

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

- - - - -
MILWAUKEE TEACHERS' EDUCATION :
ASSOCIATION, :
Complainant, : Case 241
vs. : No. 46489 MP-2538
MILWAUKEE BOARD OF SCHOOL DIRECTORS, : Decision No. 27174-A
Respondent. :
- - - - -

Appearances:

Mr. Richard Perry, Perry, Lerner & Quindel, S.C., Attorneys at Law, 823
Ms. Mary M. Kuhnmuensch, Assistant City Attorney, City of Milwaukee, City

North
Hall, I

STIPULATED FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Milwaukee Teachers' Education Association filed a complaint with the Wisconsin Employment Relations Commission on October 25, 1991, alleging that the Milwaukee Board of School Directors had committed prohibited practices within the meaning of Sec. 111.70(3)(a)4 and 5, Stats. The Commission appointed Karen J. Mawhinney, 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 March 27, 1992, in Milwaukee, Wisconsin. Before the beginning of the hearing on that date, the parties reached an agreement to resolve the matter through the issuance of a Consent Decision and Order. The substance of the parties' agreement was entered on the record, and the transcript was received by the Commission on April 3, 1992.

CONSENT DECISION AND ORDER

IS IT HEREBY STIPULATED by and between the Milwaukee Teachers' Education Association,, hereinafter "MTEA," and the Milwaukee Board of School Directors, hereinafter "MBSD," as follows:

1. The MBSD acknowledges service of the Complaint in the above-captioned matter and admits the allegations set forth in paragraphs 1 through 9 thereof, except for paragraph 8.

2. The MBSD agrees to the entry of a Decision and Order by the Commission containing the following provisions:

a. That MBSD has violated Sec. 111.70(3)(a)4 and 5, Stats., by failing to take the necessary steps to ensure that its agents and administrators comply with the ten working day in-service notice provision of the teacher contract.

b. That the Commission order the MBSD to instruct its principals, supervisors and other administrators that they shall provide the MTEA with a minimum of ten working days' notice of all in-service

No. 27174-A

activities that are conducted outside the teachers' regularly scheduled work day.

c. That the Commission order the MBSD to notify all of its principals, supervisors and administrators that any exceptions to the foregoing notice provisions shall require prior written agreement between the MTEA and the MPS Department of Labor Relations.

d. That the Commission order the MBSD within ten days of the entry of the Consent Decision and Order by the Commission to notify the Commission in writing of the steps taken by the MPS administration to comply with the Commission's Decision and Order.

e. That the Commission order the administration in a letter executed by the Superintendent of Schools to notify all of its principals, supervisors and other administrators that there have been repeated violations of the in-service notification provisions of the contract by principals and other supervisors and that such violations shall not be tolerated in the future.

IT IS FURTHER STIPULATED:

a. That the Commission find the Respondent, Milwaukee Board of School Directors, has violated Sec. 111.70(3)(a)4 and 5, Stats., by failing to take the necessary steps to ensure that its agents and administrators comply with the ten working day in-service notice provision of the teacher contract.

b. That the Commission order such other and further relief as it deems appropriate to remedy the foregoing violations of the contract including the posting of the attached Commission order for a period of 30 days at each school and work location where such notices are customarily posted. This notice shall be prepared by the WERC Examiner and shall be signed by the Superintendent of Schools.

STIPULATED CONCLUSION OF LAW

Respondent Milwaukee Board of School Directors violated Sec. 111.70(3)(a)4 and 5, Stats., by failing to take the necessary steps to ensure that its agents and administrators complied with the ten working day in-service notice provision of the teacher contract.

STIPULATED ORDER 1/

It is hereby ordered that:

1. The Respondent, Milwaukee Board of School Directors, shall instruct its principals, supervisors and other administrators that they shall provide the Milwaukee Teachers' Education Association with a minimum of ten working days' notice of all in-service activities that are conducted outside the teachers' regularly scheduled work day.

- 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. The Respondent, Milwaukee Board of School Directors, shall notify all of its principals, supervisors and administrators that any exceptions to the foregoing notice provisions shall require prior written agreement between the Milwaukee Teachers' Education Association and the MPS Department of Labor Relations.

3. The Respondent, Milwaukee Board of School Directors, shall, in a letter executed by the Superintendent of Schools, notify all of its principals, supervisors and other administrators that there have been repeated violations of the in-service notification provisions of the contract by principals and other supervisors and that such violations shall not be tolerated in the future.

4. The Respondent, Milwaukee Board of School Directors, shall cause copies of the Consent Decision and Order attached to the Decision as Appendix A to be signed by the Superintendent of Schools and conspicuously posted for 30 days at each school and work location where such notices are customarily posted.

5. The Respondent, Milwaukee Board of School Directors, shall notify the Wisconsin Employment Relations Commission in writing, within ten (10) days following the date of this Order, of the steps taken by the MPS administration to comply with this Consent Decision and Order.

Dated at Madison, Wisconsin, this ____ day of April, 1992.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
Karen J. Mawhinney, Examiner

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 regarding a complaint of prohibited practices filed against the Milwaukee Board of School Directors by the Milwaukee Teachers' Education Association, you are hereby notified as follows:

1. We will instruct all principals, supervisors and other administrators that they shall provide the Milwaukee Teachers' Education Association with a minimum of ten working days' notice of all in-service activities that are conducted outside the teachers' regularly scheduled work day.

2. We will notify all principals, supervisors and administrators that any exceptions to the foregoing notice provisions shall require prior written agreement between the Milwaukee Teachers' Education Association and the MPS Department of Labor Relations.

3. We will, in a letter executed by the Superintendent of Schools, notify all principals, supervisors and other administrators that there have been repeated violations of the in-service notification provisions of the contract by principals and other supervisors and that such violations shall not be tolerated in the future.

By _____
Superintendent of Schools

Date _____

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