

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-I

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 TO ENTER
INTO EVIDENCE APPENDIX A WHICH WAS ATTACHED
TO COMPLAINANT'S MARCH 5, 2001 MOTION WHICH REQUESTED
AN IN CAMERA INSPECTION OF CERTAIN PERSONNEL RECORDS**

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 12, 2001 Complainant filed a Motion to Enter Into Evidence Appendix A Which Was Attached to Complainant's March 5, 2001 Motion Which Requested An In Camera Inspection Of Certain Personnel Records. On March 21, 2001, Respondent filed a response to this Motion, requesting that the Motion be denied. On March 26, 2001, Complainant filed further argument in support of his Motion.

Dec. No. 29946-I

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

ORDER

Complainant's Motion To Enter Into Evidence Appendix A Which Was Attached To Complainant's March 5, 2001 Motion Which Requested An In Camera Inspection of Certain Personnel Records 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
TO ENTER INTO EVIDENCE APPENDIX A WHICH WAS ATTACHED
TO COMPLAINANT'S MARCH 5, 2001 MOTION WHICH REQUESTED
AN IN CAMERA INSPECTION OF CERTAIN PERSONNEL RECORDS**

Absent a stipulation from the Respondent, the Examiner has no reasonable basis to conclude that Appendix A is an accurate distillation of Respondent's records. Moreover, assuming *arguendo*, that the information contained in Complainant's distillation is accurate, this information would be immaterial. The record contains sufficient evidence on the issue of whether or not Respondent has a past-practice of promoting part-time teachers to full-time status, when enrollment numbers necessitated an increase in staffing, without resort to an Article 32(I) layoff. Arguments concerning the weight to be given this evidence, if any, are more appropriately made in post-hearing argument. 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