

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GEORGE MUDROVICH, Complainant,

vs.

D.C. EVEREST AREA SCHOOL DISTRICT, Respondent.

Case 53
No. 57582
MP-3522

Decision No. 29946-H

Appearances:

Mr. George A. Mudrovich, 826½ Steuben Street, Wausau, Wisconsin 54403, appearing on his own behalf.

Ruder, Ware & Michler, S.C., by **Attorney Ronald J. Rutlin**, 500 Third Street, P.O. Box 8050, Wausau, Wisconsin 54402-8050, appearing on behalf of the Respondent.

ORDER DENYING COMPLAINANT'S MOTION REQUESTING THAT THE EXAMINER CONDUCT IN CAMERA INSPECTIONS OF THE PERSONNEL FILES OF D.C. EVEREST TEACHERS WHO HAD ORIGINALLY BEEN HIRED ON A PART-TIME BASIS, BUT WERE LATER INCREASED TO FULL-TIME STATUS, IN ORDER TO ASCERTAIN THE SIZE OF THE ORIGINAL APPLICANT POOLS OF SAID TEACHERS.

On May 26, 1999, Complainant filed a prohibited practice complaint with the Wisconsin Employment Relations Commission alleging that the Respondent had violated Secs. 111.70(3)(a)1 and 3, Stats., by the administration recommending Complainant's layoff and the school board members approving the same and rejecting Complainant's application for full-time employment, in part, due to Complainant's protected, concerted activity. On August 1, 2000, Coleen A. Burns was appointed by the Commission to act as Examiner in this case. On March 7, 2001, Complainant filed a Motion Requesting That The Examiner Conduct

Dec. No. 29946-H

In Camera Inspections Of The Personnel Files Of D.C. Everest Teachers Who Had Originally Been Hired On A Part-time Basis, But Were Later Increased To Full-time Status, In Order To Ascertain The Size Of The Original Applicant Pools of Said Teachers. On March 21, 2001, Respondent filed a response to this Motion, requesting that the Motion be denied. On March 26, 2001, Complainant filed additional argument in support of his Motion.

Having considered the argument of the parties, and the record as a whole, the Examiner makes and issues the following

ORDER

Complainant's Motion Requesting That The Examiner Conduct In Camera Inspections Of The Personnel Files Of D.C. Everest Teachers Who Had Originally Been Hired On A Part-time Basis, But Were Later Increased To Full-time Status, In Order To Ascertain The Size Of The Original Applicant Pools of Said Teachers is denied.

Dated at Madison, Wisconsin, this 2nd day of April, 2001.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Coleen A. Burns /s/

Coleen A. Burns, Examiner

D. C. EVEREST SCHOOL DISTRICT

**MEMORANDUM ACCOMPANYING ORDER DENYING COMPLAINANT'S MOTION
REQUESTING THE EXAMINER TO CONDUCT IN CAMERA INSPECTIONS OF
THE PERSONNEL FILES OF D.C. EVEREST TEACHERS WHO HAD ORIGINALLY
BEEN HIRED ON A PART-TIME BASIS, BUT WERE LATER INCREASED TO
FULL-TIME STATUS, IN ORDER TO ASCERTAIN THE SIZE OF THE ORIGINAL
APPLICANT POOLS OF SAID TEACHERS.**

As Respondent argues, the record provides no reasonable basis to conclude that a review of the personnel files of the relevant teachers would provide information that would permit the Examiner to ascertain the size of the original applicant pools. Assuming arguendo, that such a review would permit the Examiner to ascertain the size of the original applicant pools, the burden placed upon the District to search for these files and the Examiner to review these files far outweighs any probative value. Accordingly, Complainant's Motion has been denied.

Dated at Madison, Wisconsin, this 2nd day of April, 2001.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Coleen A. Burns /s/

Coleen A. Burns, Examiner