

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**VINCENT MURILLO**, Complainant,

vs.

**MILWAUKEE BOARD OF SCHOOL DIRECTORS**, Respondent.

Case 413  
No. 63064  
MP-3997

**Decision No. 30980-B**

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**Appearances:**

**Barbara Zack Quindel**, Attorney, Perry, Shapiro, Quindel, Saks, Charlton, Sumara & Lerner, S.C., 823 North Cass Street, P.O. Box 514005, Milwaukee, Wisconsin, appearing on behalf of Vincent Murillo.

**Donald L. Schriefer**, Assistant City Attorney, City of Milwaukee, 800 City Hall, 200 East Wells Street, Milwaukee, Wisconsin, appearing on behalf of the Milwaukee Board of School Directors..

**ORDER SETTING ASIDE EXAMINER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

On September 1, 2004, Examiner Lauri A. Millot issued Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum in the above matter wherein she concluded that Respondent had committed a prohibited practice by conditioning a "statutory grievance meeting on the presence of the majority representative . . . "

By virtue of our authority under Secs. 111.07(6) and 111.70(4)(a), Stats., we set aside the Examiner's Findings of Fact, Conclusions of Law and Order.

Dec. No. 30980-B

We invite the parties to file written argument by October 15, 2004, on the questions of whether Sec. 111.70(4)(d)1, Stats., creates an affirmative obligation upon the municipal employer to meet and, if so, whether the record establishes that the Respondent violated this obligation and thereby committed a prohibited practice.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of September, 2004.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

Commissioner Paul Gordon did not participate.