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SEP 16 2024
WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Attorney Tamara B. Packard
tpackard@pinesbach.com

September 16, 2024

VIA HAND DELIVERY

Wisconsin Employment Relations Commission
2418 Crossroads Dr., Suite 1000
Madison WI 53718-7896

Re: MTI v MMSD, Candace Terrell, and Annabel Torres
Prohibited Practice Complaint

Dear Wisconsin Employment Relations Commission:

Enclosed herewith please find an original and three copies of a Prohibited Practice Complaint, including attachment, along with the \$100 filing fee.

Should you have any questions or need anything further, please contact me.

Sincerely,

PINES BACH LLP

A handwritten signature in black ink, appearing to read 'Tamara B. Packard', written over the printed name.

Tamara B. Packard

TBP

Enclosures

cc: MTI

RECEIVED

SEP 16 2024

State of Wisconsin
Employment Relations Commission
2418 Crossroads Drive, Suite 1000, Madison, WI 53718-7896
Phone: 608-243-2424 Fax: 608-243-2433
Email: werc@werc.state.wi.us
COMPLAINT
(Pursuant to §§ 111.06, 111.70(3), or 111.84, Stats.)

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Complete and submit the original and two (2) copies of this form, together with the required \$100 filing fee.

IDENTITY OF PARTIES INVOLVED
(all information is mandatory)

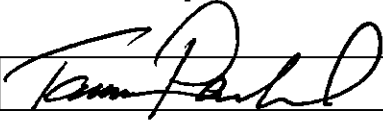
Name of Complainant		Name of Employer	
Madison Teachers Inc.		Madison Metro. School District, Candace Terrell, Annabel Torres	
Street Address, City, State, Zip Code		Street Address, City, State, Zip Code	
33 Nob Hill Road Madison, WI 53713		545 W. Dayton Street Madison, WI 53703	
Telephone No.	Email Address	Telephone No.	Email Address
608-257-0491	PFerrill@madisonteachers.org	608-663-1879	jgothard@madison.k12.wi.us
Name of Representative		Name of Representative	
Pamela Ferrill, Assoc. Dir. of Labor and Organizing		Joe M. Gothard, Superintendent	
Street Address, City, State, Zip Code (if different)		Street Address, City, State, Zip Code (if different)	
Telephone No.	Email Address	Telephone No.	Email Address

What are the facts which constitute the alleged unfair labor or prohibited practice(s)? (Attach additional pages if needed)

See attached.

What part or parts of the applicable statute defining unfair labor or prohibited practice(s) are alleged to have been violated? (Attach additional pages if needed)

See attached.

What remedy do you seek? (Attach additional pages if needed)			
See attached.			
I declare that I have read the contents of this complaint and that the statements it contains are true and correct to the best of my knowledge.			
Complainant's Signature		Date	September 16, 2024.

**BEFORE THE
WISCONSIN EMPLOYMENT
RELATIONS COMMISSION**

MADISON TEACHERS INC.,

Complainant,

v.

MADISON METROPOLITAN SCHOOL DISTRICT,
CANDACE TERRELL, and
ANNABEL TORRES,

Respondents.

PROHIBITED PRACTICES COMPLAINT

1. Madison Teachers Inc. ("MTI") is the labor organization duly elected and recognized as the exclusive representative, pursuant to Wis. Stat. § 111.70, of the bargaining units of (a) teachers, (b) educational support staff and (c) substitute teachers employed by the Madison Metropolitan School District. MTI's principal place of business is at 33 Nob Hill Road, Madison, Wisconsin, 53713. MTI's phone number is (608) 257-0491. MTI's Associate Director of Labor and Organizing is Pamela Ferrill, whose email address is PFerrill@madisonteachers.org.
2. Madison Metropolitan School District ("MMSD") is a municipal employer school district organized and existing under Wisconsin law. Its administrative offices are located at 545 W. Dayton Street, Madison, Wisconsin, 53703. The switchboard telephone number for MMSD is (608) 663-1879, and the phone number for the Office of the Superintendent is (608) 663-1607. The Superintendent is Joe M.

Gothard. For purposes of this Complaint, MMSD is a “municipal employer” as that term is used in Wis. Stat. § 111.70.

3. Candace Terrell (“Terrell”) is employed by MMSD as Principal of Southside Elementary School. For purposes of this Complaint, she is a “person” as that term is used in Wis. Stat. § 111.70.
4. Annabel Torres (“Torres”) is employed by MMSD as an Assistant Principal of Southside Elementary School. For purposes of this Complaint, she is a “person” as that term is used in Wis. Stat. § 111.70.
5. It is a prohibited practice for any “person” or “municipal employer” to interfere with, restrain, or coerce municipal employees in the exercise of their rights to engage in lawful, concerted activities for the purpose of mutual aid or protection, including through intimidation, reprisal and threats of reprisal. Wis. Stat. §§ 111.70(2), (3)(a)1., (3)(c).
6. On April 4, 2024, numerous individuals, including current and former MTI members currently or formerly employed by MMSD and currently or previously assigned to work at Southside Elementary School (“Southside Staff”), filed a detailed 39-page Complaint (“Complaint”) with MMSD against several MMSD administrators including Terrell and Torres for their roles in cultivating a hostile working and learning environment at Southside wrought with bullying, retaliation, safety issues, and poor communication. This Complaint was a lawful, concerted activity for the purpose of mutual aid or protection – improving the working conditions at Southside.
7. MMSD retained an attorney from a private practice law firm to serve as an outside investigator of the allegations in the Complaint; that investigation is currently ongoing.
8. Many of the Southside Staff also spoke at the May 20, 2024 MMSD School Board meeting about the adverse conditions at Southside wrought by Terrell and Torres, in a further concerted effort to improve the working conditions at

Southside, i.e., as an exercise of their protected rights to engage in concerted activities for mutual aid and protection.

9. Between May 21, 2024 and June 20, 2024, Terrell filed “workplace bullying” and “discrimination” complaints with MMSD against Southside Staff who are current MTI members and spoke at the May 20, 2024 Board meeting about the adverse conditions at Southside wrought by Terrell and Torres, including Burnett Reed (filed 5/21), Tracey Woock (filed 5/27), Elizabeth Oleary (filed 5/27), Michelle Hoeffs-DeBot (filed 5/28) Jennifer Garthwaite (filed 5/29), James Robinson (filed 6/19), and Karen Macdonald (filed 6/20).
10. In sum, in the one month following the May 20, 2024 Board meeting, Terrell filed complaints against all but one of the current MTI members who filed the Complaint and spoke at the May 20 Board meeting.
11. On June 20, 2024, Terrell filed a workplace bullying complaint with MMSD against Southside Staff member Erin Kerwin, who joined the Complaint but did not speak at the May 20, 2024 Board meeting.
12. On June 20, 2024, Terrell filed a workplace bullying complaint with MMSD against MTI member and MMSD teacher Amelia Fritsch, who also spoke at the May 20, 2024 Board meeting about the adverse conditions at Southside wrought by Terrell and Torres.
13. Terrell’s above-referenced complaints were made in her capacity as an employee of MMSD, on behalf of or in the interest of MMSD and/or in connection with or to influence the outcome of an employment relations controversy (i.e., the April 4, 2024 Complaint against her and others).
14. On June 8, 2024, Torres filed a workplace bullying complaint with MMSD against Southside Staff member Burnett Reed, who both joined the Complaint and spoke at the May 20, 2024 Board meeting about the adverse conditions at Southside wrought by Terrell and Torres.
15. Torres’s above-referenced complaint was made in her capacity as an employee of MMSD, on behalf of or in the interest of MMSD and/or in connection with or to

influence the outcome of an employment relations controversy (i.e., the April 4, 2024 Complaint against her and others).

16. A finding of a violation of MMSD's workplace bullying or discrimination policies by an MMSD employee can result in discipline of that employee, up to and including termination.
17. The above-referenced workplace bullying and discrimination complaints filed by Terrell and Torres against the above-referenced Southside Staff and MTI members are without merit and brought by Terrell and Torres to intimidate and as reprisal and to threaten further reprisal for the MTI members' protected concerted activity – filing the Complaint and speaking at the May 20 Board meeting – for the purpose of mutual aid and protection (improving the working conditions at Southside).
18. Despite the obvious retaliatory nature of the above-referenced workplace bullying and discrimination complaints filed by Terrell and Torres, the District has directed the subjects of those complaints, as MMSD employees, to participate in prosecutorial interrogations about Terrell and Torres's allegations. In doing so, the District is also engaging in intimidation, reprisal, and threats of further reprisal against the above-referenced Southside Staff and MTI members for their protected concerted activity – joining the Complaint and speaking at the May 20 Board meeting for the purpose of mutual aid and protection – to improve working conditions at Southside.
19. By the above-described actions, Terrell, Torres and MMSD have engaged and are engaging in prohibited practices, in violation of Wis. Stat. § 111.70(3)(a)1. and (c), including by engaging in behavior that has a reasonable tendency to interfere with, restrain or coerce employees in the exercise of their rights under Wis. Stat. § 111.70(2).
20. As the remedy for the prohibited practices described above, the Wisconsin Employment Relations Commission should:

- a. Declare that Terrell, Torres and MMSD have each committed and are committing the prohibited practices alleged above;
- b. Order Terrell, Torres and MMSD to cease and desist these and similar actions, including barring Terrell and Torres, and anyone on their behalf or at their request or direction, from pursuing and filing further complaints against Southside Staff and other MTI members who are participating in the Complaint against Terrell and Torres and directing MMSD to discontinue its investigation of the retaliatory complaints filed by Terrell and Torres and purge the records of the subjects of such complaints and investigations of all documentation and references to such investigations and complaints;
- c. Notify all staff at MMSD of the Commission's findings and disposition of this Prohibited Practice complaint by circulating by email a notice to each and every staff member, with a copy to MTI, and posting paper notices in conspicuous places in each and every school and other workplace within MMSD, which shall remain in place for at least 30 days;
- d. Direct MMSD to advise the Commission and MTI within 20 days of the date of the order as to what steps it has taken to comply with the order;
- e. Order Terrell, Torres, and MMSD to take such other and further action as the Commission deems proper.