

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

AFSCME, COUNCIL 24, WISCONSIN STATE
EMPLOYEES UNION, AFL-CIO,

Complainant,

vs.

STATE OF WISCONSIN, DEPARTMENT OF
ADMINISTRATION, AND ITS EMPLOYMENT
RELATIONS SECTION,

Respondent.

Case XLVI
No. 18105 PP(S)-20
Decision No. 12862-A

ORDER DENYING MOTION TO DISMISS AND ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO MAKE MORE DEFINITE AND CERTAIN

A complaint having been filed on July 3, 1974, with the Wisconsin Employment Relations Commission, herein Commission, by AFSCME, Council 24, Wisconsin State Employees Union, AFL-CIO, herein Complainant, wherein it alleged that the State of Wisconsin, Department of Administration, and its Employment Relations Section, herein Respondent, had committed certain unfair labor practices and the Commission having appointed Amedeo Greco, a member of the Commission's staff, to act as Hearing Examiner in the matter; and the Examiner having scheduled the matter for hearing; and thereafter Respondent on July 19, 1974, having filed with the Examiner a motion to dismiss or alternatively a motion to make more definite and certain;

NOW, THEREFORE, it is

ORDERED

1. That Respondent's motion to dismiss filed in the above entitled complaint be, and the same hereby is, denied.

2. That Respondent's alternative motion to make the complaint filed in this matter more definite and certain be, and the same hereby is, granted in part and that therefore said amended complaint specify: (1) the pertinent statutory sections which Respondent allegedly violated; (2) whether the alleged denial to proceed to arbitration in the Thomas Kromm matter is alleged to be an unfair labor practice; and (3) the exact nature of the grievance filed by Ed Wittenberg.

3. That complainant need not furnish Respondent with the dates of appeal or the name of the individuals who appealed the Wittenberg grievance to arbitration.

4. That the information noted in paragraph (2), supra, should be filed by Complainant with the Commission, with a copy to Respondent, by July 30, 1974.

5. That Respondent shall have until August 6, 1974 to file an answer.

6. That by separate order issued today the hearing in this matter will be rescheduled for August 13, 1974.

Dated at Madison, Wisconsin, this 23rd day of July, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Amedeo Greco, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO DISMISS
AND ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO MAKE MORE DEFINITE AND CERTAIN

Since Respondent's motion to dismiss is partly predicated on facts which may be in dispute, and inasmuch as some of the matters raised by Respondent can best be resolved at a hearing, Respondent's motion to dismiss is hereby denied.

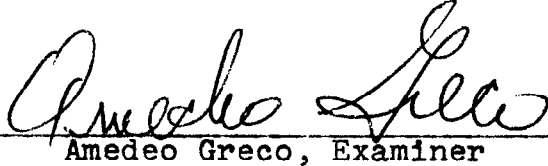
As Respondent is entitled to know some of the information it has requested in its alternative motion to make more definite and certain, said motion is granted in part. Accordingly, Complainant is required to provide Respondent with the information noted above so that Respondent can then have adequate knowledge of the charges against which it must defend.

Once that information is supplied, Respondent will then have within its own knowledge means of determining the dates of appeal and the individuals involved in the Wittenberg grievance. Accordingly, and since in any event Respondent has not demonstrated the materiality of said information, Respondent's additional request for such information is hereby denied.

Dated at Madison, Wisconsin, this 23rd day of July, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Amedeo Greco, Examiner