

Bond Case Briefs

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COLLECTIVE BARGAINING AGREEMENT - WISCONSIN

School Dist. of Kewaskum v. Kewaskum Educ. Ass'n

Court of Appeals of Wisconsin - October 23, 2013 - Slip Copy - 2013 WL 5732696

School District and School Association had a collective bargaining agreement for the 2009-10 and 2010-11 school years providing that any disputes arising under the agreement would be submitted to an arbitrator for a final, binding decision. During the course of the 2010-11 school year, the School District discharged teacher. The Association challenged the discharge, and the dispute was submitted to an arbitrator in accordance with the agreement. The arbitrator found that the School District did not have grounds under the agreement to discharge teacher and ordered her to be reinstated and paid lost wages and benefits.

The School District appealed, arguing that the arbitrator was without jurisdiction to order reinstatement and back pay after the expiration of the parties' agreement when a new state law was in effect that barred collective bargaining by school districts over employee disciplinary matters. The School District also challenged the award on its merits.

The Court of Appeals affirmed the decision of the circuit court and rejected the School District's arguments. The change in state law had no effect on the existing collective bargaining agreement or the arbitrator's ability to order a remedy for a violation committed during the agreement's term. Additionally, the School District had not met its burden to overturn the arbitrator's award.