

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY
BRANCH IV

SERVICE EMPLOYEES
INTERNATIONAL
UNION, LOCAL 152, AFL-CIO,

Petitioner,

-vs-

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION and
RACINE UNIFIED SCHOOL
DISTRICT,

Respondents.

DECISION

01CV0856

[Decision No. 29846-C]

[NOTE: This document was re-keyed by WERC. Original pagination has been retained.]

The issue in this case involves the school district placing a hidden surveillance camera in the break room used by employees. The issue is whether the placing of this camera was a matter for bargaining and was either a mandatory or permissive bargaining.

The commission's decision in view of Wisconsin Statute 111.84(1)(g) is quite surprising to the Court, but apparently the Legislature, in its wisdom, decided not to apply this statute to state employees.

If the Court were deciding this case on its own, it would certainly find opposite of the commission. However, as I read the law and the facts of this case, the commission's legal conclusions concerning mandatory and permissive subjects of bargaining are entitled to great weight and must not be reversed unless they are without a rational basis. The Court cannot make a finding that

their decision was not based on a rational basis. Obviously they considered all facets and all sides of this question and made their decision.

Therefore this Court affirms the decision of the commission.

Dated November 13, 2001.

Emmanuel J. Vuvunas /s/

Hon. Emmanuel J. Vuvunas

Br. IV