

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

POTOSI EDUCATION ASSOCIATION, :
 :
 Complainant, :
 :
 vs. : Case 20
 : No. 48723 MP-2695
 : Decision No. 27598-A
POTOSI SCHOOL DISTRICT, :
 :
 Respondent. :
 :

ORDER DENYING MOTION TO DEFER COMPLAINT HEARING

On January 29, 1993, Complainant Potosi Education Association filed a complaint of prohibited practices with the Wisconsin Employment Relations Commission alleging that the Respondent violated Secs. 111.70(3)(a)1, 4 and 5 of the Municipal Employment Relations Act by violating its duty to bargain in good faith, unlawfully interfering with union activity and violating an agreement previously agreed upon. On March 24, 1993, the Commission appointed Lionel L. Crowley, a member of its staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order as provided in Sec. 111.07(5), Stats. On April 20, 1993, Respondent School District of Potosi filed its answer to said complaint and asked the Commission to defer the complaint hearing as the impasse interest arbitration procedure would decide all issues in dispute with respect to bargaining items. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

The Motion to Defer Complaint Hearing is hereby denied.

Dated at Madison, Wisconsin this 28th day of April, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley /s/
Lionel L. Crowley, Examiner

POTOSI SCHOOL DISTRICT

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO DEFER COMPLAINT HEARING

The Respondent has asserted that the interest arbitration procedure will decide all of the issues in dispute with respect to the bargaining items. While this may be correct, it would not address the allegations of a refusal to bargain in good faith, unlawful interference with union activity or the violation of an agreement previously agreed upon by the parties. Only a complaint proceeding would address these allegations.

The Respondent's reliance on the Commission's policy of deferring certain complaint allegations to grievance arbitration is misplaced. The Commission's policy of deferral to grievance arbitration is to give fullest effect to the parties' agreed-upon method of resolving contractual disputes. There is no mutually agreed-upon method to resolve the allegations set forth in the complaint. The procedure under interest arbitration is simply not in principle analogous to the Commission's policy of deferral of certain complaint allegations to contract arbitration. 1/ Thus, the Motion to Defer Complaint Hearing has been denied in all respects.

Dated at Madison, Wisconsin this 28th day of April, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley /s/
Lionel L. Crowley, Examiner

1/ See Madison Metropolitan School District, Dec. No. 27149-A (McLaughlin, 2/92).