

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE TEACHERS' EDUCATION :
ASSOCIATION, :
: Complainant, : Case 235
: : No. 45654 MP-2479
vs. : Decision No. 26911-A
: :
MILWAUKEE BOARD OF SCHOOL DIRECTORS, :
: :
Respondent. :
: :

Appearances:

Mr. Richard Perry, Perry, Lerner & Quindel, S.C., Attorneys at Law, 823 North Cass Street, Milwaukee, Wisconsin 53202-3908, appearing on behalf of the Milwaukee Teachers' Education Association.
Ms. Mary Rukavina, Assistant City Attorney, City of Milwaukee, City Hall, Room 800, 200 East Wells Street, Milwaukee, Wisconsin 53202-3551, appearing on behalf of the Milwaukee Board of School Directors.

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Milwaukee Teachers' Education Association filed a complaint with the Wisconsin Employment Relations Commission on April 29, 1991, alleging that the Milwaukee Board of School Directors had committed prohibited practices within the meaning of Sec. 111.70(3)(a)4, Stats. On June 10, 1991, the Commission appointed Richard B. McLaughlin, a member of its staff, to act as Examiner to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Sec. 111.70(4)(a), and Sec. 111.07, Stats. Hearing on the matter was set for August 7, 1991, in Milwaukee, Wisconsin. Prior to commencement of the hearing on that date, the parties reached an agreement to resolve the matter informally through the issuance of a consent decision and order. The substance of the parties' agreement was entered on the record, and the transcript stating the agreement was provided to the Commission on August 19, 1991.

STIPULATED FINDINGS OF FACT

1. Milwaukee Teachers' Education Association (MTEA), is a labor organization which maintains its offices at 5130 West Vliet Street, Milwaukee, Wisconsin 53208.
2. The Milwaukee Board of School Directors (MPS), is a municipal employer which maintains its offices at 5225 West Vliet Street, Milwaukee, Wisconsin 53208.
3. On August 7, 1991, the MTEA and the MPS mutually agreed to resolve the complaint of prohibited practices captioned above according to the following terms:

It is hereby agreed by and between the Milwaukee Teachers' Education Association, Complainant, and the Milwaukee Public Schools, Respondent, in full settlement of WERC Case 235, No. 45654, MP-2479 . . . as follows:

- (1). A consent decision and order is to be entered by the Wisconsin Employment Relations Commission

encompassing the terms of this agreement.

- (2). The MPS did not comply with the provisions of Sec. 111.70, Stats., when it subcontracted certain bargaining unit work as set forth in the complaint filed by the MTEA in the above matter.
- (3). In the future, the MPS will meet at reasonable times, upon due notice to the MTEA, and negotiate in good faith as to both the decision to subcontract and the implementation of that decision.
- (4). In the future, the MPS will not subcontract teacher bargaining unit work without prior good faith negotiations with the MTEA concerning both the decision to subcontract and the implementation of that decision.
- (5). The MPS will cause copies of the consent decision and order attached to the decision as Appendix A to be signed by an appropriate district official and conspicuously posted for 30 days in places where notices to teacher bargaining unit employees are customarily posted.
- (6). The MPS will cease and desist contracting the work noted in Paragraph No. 1 of Appendix A prior to bargaining collectively with the MTEA as required by Paragraph No. (4) above.

STIPULATED CONCLUSIONS OF LAW

1. The MTEA is a "Labor organization" within the meaning of Sec. 111.70(1)(h), Stats.
2. The MPS is a "Municipal employer" within the meaning of Sec. 111.70(1)(j), Stats.
3. The MPS did not comply with the provisions of Sec. 111.70, Stats., when it subcontracted certain bargaining unit work as set forth in the complaint filed by the MTEA in the above matter.

STIPULATED ORDER 1/

1. The MPS will cease and desist contracting the work noted in Paragraph No. 1 of Appendix A prior to bargaining collectively with the MTEA as required by Paragraph No. (4) above.
2. The MPS will cause copies of the consent decision and order attached to the decision as Appendix A to be signed by an appropriate district official and conspicuously posted for 30 days in places where notices to teacher bargaining unit employees are customarily posted.

Dated at Madison, Wisconsin, this 20th day of August, 1991.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
Richard B. McLaughlin, Examiner

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.

CONSENT DECISION AND ORDER: APPENDIX A

NOTICE TO TEACHER BARGAINING UNIT EMPLOYEES

Pursuant to a consent decision and order of the Wisconsin Employment Relations Commission, (WERC), regarding a complaint of prohibited practices filed against the Milwaukee Board of School Directors, (MBSD), by Milwaukee Teachers' Education Association, (MTEA), you are hereby notified as follows:

1. The consent decision and order adopted by the WERC established that MBSD violated the Municipal Employment Relations Act by failing to bargain collectively with MTEA before contracting with SER Jobs for Progress, and Northcott Neighborhood House for the services of MBSD employees to perform certain social work and counseling work.

2. MBSD will not in the future unlawfully fail to bargain collectively with MTEA regarding mandatory subjects of bargaining.

MILWAUKEE BOARD OF SCHOOL DIRECTORS

By _____
Name Title

Date

THIS NOTICE SHALL REMAIN POSTED FOR 30 DAYS AND SHALL NOT BE COVERED OR OTHERWISE RENDERED UNREADABLE.