

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH I

WASHINGTON COUNTY  
**RECEIVED**

SEP 8 1982

WEST BEND EDUCATION ASSOCIATION,

Petitioner,

v.

WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION,

Respondent.

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

NOTICE OF ENTRY OF ORDER

Case No. 81-CV-294

Decision No. 18512

TO: John D. Niemisto  
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Attorney for Amicus Curiae

PLEASE TAKE NOTICE THAT an order, of which a true and correct copy is attached hereto, was signed by the Court on the 31st day of August, 1982, and duly entered in the Circuit Court for Washington County, Wisconsin, on the 31st day of August, 1982.

Dated at Madison, Wisconsin, this 1st day of September, 1982.

*Michael L. Stoll*

MICHAEL L. STOLL, Staff Counsel  
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West Bend Education Association

STATE OF WISCONSIN

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BRANCH I

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WEST BEND EDUCATION ASSOCIATION,

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vs.

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ORDER

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The above-captioned matter came before the Court on the petition for review of the West Bend Education Association, and the record of the Wisconsin Employment Relations Commission (hereinafter WERC). The Petitioner, the WERC and the West Bend Joint School District No. 1 filed briefs and presented oral arguments. An amicus curiae brief was filed by the Wisconsin Association of School Boards, Inc. The Petitioner was represented by Michael L. Stoll, Attorney at Law; the WERC was represented by Assistant Attorney General John D. Niemisto; and the West Bend Joint School District No. 1 was represented by Michael R. Wherry, Attorney at Law.

The Court considered the record and the parties' written and oral arguments, and thereafter issued its decision, dated July 14, 1982, which affirmed in part, and reversed in part, the declaratory ruling of the WERC.

NOW, THEREFORE, IT IS ADJUDGED that the declaratory ruling of the WERC, dated May 15, 1981, insofar as it held that the

Petitioner's proposal requiring the District to discuss the necessity of a proposed reduction in teaching positions does not constitute a mandatory subject of bargaining within the meaning of sec. 111.70(1)(d), Stats., is hereby affirmed.

IT IS FURTHER ADJUDGED that, although sec. 118.22, Stats., does not include the matter of the suspension of a teacher's employment resulting from a layoff, the Petitioner's proposal requiring the District to implement layoffs of teachers in accordance with a time frame consistent with the provisions of sec. 118.22, Stats., is a mandatory subject of bargaining within the meaning of sec. 111.70(1)(d), Stats., and the declaratory ruling of the WERC to that extent is hereby reversed.

IT IS FURTHER ADJUDGED that the Petitioner's proposal regarding the effective date of the implementation of teacher layoffs, which provides that the layoff of each teacher shall commence on the date that he or she completes the teaching contract for the current school year, constitutes a mandatory subject of bargaining within the meaning of sec. 111.70(1)(d), Stats., and the declaratory ruling of the WERC to that extent is hereby reversed.

IT IS FURTHER ADJUDGED that the declaratory ruling of the WERC, insofar as it held that the Petitioner's proposal concerning the rights to reemployment of laid off teachers constitutes a

mandatory subject of bargaining within the meaning of sec.

111.70(1)(d), Stats., is hereby affirmed.

Dated at West Bend, Wisconsin, this 31 day of Aug.  
1982.

BY THE COURT:

/s/ J. Tom Merriam  
J. Tom Merriam  
Circuit Judge