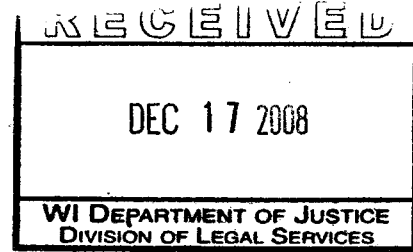


WISCONSIN
TECHNICAL COLLEGE
SYSTEM

December 11, 2008

Kevin Potter, Administrator
Division of Legal Services
Wisconsin Department of Justice
P.O. Box 7875
Madison, WI 53707-7875



Re: WTCS Certification MOU

Dear Mr. Potter:

Since 1992, the Wisconsin Technical College System (WTCS) Board has entered into a Memorandum of Understanding (MOU) that extends WTCS faculty certification to K-12 secondary school teachers who provide introductory level technical college occupational and occupational-related course instruction. The MOU was developed to accommodate the differences in licensing/certification requirements between Department of Public Instruction (DPI) licensure and WTCS certification. The parties to the MOU are the WTCS, DPI, Wisconsin Education Association Council (WEAC), and American Federation of Teachers – Wisconsin (AFT-WI). The MOU has been extended several times, with the most recent agreement executed in 2004. Attachment A is a copy of that agreement.

In the last two years, questions have been raised informally about the legal status of the MOU. Recently, the legal counsel for one of the technical college districts provided a written opinion regarding the MOU. Attachment B is a copy of that correspondence.

Given that correspondence, we had preliminary discussions with assistant attorney generals David Rice and Steven Kilpatrick of your office to discuss this matter. Subsequent to that consultation, President Clancy wrote to the other signatories of the MOU seeking legal citations to where the WTCS may have the legal authority to enforce such an agreement. Attachment C is a copy of that letter.

WEAC and AFT-WI have sent two joint letters responding to that request. Attachments D and E are copies of those letters.

Daniel Clancy, President

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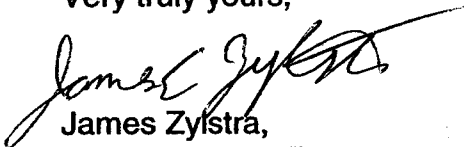
Kevin Potter
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In light of the uncertainty surrounding this issue, the WTCS Board is in need of legal advice regarding the following question:

- Does the WTCS Board have the authority to require technical college districts entering into articulation agreements with local secondary school districts to obtain authorizing signatures for such agreements from WEAC and AFT-WI representatives, as collective bargaining agents for district personnel?

Thank you for your assistance with this matter. Please contact me at your earliest convenience to discuss this request further.

Very truly yours,



James Zylstra,
Vice President-Finance
Wisconsin Technical College System
608-266-1739

JZ/kss

Attachments

cc: David Rice, Wisconsin Department of Justice
Steven Kilpatrick, Wisconsin Department of Justice