

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WFT, STATE EMPLOYEES LOCAL 3271,

Complainant,

vs.

WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION,

Respondent.

Case I
No. 18452 PP(S)-25
Decision No. 13168

ORDER DENYING MOTION TO DISMISS

WFT State Employees Local 3271, hereinafter referred to as the Complainant, having, on November 4, 1974, filed a complaint alleging that the Wisconsin Board of Vocational, Technical and Adult Education, hereinafter referred to as the Respondent, had committed certain unfair labor practices in violation of the State Employment Labor Relations Act; and the Commission having, on November 11, 1974, set hearing in the matter for November 25, 1974; and on November 19, 1974, the Respondent having filed a motion with the Commission, wherein it requested that the Commission dismiss the complaint; and the Commission having reviewed said motion and being satisfied that it should at this time be denied and that hearing should proceed in the matter;

NOW, THEREFORE, it is

ORDERED

That Respondent's motion to dismiss the complaint filed herein be, and the same hereby is, denied; and

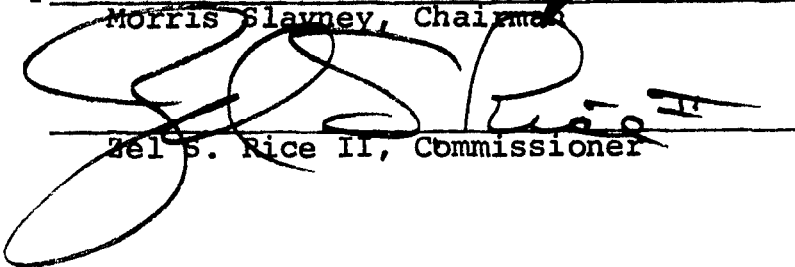
IT IS FURTHER ORDERED that hearing shall proceed in the matter as previously scheduled.

Given under our hands and seal at the
City of Madison, Wisconsin this 20th
day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Del S. Rice II, Commissioner

No. 13168

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO DISMISS

The Respondent sets forth four arguments in support of its motion to dismiss the complaint. The Commission deems it improper to dismiss the complaint merely on the filing of the motion. It concludes that the Complainant has a right to hearing in the matter, and at the same time, the Respondent has a right to renew its motion at the outset of the hearing.

In its motion, Respondent alleges, among other things, that the Complainant failed to properly exhaust contractual remedies, and further that the principle allegation in the complaint, to the affect that deductions were made from the merit increments of the president and chief steward of the Complainant, was frivolous.


As we have stated, the Respondent has the right to renew its motion during the course of the hearing, and the Commission will expect arguments both in support and against said motion. If the Commission is satisfied that the Complainant has not exhausted the contractual grievance procedure, and if there is no other alternate procedure available to the Complainant, the Commission may not take evidence with regard to the merits of the dispute.

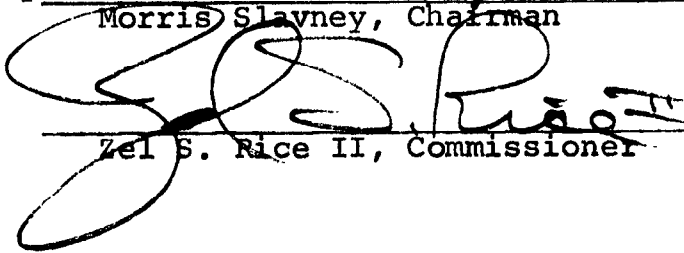
Therefore, we expect the parties to be prepared for hearing which has been scheduled for Monday, November 25, 1974.

Dated at Madison, Wisconsin this 20th day of November, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner