

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARATHON TEACHERS ASSOCIATION, ON BEHALF OF VICKI MARG,
Complainant,

vs.

MARATHON SCHOOL DISTRICT, Respondent.

Case 19
No. 63711
MP-4064

Decision No. 31131-A

Appearances:

Ms. Priscilla Ruth MacDougall, Legal Counsel, Wisconsin Education Association Council, 33 Nob Hill Drive, P.O. Box 8003, Madison, Wisconsin, appearing on behalf of the Complainant.

Mr. Jeffrey T. Jones, Attorney, Ruder Ware, 500 Third Street, Suite 700, P.O. Box 8050, Wausau, Wisconsin, appearing on behalf of the Respondent.

ORDER DENYING RESPONDENT'S MOTION TO HOLD
CASE NO. 19, NO. 63711, MP-4064 IN ABEYANCE

On June 1, 2004, Appellant filed a Prohibited Practice Complaint with the Wisconsin Employment Relations Commission alleging that Respondent had violated Sec. 111.70(3)(a)(4), Stats., by changing the *status quo* with respect to mandatory issues of bargaining by discharging Vicki Marg without just cause. Respondent timely filed an Answer on August 8, 2004. On August 10, 2004, Respondent filed a Motion to Hold Case No. 19, No. 63711, MP-4064 in Abeyance pending the outcome of Case 18, No. 63134, MP-4002 which Complainant responded in opposition to on September 29, 2004.

ORDER

Respondent's Motion to Hold in Abeyance Case No. 19, No. 63711, MP-4064 is denied. This case will proceed.

Dated at Rhinelander, Wisconsin, this 1st day of November, 2004.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Lauri A. Millot /s/

Lauri A. Millot, Examiner

MARATHON SCHOOL DISTRICT

**MEMORANDUM ACCOMPANYING ORDER DENYING RESPONDENT'S MOTION
TO HOLD CASE 19, NO. 63711, MP-4064 IN ABEYANCE**

Respondent requests that this Complaint be held in abeyance pending the outcome of Case No. 18, No. 63134, MP-4002. Respondent asserts that there duplicity in the allegations contained in Case 18 and the pending Case and that a decision from Examiner Coleen Burns in Case 18 could make the pending case moot. Respondent objects and asserts that the issues are not the same in light of the fact that Case 18 was amended.

After considering the matter, the Examiner finds that proper cause has not been shown for holding this Case in abeyance. Although the initial complaint in Case 18 alleged a failure by the District to proceed to arbitrate two suspensions and the discharge of Vicki Marg, that complaint has been amended and now involves solely the two suspensions and not the discharge. Given this, the disposition of Case 18 would not be dispositive on the issue of Marg's discharge which is the issue in this Case. As such, I see no reason to wait for resolution of Case 18 before proceeding with this case.

Dated in Rhinelander, Wisconsin, this 1st day of November, 2004.

Lauri A. Millot /s/

Lauri A. Millot, Examiner