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WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Kelly, Haus and Katz

STATE OF WISCONSIN

CIRCUIT COURT

DAN KUELVNTHAU & KATZ

MADISON METROPOLITAN SCHOOL DISTRICT,

Plaintiff,

vs.

Case No. 84 CV 6920

WISCONSIN EMPLOYMENT RELATIONS COMMISSION,

Decision No. 22129 and
22130

Defendant.

ORDER

The above entitled matter having come on for hearing before the Court upon the petition of the plaintiff, Madison Metropolitan School District, for administrative review under Chapter 227, of a declaratory ruling filed by the Wisconsin Employment Relations Commission In the Matter of the Petition of Madison Metropolitan School District Requesting a Declaratory Ruling Pursuant to Section 111.70(4)(b), Wis. Stats., Involving a Dispute Between Said Petitioner and Madison Teachers Incorporated, Case CXXVI, No. 29960, DR(M)-226, Decision No. 22129 and Case CXXX, No. 30344, DR(M)-244, Decision No. 22130, which held that the identity of a specific insurance carrier was the subject of mandatory bargaining under Section 111.70(1)(a), Wis. Stats., because it primarily related to wages, hours and conditions of employment; and

The petitioner-plaintiff Madison Metropolitan School District having appeared by Davis & Kuelthau, S.C., by Mark Vetter, and the defendant Wisconsin Employment Relations Commission having appeared by Bronson C. LaFollette, Attorney General, and John Niemisto, Assistant Attorney General, and the intervenor-respondent Madison Teachers, Inc. having appeared by Kelly, Haus and Katz, by Robert C. Kelly;

The Court having reviewed the record and having the benefit of written arguments of the parties; and

The Court having filed its memorandum decision on May 28, 1985, wherein the Court found that the decision of the Commission was not supported by its own findings

of fact and that the Commission had erroneously interpreted Section 111.70(1)(a), Wis. Stats. in ruling that the identity of a particular insurance carrier is a subject of mandatory bargaining.

NOW THEREFORE, IT IS ORDERED, that the declaratory ruling of the Wisconsin Employment Relations Commission filed on the 21st day of November, 1984 In the Matter of the Petition of Madison Metropolitan School District Requesting a Declaratory Ruling Pursuant to Section 111.70(4)(b), Wis. Stats., Involving a Dispute Between Said Petitioner and Madison Teachers Incorporated, Case CXXVI, No. 29960, DR(M)-226, Decision No. 22129 and Case CXXX, No. 30344, DR(M)-244, Decision No. 22130 be and the same hereby is in all respects reversed.

Dated this 16 day of July, 1985.

BY THE COURT:

/s/
Daniel R. Moeser, Judge
Circuit Court Branch 11