STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT	RELATIONS COMMISSION
	-
SUPERIOR CITY EMPLOYEES, LOCAL 235 and LOCAL 244, AFSCME, AFL-CIO,	
Complainant,	Case XIV
vs.	: No. 15125 MP-103 : Decision No. 10681-A
CITY OF SUPERIOR, WISCONSIN,	:
Respondent.	:
	•

ORDER DENYING MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

A complaint of prohibited practices having been filed with the Wisconsin Employment Relations Commission by Superior City Employees Local 235 and Local 244, AFSCME, AFL-CIO, wherein the Complainants allege that the City of Superior has committed certain prohibited practices within the meaning of Section 111.70 of the Wisconsin Statutes; and the Commission having appointed the undersigned as Examiner to make and issue Findings of Fact, Conclusions of Law and Orders in the matter; and a hearing having been scheduled in the matter, and prior to any further action in the case, the Complainants, by their Counsel having filed a motion with the Examiner to withdraw their complaint and have it dismissed without prejudice and the Examiner having considered said motion and being satisfied that said motion should be denied;

NOW, THEREFORE, it is

ORDERED

That the motion to withdraw the complaint in the above entitled matter and have it dismissed without prejudice be, and the same hereby is, denied.

Dated at Madison, Wisconsin, this 30th day of December, 1971.

Bv George K. Fleischli, Examiner

No. 10681-A

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SUPERIOR CITY EMPLOYEES, LOCAL 235 and LOCAL 244, AFSCME, AFL-CIO, Complainant, Case XIV No. 15125 MP-103 vs. Complainant, Decision No. 10681-A CITY OF SUPERIOR, WISCONSIN, Respondent.

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

The Complainants failed to state any basis for their request that the complaint be dismissed without prejudice. The Examiner has been informally advised through Counsel for the Complainants that efforts have been made to settle the dispute which forms the subject matter of the complaint and that the parties have reached a tentative settlement.

After a complaint has been filed with the Commission and served upon the Respondent, the Commission will not allow a Complainant to withdraw a complaint without prejudice except upon good cause shown. 1/ The Complainants have not shown sufficient cause for granting their motion in this case. If a settlement agreement is in fact entered into and complied with disposing of the matter in dispute, the complaint should be dismissed with prejudice so that the Complainants cannot file another complaint covering the same subject matter in spite of such settlement. If the parties desire more time to attempt to work out a settlement, hearing in the matter can be postponed to a later date or postponed indefinitely pending possible settlement.

Dated at Madison, Wisconsin, this 30th day of December, 1971.

By Junn R. Hlischli George R. Fleischli, Examiner

1/ City of Green Bay and Green Bay Board of Education, (10697-A), 12/71.

No. 10681-A