
Complainants, :  
:   
vs. :   
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THE MILWAUKEE BOARD OF SCHOOL :  
DIRECTORS; THE AMERICAN FEDERATION OF :  
STATE, COUNTY AND MUNICIPAL EMPLOYEES, :  
AFL-CIO; DISTRICT COUNCIL 48, AMERICAN :  
FEDERATION OF STATE, COUNTY AND :  
MUNICIPAL EMPLOYEES, AFL-CIO; JOSEPH :  
ROBISON, DIRECTOR OF DISTRICT :  
COUNCIL #48; LOCAL 1053, AMERICAN :  
FEDERATION OF STATE, COUNTY AND :  
MUNICIPAL EMPLOYEES, AFL-CIO; MARGARET :  
SILKEY, as President of Local 1053; :  
and FLORENCE TEFELSKE, as Treasurer :  
of Local 1053, :  
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Respondents. :  
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WALTER J. JOHNSON, MARSHALL M. SCOTT, :  
GERALD LERANTH, OLIVER J. WALDSCHMIDT, :  
ERNA BYRNE, CHRISTINA PITTS, MILDRED :  
PIZZINO, JOHN P. SKOCIR, HELEN RYZNAR, :  
ANNABELLE WOLTER, CHERRY ANN LE NOIR, :  
DORIS M. PIPER, LYNN M. KOZLOWSKI, :  
EDWARD L. BARLOW, IRVING NICOLAI, and :  
ANNE C. TEBO, et al, :  
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Complainants, :  
:   
vs. :   
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COUNTY OF MILWAUKEE, a body Corporate; :  
AMERICAN FEDERATION OF STATE, COUNTY :  
AND MUNICIPAL EMPLOYEES, AFL-CIO; :  
DISTRICT COUNCIL 48, AMERICAN :  
FEDERATION OF STATE, COUNTY AND :  
MUNICIPAL EMPLOYEES, AFL-CIO; and :  
JOSEPH ROBISON, its Director; :  
LOCAL 594, AFSCME, affiliated with :  
District Council 48; LOCAL 645, :  
AFSCME, affiliated with District :  
Council 48; LOCAL 882, AFSCME, :  
affiliated with District Council 48; :  
LOCAL 1055, AFSCME, affiliated with :  
District Council 48; LOCAL 1654, :  
AFSCME, affiliated with District :  
Council 48 and LOCAL 1656, AFSCME, :  
affiliated with District Council 48, :  
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Respondents. :  
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Appearances:

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Appearances:

Lawton & Cates, Attorneys at Law, by Mr. John H. Bowers, 214 West Mifflin Street, Madison, Wisconsin 53703, on behalf of the Respondent Unions.  
Kirschner, Weinberg & Dempsey, Attorneys at Law, by Mr. Larry P. Weinberg, Suite 1360, 1615 L Street, N.W., Washington, D.C., 20036, on behalf of the Respondent Unions.  
Mr. Raymond J. LaJeunesse, Jr., National Right to Work Legal Defense Foundation, Inc., Suite 600, 8001 Braddock Road, Springfield, Virginia, 22160, on behalf of the Complainants.

ORDER

Respondents having on April 23, 1991, filed a Motion with the Wisconsin Employment Relations Commission seeking release of certain monies from an escrow account established pursuant to the Commission's Order in Dec. Nos. 18408-G and 19545-G; and hearing on said Motion having been scheduled for June 6 and 7, 1991; and Complainants having on June 3, 1991 telephonically advised the Commission that no hearing was required as to said Motion because Complainants concurred in large part with the accuracy of Respondents'

contention as to the amount of money which should be released from escrow; and Complainants having thereafter confirmed their position by letter to the Commission received June 5, 1991 wherein they also asked that the Commission not release any escrow monies until the status of the disputed portion of the monies has been clarified; and Respondents having telephonically also confirmed that no hearing was required as to the Motion; and Respondents having advised the Commission by letter dated and received June 10, 1991 as to the elements they believed should be present in any Commission order releasing monies from escrow and Respondents having telephonically advised the Commission that they were in the process of responding to Complainants' contentions regarding the disputed portion of the escrow; and the Commission being satisfied that it is appropriate to release certain monies from the escrow account established by Respondents, makes and issues the following

ORDER

1. Respondents are entitled to immediate release from Respondents' fair share escrow account with First Bank of Milwaukee of the sum of \$1,076,200.00.

2. Respondents are entitled to release from Respondents fair share escrow account with First Bank of Milwaukee of any amount escrowed after February 28, 1991 for any employe of Milwaukee Board of School Directors and Milwaukee County who is not a Browne or Johnson Complainant or who is not a challenger under Respondents' fair share procedure. Respondents shall advise the Commission and Complainants of the amount of money they believe has been so escrowed and the Commission shall then issue a specific Supplemental Order releasing whatever amount is determined to be appropriate. 1/

3. Pursuant to our Order in Dec. Nos. 18408-G and 19545-G, Respondents are not presently obligated to escrow any amount in excess of the fair share fees paid by and not advance rebated to challengers and Browne and Johnson Complainants.

Given under our hands and seal at the City of  
Madison, Wisconsin this 25th day of June, 1991.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

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A. Henry Hempe, Chairman

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Herman Torosian, Commissioner

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William K. Strycker, Commissioner

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1/ Respondents may also seek a Supplemental Commission Order for any amount they believe they are entitled to of the \$337.29 plus interest which Complainants contested and which was not released in Paragraph 1 of this Order.