

In the Matter of the Petition of
SHOREWOOD SCHOOL BOARD
Requesting a Declaratory Ruling
Pursuant to Section 111.70(4)(b),
Wis. Stats., Involving a Dispute
Between Said Petitioner and
SHOREWOOD EDUCATION ASSOCIATION

ORDER DENYING MOTION TO STRIKE REVISED PROPOSALS

. . . Mr. Rynecki would identify, by letter dated no later than April 22, 1985, which portions of the Association's revised final offer he wishes to challenge as non-mandatory and specify why he believes said proposals are permissive or prohibited."

ORDERED

- No. 22622

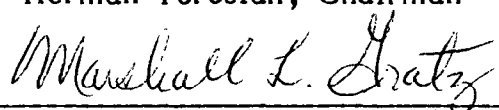
2. That as to all proposals referred to in said Motion, the Shorewood School Board shall notify the Commission and the Shorewood Education Association in written form received by both the Commission and the Association on or before May 6, 1985, as to which of said proposals, if any, it wishes to challenge as non-mandatory and why. Absent a timely challenge, said proposals will be deemed to be mandatory subjects of bargaining unless the District can show good cause for any delay in the submission of its objections.

Given under our hands and seal at the City of
Madison, Wisconsin this 30th day of April, 1985.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO STRIKE REVISED PROPOSALS

The Commission's March 29, 1985 letter specified two available procedures for receiving the Board's challenges to revised proposals submitted by the Association on February 21, 1985. One of the procedures was the conventional approach set forth in ERB 31.11(b) under which the Board would submit written objections to the Association's February 21 final offer and then file a petition for declaratory ruling as to the objected-to proposals. Failure to timely file such an objection or petition would have constituted a waiver of the Board's right to challenge the revised proposals in a Sec. 111.70(4) declaratory ruling proceeding. See, Sec. 111.70(4)(cm)6.a., Stats., and ERB 31.12(3).

The other procedure, which the parties selected, is an informal version of the ERB 31.11(b) process which allows for the refinement of the parties' dispute to occur in a more flexible context. However, this second procedure, like the first, clearly contemplated both that the Board would state whether and why it claimed that any or all the revised proposals contained in the Association's February 21 final offer were non-mandatory and that all of the disputes so specified would be heard during the May 14 and 15 hearing.

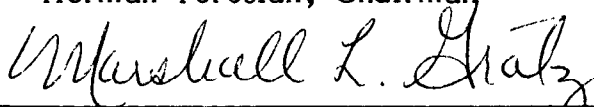
Given these requirements of the agreed-upon procedure, the Board's Motion must be denied. The Board is given until May 6, 1985, to comply with the procedure and should be prepared for a hearing on all proposals as to which it has objected, on May 14 and 15. 1/

Dated at Madison, Wisconsin this 30th day of April, 1985.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

1/ Our decision herein does not, of course, deprive the parties of an opportunity to bargain further following the resolution of the declaratory ruling proceeding. See, ERB 31.12(4).