

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GERMANTOWN EDUCATION ASSOCIATION, Complainant

v.

GERMANTOWN SCHOOL DISTRICT, Respondent

Case ID: 223.0013
Case Type: COMP_MP

Decision No. 41534

ORDER DENYING MOTION TO DISMISS

On June 1, 2026, the Germantown Education Association filed a complaint with the Wisconsin Employment Relations Commission alleging that the Germantown School District had committed prohibited practices within the meaning of Sections 111.70(3)(a)1. and 4. of the Municipal Employment Relations Act (MERA) by unilaterally taking action as to a mandatory subject of bargaining. On June 24, 2026, the District filed a Motion to Dismiss the complaint, alleging the Association was obligated to file a Petition for Declaratory Ruling pursuant to Section 111.70(4)(b) of MERA, to determine if the matter underlying the District's action was a mandatory subject of bargaining. On July 15, 2026, the Association filed a brief in opposition to the Motion to Dismiss.

Having considered the matter, the Commission is persuaded that the Motion to Dismiss should be denied. It is undisputed that before the District took action, a Petition for Declaratory Ruling was a viable option for resolving the disputed duty to bargain issue. But once the District took action, the Association became entitled to litigate the dispute in a forum that would provide affirmative relief should it prevail.

NOW, THEREFORE, it is

ORDERED

The motion to dismiss is denied.

Issued at Madison, Wisconsin, this 10th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman