

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

PAUL F.X. SCHWARTZ,

Complainant,

vs.

REV. DANE RADECKI; PREMONTRE HIGH
SCHOOL, INC.; NOTRE DAME de la BAIE
ACADEMY, INC. and the PREMONSTRATENSIAN
FATHERS,

Respondents.

Case 15

No. 48169 Ce-2132

Decision No. 27550-D

Appearances:

Paul F.X. Schwartz, Complainant, 2118 Lakeland Avenue, Madison, Wisconsin 53704, appearing pro se.

Liebmann, Conway, Olejniczak & Jerry, S.C., Attorneys, by Mr. Herbert C. Liebmann III and Mr. Donald L. Romundson, 231 South Adams Street, P.O. Box 23200, Green Bay, Wisconsin 54305-3200, appearing on behalf of Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Paul F.X. Schwartz, an individual, filed a complaint on October 12, 1992 with the Wisconsin Employment Relations Commission, alleging that the above-named Respondents had violated Sections 111.06(1)(a), (b), (c), (f), (h) and (k) and subsection 3 of the Wisconsin Employment Peace Act, by giving Complainant an unfavorable reference for a job he was seeking because of his prior union activity while employed by Premontre High School, and by related acts. On November 3, 1992, Respondent filed a Motion to Dismiss the matter on a number of grounds, including jurisdiction of the Commission and untimeliness. Amended Complaints were subsequently filed on November 9, 1992 and January 5, 1993. Answers to the Amended Complaints were filed on December 3, 1992 and January 25, 1993. In the interim, the parties agreed to sever the Motion to Dismiss into two phases because of the complexity of some of the issues raised, and to file briefs on the untimeliness issue first. Briefs were filed by both parties, and the record on untimeliness was closed on December 14, 1992. On February 5, 1993, the

No. 27550-D

undersigned Examiner issued an Order Granting the Motion to Dismiss, concluding

that the Complaint was untimely. Complainant timely requested review of this decision, and on August 17, 1993 the Commission issued its decision finding that the Complaint was timely and remanding the matter for further proceedings. Subsequently, Respondents stipulated to jurisdiction of the Commission for purposes of this proceeding, and Complainant objected to the stipulation. By letter dated November 18, 1993, the undersigned accepted the Respondents' waiver and withdrawal for purposes of this case of Respondents' original arguments as to jurisdiction. Complainant moved the Commission for an order reversing this decision, and the Commission issued an order denying the motion to reverse on January 31, 1994. Complainant thereafter appealed the Commission's denial of the motion to Dane County Circuit Court, and the Commission moved for dismissal of the appeal. The Court granted the Commission's motion on March 31, 1994.

A hearing was held before the undersigned Examiner in Green Bay, Wisconsin on May 23, 1994, at which time the parties were given full opportunity to present their evidence and arguments. A transcript was made, briefs were filed by both parties, and the Complainant filed a reply brief. The record was closed on November 15, 1994. The Examiner, having considered the evidence and arguments and being fully advised in the premises, makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Complainant Paul F.X. Schwartz is an individual residing at 2118 Lakeland Avenue, Madison, Wisconsin, 53704. From 1981 to 1988, Complainant was employed as a teacher by Premontre High School in Green Bay, Wisconsin. During that time, he served as the president of the Premontre Education Association, as its chief negotiator, and as its chief investigator of grievances and arbitrations from 1982 to 1988. Complainant also served as chair of the school's English Department between 1982 and 1988, and in various other administrative capacities. Complainant resigned voluntarily from the employment of Premontre in the Spring of 1987-88 to take a job teaching at Holy Name Seminary in Madison, Wisconsin. In 1991, Complainant applied for the position of Assistant Principal at Beloit Catholic High School. On July 22, 1991, he was interviewed for that position by Sister Pat Bogenscheutz, Principal of Beloit Catholic. Complainant was not awarded this position, and on October 12, 1992 Complainant filed the initial complaint in this proceeding alleging that the reason he was not hired for this position was that because of anti-union animus, Father Dane Radecki, Principal of Notre Dame de la Baie Academy, Inc. and previously Principal of Premontre High School, had given him a bad recommendation.

2. The Premonstratensian Fathers, referred to herein as the Fathers, is a Wisconsin

non-stock, non-profit corporation, whose Articles of Incorporation include the following provisions:

ARTICLE ONE
NAME AND OFFICE

Section 1. The name of the Corporation shall be the Premonstratensian Fathers. The address of the principal office of the Corporation is 1016 North Broadway, De Pere, Brown County, Wisconsin 54115.

...

ARTICLE FOUR
OBJECTS AND PURPOSES

The objects and purposes of this Corporation shall be the operation and management of the affairs, property, business and activities of religious and educational facilities and as such shall be duly benevolent, beneficial, educational, charitable, religious and scientific. This Corporation shall be operated in a manner consistent with the theology, philosophy, other teachings and doctrines of the Roman Catholic Church and with the objectives and philosophy of The Order of Canons Regular of Premontre, a religious order of the Roman Catholic Church.

...

ARTICLE FIVE
POWERS

This Corporation, in order to carry out its objects and purposes, shall have the powers necessary or convenient to effect any or all of the purposes for which the Corporation is organized, as set out in Section 181.04, Wis. Stats., and, generally, Chapter 181, Wis. Stats., including the powers as set forth herein:

Section 1. To own, acquire, hold, manage or direct Corporations which are organized for the purpose of operating or conducting religious and educational facilities of every kind and

character.

...

The Fathers' written by-laws include the following provisions:

ARTICLE I
OBJECTS AND PURPOSES

Section 1. Precepts. The Corporation shall exist and function pursuant to the precepts of civil law, the norms of the Roman Catholic Church and the philosophy of the Order of Canons Regular of Premontre. The Corporation and its affiliated corporations shall be managed and directed according to the doctrines, disciplines, laws, rules and regulations of the Roman Catholic Church.

Section 2. Purposes. The purposes of the Corporation shall be the operation and management of the affairs, property, business and activities of religious and educational facilities, and as such shall be duly benevolent, beneficial, educational, charitable, religious, or scientific . . .

. . .

The Order of Canons Regular of Premontre is the correct Canon Law name for an organization informally known as the Premonstratensian Order. The Premonstratensian Order has no existence under Wisconsin law but operates, for purposes of Wisconsin law, by and through the Fathers.

3. Premontre High School, Inc., referred to below as Premontre, was incorporated during all material times herein under Chapter 181 of the Wisconsin Statutes as a non-profit corporation. The Articles of Incorporation for Premontre include the following provisions:

ARTICLE I
NAME AND OFFICE

The name of the Corporation shall be Premontre High School, Inc. The address of the principal office of the Corporation is 610 Maryhill Drive, Green Bay, Wisconsin, 54303 . . .

. . .

ARTICLE IV

OBJECTS AND PURPOSES

The objects and purposes of this Corporation shall be the operation and management of the affairs, property, business and activities of Premontre High School, Inc. and as such shall be duly benevolent, beneficial, educational charitable, religious and scientific. Its operation shall be conducted within the context of the theology, philosophy, other teachings and doctrines of the Roman Catholic Church and shall be in compliance with the objectives and philosophy of the Order of Canons Regular of Premontre, a religious order of the Roman Catholic Church. Within these stated purposes, Premontre High School, Inc. shall be committed to the moral, personal, and intellectual development of its students; the maintenance of an environment in which such development may take place; and the presentation of a value oriented academic program and campus ministry which best utilizes the school's human and financial resources.

. . .

ARTICLE VI

MEMBERSHIP

The membership of this Corporation shall be the non-profit corporation organized and existing pursuant to the laws of the State of Wisconsin under the name THE PREMONSTRATENSIAN FATHERS . . .

Premontre's written by-laws include the following provisions:

ARTICLE I

OBJECTS AND PURPOSES

Section 1. Precepts. Premontre High School, Inc. shall exist and function pursuant to the precepts of civil law, the norms of the Roman Catholic Church and philosophy of the Order of Canons Regular of Premontre. This Corporation shall be managed and directed according to the doctrines, disciplines, laws, rules and

regulations of the Roman Catholic Church.

Section 2. Purposes. The purposes of this Corporation shall be the operation and management of the affairs, property, business and activities of Premontre High School, Inc. and as such shall be duly benevolent, beneficial, educational charitable, religious or scientific. Its operation shall be conducted within the context of the theology, philosophy, other teachings and doctrines of the Roman Catholic church and shall be in compliance with the objectives and philosophy of the Order of Canons Regular of Premontre, a religious order of the Roman Catholic Church. Within these stated purposes, Premontre High School, Inc. shall be committed to the moral, personal, and intellectual development of its students; the maintenance of an environment in which such development may take place; and the presentation of a value oriented academic program and campus ministry which best utilizes the school's human and financial resources.

...

ARTICLE III

MEMBERSHIP

Section 1. Membership. The sole member of this Corporation shall be the non-profit corporation organized and existing pursuant to the laws of Wisconsin under the name THE PREMONSTRATENSIAN FATHERS, which corporate member shall act through its appropriate officers and directors, pursuant to its Articles of Incorporation and By-Laws.

Section 2. Powers, Duties and Rights. The business and property of Premontre High School, Inc. shall be under the jurisdiction and control of its member except where delegated to its Board of Education. The powers, duties and rights reserved to the member shall be, but not be limited to, the following:

- (a) To assure that the philosophy and mission of Premontre High School, Inc. is in agreement with the philosophy of the Order of Canons

Regular of Premontre, and to do any and all things necessary to implement this assurance.

4. Notre Dame de la Baie Academy, Inc., referred to below as Notre Dame, was originally named Catholic High School, Inc., and is a non-stock, non-profit corporation incorporated under Chapter 181 of the Wisconsin Statutes. Notre Dame's Articles of Incorporation include the following provisions:

ARTICLE I

NAME, PRINCIPAL OFFICE AND REGISTERED AGENT

Section 1. Name. The name of the Corporation shall be Catholic High School, Inc. Its principal place of business shall be 610 Maryhill Drive, Green Bay, Brown County, Wisconsin 54304.

...

ARTICLE IV

OBJECTS AND PURPOSES

The objects and purposes of this Corporation shall be the operation and management of the affairs, property, business and activities of Catholic High School, Inc. and as such shall be duly beneficial, educational, charitable, religious and scientific. Its primary purpose shall be the provision and operation of a full curriculum and academic program for high school students from Green Bay and its environs. Its operation shall be conducted within the context of the theology, philosophy, other teachings and doctrines of the Roman Catholic Church. Within these stated purposes, Catholic High School, Inc. shall be committed to the moral, personal, and intellectual development of its students; the maintenance of an environment in which such development may take place; and the presentation of a value oriented academic program and campus ministry which best utilizes the school's human and financial resources.

...

ARTICLE VI

MEMBERSHIP

The membership provisions of this corporation shall be set forth in the By-Laws . . .

Notre Dame's written by-laws include the following provisions:

ARTICLE I

OBJECTS AND PURPOSES

Section 1. Precepts. Notre Dame de la Baie Academy, Inc. shall exist and function pursuant to the precepts of civil law and the norms of the Roman Catholic Church. This Corporation shall be managed and directed according to the doctrines, disciplines, laws, rules and regulations of the Roman Catholic Church.

Section 2. Purposes. The purposes of this Corporation shall be the operation and management of the affairs, property, business and activities of Notre Dame de la Baie Academy, Inc. and as such shall be duly benevolent, beneficial, educational, charitable, religious or scientific. Its primary purpose shall be the provision and operation of a full curriculum and academic program for high school students from Green Bay and its environs. Its operation shall be conducted within the context of the theology, philosophy, other teachings and doctrines of the Roman Catholic Church. Within these stated purposes, Notre Dame de la Baie Academy, Inc. shall be committed to the moral, personal, and intellectual development of its students; the maintenance of an environment in which such development may take place; and the presentation of a value oriented academic program and campus ministry which best utilizes the school's human and financial resources.

. . .

ARTICLE III

MEMBERSHIP

Section 1. Membership. The membership of this corporation shall be seven (7) natural persons, selected as follows:

Class A Members: There shall be two (2) Class A members,

each appointed by the Bishop of the Roman Catholic Diocese of Green Bay. . .

Class B Members: There shall be four (4) Class B members, each appointed by the President of the Premonstratensian Fathers. . .

Class C Members: There shall be one (1) Class C member appointed by the Provincial of The Sisters of St. Joseph of Carondelet, St. Louis, Missouri. . .

Section 2. Reserved Powers, Duties, and Rights. The business and property of the Corporation shall be generally managed by the Board of Education. However, the members reserve the following rights:

- (a) To assure that the philosophy, mission, policies, goals and objectives of Notre Dame de la Baie Academy, Inc. are in agreement with the theology, philosophy, and other teachings and doctrines of the Roman Catholic Church, and to do any and all things necessary to implement this assurance.

5. The subject matter of the instant complaint, the alleged use of influence in a recommendation for other employment in an anti-union manner, is not fundamentally related to religious purposes, and assertion of the Commission's Wisconsin Employment Peace Act jurisdiction for purposes of this proceeding does not foster an excessive entanglement with religious matters.

6. Complainant has failed to prove by a clear and satisfactory preponderance of the evidence that Father Radecki's 1991 recommendation to Sister Bogenscheutz was motivated by anti-union animus in whole or in part, and has further failed to prove by a clear and satisfactory preponderance of the evidence that said recommendation was unfavorable to Complainant.

Upon the basis of the foregoing Findings of Fact, the Examiner makes and files the following

CONCLUSIONS OF LAW

1. The purposes of the Wisconsin Employment Peace Act are served by exercise of

Commission jurisdiction in the present case, notwithstanding the fact that the Commission has declined to do so in a prior proceeding.

2. By Father Dane Radecki's recommendation for employment concerning the Complainant in 1991, none of the Respondents have committed any unfair labor practice within the meaning of any subsection of Sec. 111.06, Wis. Stats.

Upon the basis of the foregoing Findings of Fact and Conclusions of Law, the Examiner makes and renders the following

ORDER 1/

It is ordered that the Complaint be, and the same hereby is, dismissed.

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.

This decision was placed in the mail on the date of issuance (i.e. the date appearing immediately above the Examiner's signature).

Dated at Madison, Wisconsin this 12th day of January, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Christopher Honeyman /s/
Christopher Honeyman, Examiner

Premontre High School, Inc.

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Background

The complaint alleges that the former Principal of Premontre High School, Dane Radecki, committed an unfair labor practice by giving an unfavorable recommendation to Complainant for another position based on anti-union animus. The complaint, as amended, alleges that each of the organizational Respondents constitutes an alter ego or a successor to Premontre High School.

A significant amount of pre-hearing motion practice was discussed in prior rulings, and will not be repeated here. An exception is the brief discussion of jurisdiction which follows.

Jurisdiction

As noted above, this matter is primarily addressed by my November 18, 1993 letter to the parties, by the Commission's subsequent Order declining to review that determination, and by the Dane County Circuit Court's subsequent Order declining to reverse the Commission. Because in a previous proceeding ^{2/} the Commission declined to assert jurisdiction, however, an additional note should be made here. In the present proceeding the Respondents, after a period of time in which other matters were litigated, declined to pursue their initial motion for dismissal based on lack of jurisdiction, based in turn on contentions regarding the separation of church and state. Over Complainant's objection, I accepted this limited agreement to jurisdiction. I note here that the Commission's original decision in Decision No. 26762 and 26763-B involved a case in which the central allegations concerned the closing of Premontre High School, the termination of the employees, and the reopening of the high school as Notre Dame Academy. The Commission determined by a margin of two to one that jurisdiction should not be asserted over the Respondents, but only one of the Commissioners wrote in such a manner as to lead me to conclude that no Commission jurisdiction should be asserted over any Wisconsin religious school for any purpose. In his concurring opinion, Chairman Hempe concluded that the criterion on which the facts of the case then at issue appeared to founder was that determining "whether the Premonstratensian Fathers committed an unfair labor practice in their efforts to advance Catholic religious education by consolidating existing educational institutions in the Green Bay area seems to fairly shriek of excessive entanglement." Chairman Hempe thereby distinguished the case at issue from Teamsters

^{2/} Premontre Education Association vs. Premontre High School, et al., Decision Nos. 26762-B, 26763-B, 6/92.

General Local Union 200 and Cynthia Labucki vs. Archdiocese of Milwaukee and St. Albert School, 3/ noting that the facts of the Archdiocese case involved a teacher whose nonrenewal notice listed only secular, not religious, reasons.

The subject matter alleged in the present case amounts to blacklisting. There is nothing in the nature of blacklisting employes, or in the specific grounds for the alleged blacklisting which have been advanced here, to suggest that the "excessive entanglement" standard would be violated by assertion of Commission jurisdiction for these purposes, and I therefore conclude that this matter would appear to fall within the "secular reasons" discussed by Chairman Hempe with respect to the Archdiocese case. I conclude that jurisdiction should therefore be asserted.

Discussion

This matter has involved complex preliminary stages, but the heart of the matter is a single telephone call placed by Sister Pat Bogenscheutz of Beloit Catholic High School to Father Dane Radecki, lately Principal of Premontre High School and by then Principal of Notre Dame de le Baie Academy, Inc. In that telephone call, Bogenscheutz inquired of Radecki concerning Complainant's qualifications to serve as Assistant Principal of Beloit Catholic. Complainant's fundamental assertion is that in that telephone call, Father Radecki gave Complainant a negative reference, and that his motivation for doing so was Complainant's former union activity while employed at Premontre. In support of this allegation, Complainant has presented evidence of a difficult relationship between the Union and Premontre and evidence that he himself was a leading actor in the Union. He further testified that approximately a year after his first interview with Sister Bogenscheutz, he called her again while in the process of applying for a different position. Complainant testified that he asked Sister Bogenscheutz on this occasion what he could do to improve his chances of obtaining the new position, since he had been unsuccessful at obtaining the position with Beloit Catholic, and that Sister Bogenscheutz replied "Drop Father Radecki from your resume." Complainant's entire case is built around this alleged remark. Complainant introduced testimony to the effect that he had reported this remark to other individuals shortly after it was allegedly made, and introduced much evidence in an attempt to establish that this remark presumed anti-union motivations in Father Radecki's handling of Complainant's original request for a reference. Complainant further offered evidence to the effect that his qualifications were superior to the individual eventually hired for the Beloit Catholic position, and that that individual subsequently had trouble performing the job.

Respondents presented evidence to the effect that all of the references made by Radecki concerning Complainant were favorable, and that Radecki bore no anti-union animus against the Union in general or Complainant in particular.

Complainant called Bogenscheutz to testify, and she testified as follows:

3/ Decision No. 24781-B, WERC, 3/88.

DIRECT EXAMINATION

BY MR. SCHWARTZ:

- Q. Can you state your name?
- A. Sister Patricia Bogenschultz.
- Q. Sister Pat, what was your position at Beloit Catholic High School in July of '91?
- A. I was the principal.
- Q. Under which circumstances did we meet in July of '91?
- A. I had posted a position an opening for an associate principal and I had received your application and called you in for an interview.
- Q. Do you recall a phone conversation that we had in August of 1991 when I called you and inquired about the status of that position?
- A. Yes, I do.
- Q. Do you recall telling me that the person that was hired had better recommendations than I did?
- A. I don't recall if that was the precise wording, whether it was better recommendations or better qualifications, I am not exactly sure.
- Q. Do you remember telling me during the course of that conversation that in your phone conversation with Father Pete you asked him if there was a position open at Holy Name would he hire me and he replied yes?
- A. That is true.
- Q. Did you ask Father Radecki the same question if there was a position open at Premontre would he hire me?

A. I don't recall. Again these are conversations almost three years ago and it's hard to recall the exact incident but that is sort of a standard question I would ask, if you had this position would you hire this person.

Q. Do you recall how Father Radecki answered that question?

A. I am sure it was positive. I recall little about the conversation because it was positive. There was nothing in my conversation with him that would have led me to question at all that you wouldn't be fit for the job.

Q. Do you recall a phone conversation, I don't know if you remember the date, but do you recall a phone conversation we had in January of '92 specifically on January 10 of 1992 in which I was inquiring about preparing a prospective employer about I guess talking with my references?

A. I vaguely recall it.

Q. Do you recall telling me in that phone conversation to drop Father Radecki from my resume?

A. No, I don't recall that at all.

Q. What do you recall about the subject matter of that phone conversation?

A. I recall you asking me you know is there some better way to present myself to be considered as a candidate. I don't remember precisely what advice I offered to you. I can't imagine that I ever would have suggested that anyone drop a former employer from his resume or from his recommendations.

Q. Is it your testimony that you absolutely did not say drop Father Radecki from my resume or words to that effect?

A. To the best of my recall that was not at all what I said.

Q. Is it your testimony today that the -- Let me ask you this. How would you characterize the recommendation that you

received from Father Pete 4/ concerning me?

- A. I would characterize it as positive. I would characterize both of them as positive. The only red flag that sort of was raised in the conversation with Father Pete was when

4/ "Father Pete" is Father Peter Connolly, principal of another school at which Complainant had taught. Connolly was also used as a reference by Complainant in his Beloit Catholic application, but is not otherwise involved in this matter.

I asked him the question would you -- if you had this opening at Holy Name would you hire him and he said if I were the principal I would hire him because I know I can handle Paul. I can deal with him. Paul is a strong personality and it would take a strong administrator to know how to handle him. In his words he said something about your tendency -- the possibility of your intimidating a weaker person. And that raised a little bit of a red flag because I was coming off of an experience with an associate principal who sometimes had difficulty relating to students and teachers and tended to alienate. When he said that, that was the only thing that sort of -- that was the only thing that raised a caution in my mind.

Q. Is it your testimony today that there is absolutely nothing at all negative that Father Radecki said in his phone conversation with you when you talked to him?

A. Father Radecki's both his written recommendation and his phone, the conversation we had over the phone were both positive.

MR. SCHWARTZ: I have no more questions at this point.

In his brief, Complainant argues at length that all of Respondents' witnesses should be found to be lying, and his witnesses (with the exception of Sister Bogenscheutz) should be found to be telling the truth. I find, however, that Complainant has given no explanation at all that would indicate any motive why Bogenscheutz should lie to protect Radecki at the Complainant's expense. Bogenscheutz is by all appearances a classic example of a third-party witness. She is not employed and has never been employed by any of the Respondents, was friendly to Complainant and was called by him as a witness. Her testimony is consistent with Radecki's and inconsistent with Complainant's testimony. Against this the most that Complainant can offer is that sometime close to the period in which he had asked Sister Bogenscheutz for advice about applying to another job, he had told other individuals what he claims to have heard from Bogenscheutz, in terms similar to those he testified to. This, however, is at best circumstantial evidence, and does not eliminate the possibility that he simply misheard Bogenscheutz in the first place.

But whatever the explanation is for the disparity in testimony, the fact remains that it is for Complainant to prove by a clear and satisfactory preponderance of the evidence that Respondents committed a violation of the statute. I find that the circumstantial evidence amassed by Complainant, when compared with the direct testimony to the contrary from a witness with

no conspicuous reason not to tell the truth, simply falls far short of the mark. There is accordingly nothing at the heart of this case to justify any conclusion that the Complainant was even given any unfavorable reference at all by Radecki, let alone that anti-union animus on Radecki's part cost Complainant the Beloit Catholic job. The Complaint is therefore dismissed in its entirety.

Dated at Madison, Wisconsin this 12th day of January, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Christopher Honeyman /s/
Christopher Honeyman, Examiner