

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 LII
No. 18548 PP(S)-27
Decision No. 13539

ORDER DENYING MOTION TO AMEND COMPLAINT

AFSCME, Council 24, Wisconsin State Employees Union, AFL-CIO, having on December 5, 1974, filed a complaint with the Wisconsin Employment Relations Commission, wherein it alleged that the State of Wisconsin had committed unfair labor practices within the meaning of Section 111.84 of the State Employment Labor Relations Act, by refusing to proceed to arbitration on certain grievances arising at the Northern Wisconsin Colony facilities of the Wisconsin Department of Health and Social Services; and the same Complainant having on February 4, 1975, filed with the Commission a motion to amend its complaint to allege that the same Respondent had further violated the same provision of SELRA by refusing to proceed to arbitration on a grievance arising with the University of Wisconsin Extension System at the University of Wisconsin-LaCrosse; and the same Complainant having on March 20, 1975, filed with the Commission a second motion to amend its complaint to allege that the same Respondent has also violated the same provision of SELRA by refusing to proceed to arbitration on a grievance arising with the Department of Natural Resources; and the State of Wisconsin, by the Department of Administration Employment Relations Section having, in writing, objected to the granting of the motions to amend the complaint because of different facts, locations, and defenses involved in the three separate counts; and the Commission having considered the pleadings and being satisfied that the grievances arise within three separate departments of the State government and at three separate locations within the State, and being satisfied that the granting of the motions to amend would result in unduly complicated and burdensome proceedings; and that the three counts can be appropriately processed in three separate proceedings;

NOW, THEREFORE, it is

ORDERED

That the Complainant's motions to amend the complaint in the above entitled matter be, and the same hereby are, denied.

Given under our hands and seal at the
City of Madison, Wisconsin, this 15th
day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney

Morris Slavney, Chairman

Howard S. Bellman

Howard S. Bellman, Commissioner

Herman Torosian

Herman Torosian, Commissioner

No. 13539

MEMORANDUM ACCOMPANYING ORDER DENYING
MOTION TO AMEND COMPLAINT

While the Complainant's complaint, first amendment and second amendment all allege that the State of Wisconsin, through its Department of Administration, Employment Relations Section, has violated Section 111.84 of the State Employment Labor Relations Act (SELRA) by refusing to proceed to arbitration on grievances arising under collective bargaining agreements existing between the Complainant and the State of Wisconsin pursuant to SELRA, examination of the pleadings discloses that the underlying grievances arise in three separate departments of the State government: the Department of Health and Social Services, the University of Wisconsin Extension System, and the Department of Natural Resources. Further, it would appear that the grievances may arise in two or more of the statutory bargaining units. A single proceeding potentially involving hearings at three distinct geographic locations within the State and Findings of Fact, Conclusions of Law and Orders with respect to three different situations, would be unduly complicated and burdensome as compared to three proceedings dealing separately with the three underlying disputes. Accordingly, nothing in the accompanying Order Denying Motion To Amend Complaint forecloses the Complainant from filing new complaints as to the situations involved in the second and third counts alleged by the Complainant in its second motion to amend the complaint.

Dated at Madison, Wisconsin, this 15th day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner