

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MENOMINEE TEACHERS
EDUCATION ASSOCIATION,

Complainant,

vs.

MENOMINEE INDIAN
SCHOOL DISTRICT,

Respondent.

Case 19
No. 36999 MP-1854
Decision No. 23849-B

Appearances:

Mr. Michael L. Stoll, Staff Counsel, and Mr. Gordon E. McQuillen,
Attorney, Wisconsin Education Association Council, 101 W. Beltline
Highway, P. O. Box 8003, Madison, Wisconsin 53708, for the Association.
Mulcahy & Wherry, S.C., Attorneys at Law, 414 East Walnut Street, P. O.
Box 1103, Green Bay, Wisconsin 54305-1103 by Mr. Dennis W. Rader, for
the District.

ORDER MODIFYING EXAMINER'S ORDER

Examiner Jane B. Buffett issued, on August 13, 1987, Findings of Fact, Conclusions of Law and Order in the above-captioned matter. The Examiner reviewed the Order and discovered the applicable interest was inadvertently omitted from said Order, and is satisfied the Order should be modified pursuant to Sec. 111.07(5), Stats., to read as follows:

ORDER 1/

IT IS HEREBY ORDERED that the Menominee Indian School District, its officers and agents shall immediately:

1. Cease and desist from making unilateral changes in mandatory subjects of bargaining without bargaining with the collective bargaining agent.

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- 1/ Any party may file a petition for review with the Commission by following the procedures set forth in Sec. 111.07(5), Stats.

Section 111.07(5), Stats.

(5) The commission may authorize a commissioner or examiner to make findings and orders. Any party in interest who is dissatisfied with the findings or order of a commissioner or examiner may file a written petition with the commission as a body to review the findings or order. If no petition is filed within 20 days from the date that a copy of the findings or order of the commissioner or examiner was mailed to the last known address of the parties in interest, such findings or order shall be considered the findings or order of the commission as a body unless set aside, reversed or modified by such commissioner or examiner within such time. If the findings or order are set aside by the commissioner or examiner the status shall be the same as prior to the findings or order set aside. If the findings or order are reversed or modified by the commissioner or examiner the time for filing petition with the commission shall run from the time that notice of such reversal or modification is mailed to the last known address of the parties in interest. Within 45 days after the filing of such petition with the commission, the commission shall either affirm, reverse, set aside or modify such findings or order, in whole or in part, or direct the taking of additional testimony. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings or order it may extend the time another 20 days for filing a petition with the commission.

2. Take the following affirmative action which the Examiner finds will effectuate the purposes of the Act:
- (a) Make employes whole for the loss they have incurred as a result of the District's prohibited practice by reimbursing them for service charges for voluntary payroll deductions with interest. 1-A/
 - (b) Notify all of its employes by posting, in conspicuous places in its place of business where employes are employed, copies of the notice attached hereto and marked "Appendix A." That notice shall be signed by the District Administrator and shall be posted immediately upon receipt of a copy of this Order and shall remain posted for thirty (30) days thereafter. Reasonable steps shall be taken to ensure that said notices are not altered, defaced or covered by other material.
 - (c) Notify the Wisconsin Employment Relations Commission, in writing, within twenty (20) days following the date of the Order, as to what steps have been taken to comply herewith.

Dated at Madison, Wisconsin this 2nd day of September, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Jane B. Buffett
Jane B. Buffett, Examiner

1-A/ The applicable interest rate is the Sec. 814.04(4), Stats., rate in effect at the time the complaint was initially filed with the agency. Wilmot Union High School District, Dec. No. 18820-B (WERC, 12/83), citing, Anderson v. LIRC, 111 Wis.2d 245, 258-59 (1983) and Madison Teachers Inc. v. WERC, 115 Wis.2d 623 (CtApp IV, 10/83). The instant complaint was filed on May 21, 1986, at a time when the Sec. 814.04(4), Stats., rate in effect was 12% per year.