

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ROSALIND DAWSON, Complainant

vs.

MADISON AREA TECHNICAL COLLEGE
and
AMERICAN FEDERATION OF TEACHERS, LOCAL 243, Respondents

Case ID: 380.0019
Case Type: COMP_CE
DECISION NO. 39917-A

Appearances:

Rosalind Dawson, 1918 Hawks Ridge Dr., Apt. 210, Verona, Wisconsin, appearing on her own behalf.

Jon E. Anderson, Attorney, Husch Blackwell LLP, 33 E. Main Street, Suite 300, Madison, Wisconsin appearing on behalf of MATC.

Summer Murshid, Attorney, Hawks Quindel, 222 East Erie Street, Suite 210, Milwaukee, Wisconsin, appearing on behalf of AFT, Local 243.

ORDER DISMISSING COMPLAINT

On April 20, 2023 and May 2, 2023, Rosalind Dawson filed a complaint and an amended complaint with the Wisconsin Employment Relations Commission alleging that Madison Area Technical College and American Federation of Teachers, Local 243 had committed certain unfair labor practices within the meaning of the Wisconsin Employment Peace Act and also violated Title VII of the Civil Rights Act of 1964 and the Age Discrimination Act of 1967. Both the College and Local 243 filed motions to dismiss the complaint asserting among other matters that the Peace Act does not apply to them and that the Commission does not have jurisdiction over Title VII or the Age Discrimination Act. Dawson filed responses to those motions by May 18, 2023.

Having considered the matter, I am persuaded that the Peace Act does not apply to the College or Local 243 and that I do not have jurisdiction over Title VII or the Age Discrimination Act. Thus, I have no jurisdiction to proceed.

NOW, THEREFORE, it is:

ORDERED

The complaint is dismissed.

Issued at the City of Madison, Wisconsin, this 8th day of June 2023.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Examiner

MEMORANDUM ACCOMPANYING ORDER DISMISSING COMPLAINT

Section 111.02 (7) of the Wisconsin Employer Peace Act defines an employer in pertinent part as follows :

(7) (a) "Employer" means a person who engages the services of an employee, and includes a person acting on behalf of an employer within the scope of his or her authority, express or implied.

(b) "Employer" does not include any of the following:

1. The state or any political subdivision thereof.

Madison Area Technical College is a "political subdivision" of the State of Wisconsin and thus is not a Peace Act employer. Therefore, I have no jurisdiction over the alleged unfair labor practices listed in the Dawson complaint as to Madison Area Technical College.

Similarly, Section 111.02(9g) defines a labor organization in pertinent part as follows:

(9g) "Labor organization" means any employee organization in which employees participate and that exists for the purpose, in whole or in part, of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours, benefits, or other terms or conditions of employment.

For AFT, Local 243 to qualify as a labor organization under the Peace Act, it would have to be engaging in collective bargaining with a Peace Act "employer." Because the College is not a Peace Act employer, AFT, Local 243 is not a labor organization covered by the Peace Act. Therefore, I have no jurisdiction over the alleged unfair labor practices listed in the Dawson complaint as to Local 243.¹

As to Title VII and the Age Discrimination Act, the Commission has no jurisdiction.

Given the foregoing, the Dawson complaint has been dismissed.

Issued at the City of Madison, Wisconsin, this 8th day of June 2023.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Examiner

¹ To the extent Dawson references Wis. Stats. 111.06(3) which makes it an unfair labor practice for a "person" to take certain action in the interest of a Peace Act employer or labor organization, that statutory provision does not provide me with jurisdiction because neither the College nor Local 243 are covered by the Peace Act.