

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GREEN BAY EMPLOYEES LOCAL 1672B, AFSCME,
AFL-CIO, and LESTER KOLLMAN, PENVIE MONIQUE,
ELROY DIX, ROBERT LANDWEHR, MELVIN DELAURELLE,
GRANT CURRAN, JEROME ZEY, ALBERT BOUTTOT,
FELIX HOLEWINSKI, WILLIS JACOBS, MICHAEL
McCARTNEY, JAMES JOHNSON, KEN KOWALEWSKI,

Complainants,

vs.

CITY OF GREEN BAY AND GREEN BAY BOARD OF
EDUCATION,

Respondents.

Case XXXI
No. 15121 MP-101
Decision No. 10697-A

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

On December 27, 1971, the above named Complainants, by their Counsel, having filed, with the Wisconsin Employment Relations Commission, a Motion to withdraw the complaint filed in the above entitled matter and to plead said matter over; and Counsel for the Respondents having on December 28, 1971, filed an Objection to such Motion; and the Commission having considered said Motion and the Objection thereto, and being fully advised in the premises issues the following

ORDER

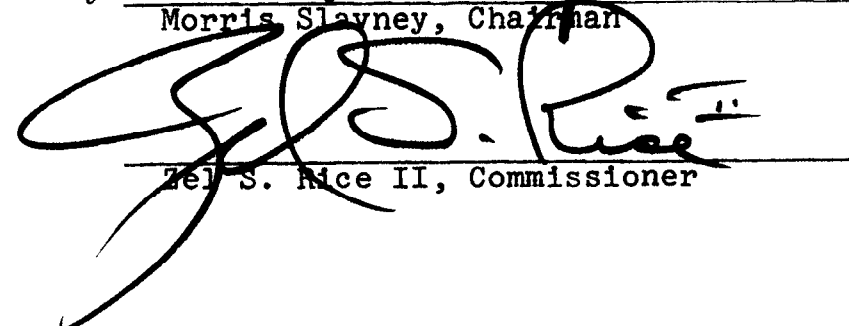
IT IS ORDERED that the Motion of the above named Complainants to withdraw the complaint filed in the instant matter and to plead the matter over, be, and the same hereby, is granted, and that the complaint filed in the instant proceeding is dismissed without prejudice.

Given under our hands and seal at the
City of Madison, Wisconsin, this 29th
day of December, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner

No. 10697-A

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Case XXXI
No. 15121 MP-101
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MEMORANDUM ACCOMPANYING
ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

The complaint initiating the instant proceeding, filed on December 3, 1971, named the City of Green Bay and the Green Bay Board of Education as joint Respondents. On December 8, 1971, the Commission issued a Notice setting hearing in the matter for Monday, January 10, 1972, and in said Notice the Commission set forth that answer to the complaint be served on the Commission and the Complainants on or before December 28, 1971. On December 15, 1971, the Respondents, by the City Attorney of Green Bay, filed a Motion requesting that the Commission issue an order that the complaint be made more definite and certain. On December 17, 1971, Counsel for the Complainants, by letter to the Commission, indicated that he desired to take depositions of certain Respondent witnesses in order to make the complaint more definite and certain. In response to such request, the Commission on December 23, 1971, issued an Order adjourning time for filing answer indefinitely and therein advised Counsel for the Complainants that his request to take depositions was not in compliance with Section 887.12(6) of the Wisconsin Statutes. In said Order the Commission indicated that the date for filing answer would be determined at such time when the Commission was satisfied that the complaint was made more definite and certain and that the complaint complied with rule ERB 12.02 of the rules of the Commission.

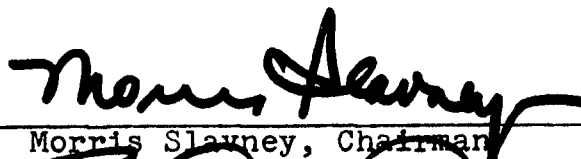
On December 27, 1971, Counsel for the Complainants filed a Motion to withdraw the complaint and plead the matter over. In a letter accompanying said Motion, Counsel for the Complainants indicated that the two counts in the complaint involved separate fact situations, different persons and were only indirectly related, and for said reason Counsel for the Complainants filed the Motion to withdraw the complaint without prejudice and be granted an opportunity to plead both counts over again separately pursuant to ERB 12.02(4). We have today granted such Motion.

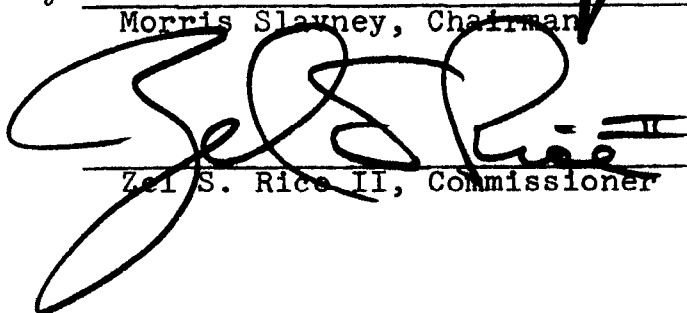
Counsel for the Complainants also indicated that the new complaints would be filed immediately "to preserve January 10, 1972, as the hearing date for the issues raised on what is presently the first count of the existing complaint." Upon receipt of the newly filed complaint or complaints the Commission must give sufficient time to the Respondents to answer, and it is doubtful that January 10, 1972, will be preserved as the hearing date originally scheduled on the initial complaint.

Dated at Madison, Wisconsin, this 29th day of December, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner