

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
THE MILWAUKEE TEACHERS'	:	
EDUCATION ASSOCIATION,	:	
	:	
Complainant,	:	Case 200
	:	No. 39310 MP-2012
vs.	:	Decision No. 24948-A
	:	
THE MILWAUKEE BOARD OF	:	
SCHOOL DIRECTORS,	:	
	:	
Respondent.	:	
	:	

Appearances:

Perry, First, Lerner, Quindel & Kuhn, S.C. by Mr. Richard Perry, 823 North Cass Street, Milwaukee, Wisconsin, 53202-3908, for the Association.
Mr. Stuart S. Mukamal, Assistant City Attorney, City of Milwaukee, 800 City Hall, 200 East Wells Street, Milwaukee, Wisconsin, 53202-3551, for the Board.

ORDER DENYING MOTION TO RESTRAIN PROCEEDINGS

The Milwaukee Teachers' Education Association having on August 31, 1987, filed a complaint with the Wisconsin Employment Relations Commission alleging the Milwaukee Board of School Directors violated Sec. 111.70(3)(a)(5), Stats., by refusing to complete the arbitration process as required by the collective bargaining agreement; and the Board having on October 2, 1987, filed with the Commission a Motion to Restrain Proceedings, requesting the Commission to restrain all proceedings with respect to this matter, including the appointment of an Examiner; and the Association having on October 5, 1987, filed a letter in opposition to said motion; and the Board having on October 7, 1987, filed with the Commission a letter in response to the Association's letter received October 5, 1987; and the Commission through General Counsel Peter G. Davis having on October 13, 1987, advised the parties that this matter had been assigned by the Commission to the undersigned; and the assigned having on October 26, 1987, advised the parties he would schedule one date to hear both the motion and the merits of this matter; and the Board having on October 28, 1987, filed a letter with the Commission requesting that the motion be determined in advance of any hearings in this matter; and the Association having on October 30, 1987, filed a letter indicating it opposed holding hearing on the motion prior to hearing on the merits; and the undersigned, having reviewed the arguments of the parties, makes and issues the following

ORDER

That the Motion to Restrain Proceedings is hereby denied.

Dated at Madison, Wisconsin this 6th day of November, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James W. Engmann
 James W. Engmann, Examiner

MILWAUKEE PUBLIC SCHOOLS

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION
TO RESTRAIN PROCEEDINGS

The Association alleges in its complaint that the Board has violated Sec. 111.70(3)(a)(5), Stats., by refusing to complete the arbitration process of a grievance involving Mr. David Roberts. More specifically, the Association alleges in its complaint that the grievance involved herein asserts a violation of the collective bargaining agreement, that the agreement calls for arbitration of unresolved grievances, and that the Board has refused to proceed to arbitration. On its face, the complaint alleges a violation of Sec. 111.70(3)(a)(5), Stats., requiring a hearing to determine the factual basis thereof.

The Board moves to restrain these proceedings, alleging that the grievance herein involved is duplicative of issues raised in a complaint by the Association against the Board before Examiner David E. Shaw (Case 180, No. 36692, MP-1826) and arguing that the Association should not be allowed to submit identical issues to multiple forums.

In the complaint before Examiner Shaw, the Association alleges a statutory right under Sec. 111.70(3)(a)1 and 4, Stats., to the information involved. In its letter received October 5, 1987, the Association asserts that the grievant in the case before the undersigned asserts contractual entitlements, not statutory rights, an issue distinct and different from that before Examiner Shaw.

For this reason the Motion to Restrain Proceedings is denied.

Dated at Madison, Wisconsin this 6th day of November, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James W. Engmann
James W. Engmann, Examiner