

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KIMBERLY EDUCATION ASSOCIATION,

Complainant,

vs.

BOARD OF EDUCATION, KIMBERLY JOINT
SCHOOL DISTRICT NO. 6,

Respondent.

Case VII

No. 16346 MP-202

Decision No. 11512-A

ORDER GRANTING MOTION TO MAKE MORE DEFINITE AND
CERTAIN, GRANTING ADDITIONAL TIME FOR ANSWER TO AMENDED COMPLAINT,
AND DENYING MOTION TO DISMISS COMPLAINT

Complaint of prohibited practices having been filed with the Wisconsin Employment Relations Commission in the above entitled matter and the Commission having appointed Herman Torosian, a member of the Commission's staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Section 111.07(5) of the Wisconsin Statutes; and the Examiner having set the complaint for hearing on February 7, 1973 at Appleton, Wisconsin; and Respondent, by its Counsel, having filed with the Examiner a Motion to dismiss the complaint, and a Motion to make more definite and certain; and the Examiner having considered said Motions and being fully advised in the premises makes and issues the following

ORDER

1. That the Respondent's Motion to make the complaint more definite and certain in the above entitled matter be, and the same hereby is, granted.

2. That the Respondent's Motion to be granted additional time to answer the amended complaint in the above entitled matter be, and the same hereby is, granted by extending the time for answer to said amended complaint to February 10, 1973.

3. That the Respondent's Motion to dismiss the complaint in the above entitled matter be, and the same hereby is, denied.

Dated at Madison, Wisconsin, this 24th day of January, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 

Herman Torosian, Examiner

No. 11512-A

MEMORANDUM ACCOMPANYING
ORDER GRANTING MOTION TO MAKE MORE DEFINITE AND
CERTAIN, GRANTING ADDITIONAL TIME FOR ANSWER TO AMENDED COMPLAINT,
AND DENYING MOTION TO DISMISS COMPLAINT

In its Motion to dismiss, Respondent moved that the instant complaint be dismissed for failure of Complainant to comply with Wis. Adm. Code ERB 12.02(1), 12.02(2)(c) and 12.02(2)(d). 1/

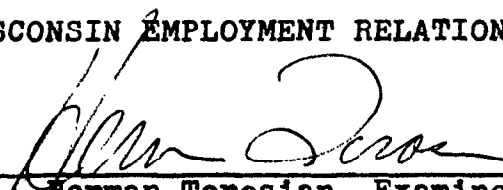
In the alternative, Respondent filed a Motion to make more definite and certain in the event the Motion to dismiss is denied. Respondent moves the Examiner to order the Complainant to file a statement supplying specific information to make the complaint more definite and certain. Respondent states as its grounds for such Motion that the complaint is so indefinite as to hamper Respondent in its answer to the complaint.

In order to comply with the attached order, the Complainant should take the following actions: (1) file an amended complaint to conform with Wis. Adm. Code 12.02(c) which states that a complaint shall include a "clear and concise statement of the facts constituting the alleged prohibited practice or practices including the time or place of occurrence of particular acts and the names of the sections of the acts alleged to have been violated thereby", (2) amend its complaint to comply with Wis. Adm. Code 12.02(2)(d) which states that a complaint should include "a prayer for specific and general relief", and (3) a signed amended complaint to conform with Wis. Adm. Code 12.02(1) which states a complaint must be "signed and sworn to before any person authorized to administer oaths or acknowledgements" should be filed by Complainant with the Examiner with a copy to Respondent by January 31, 1973. The answer to said amended complaint should be filed by Respondent with the Examiner by February 10, 1973 with a copy to the Complainant.

Dated at Madison, Wisconsin, this 24th day of January, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Examiner

1/ The Examiner refuses to dismiss the complaint. See Wis. Stats., Section 111.07(2)(a), Section 111.07(4), Section 227.01(2) and Section 227.07.