

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ROBERT PATTERSON, PETER WASELCHUK	:	
MICHAEL WASSENBERG, AND STEVEN GIESE,	:	
	:	
Complainants,	:	Case I
	:	No. 20351 MP-600
vs.	:	Decision No. 14553-B
	:	
GARY DOEREN, PRESIDENT, INTERNATIONAL	:	
ASSOCIATION OF FIRE FIGHTERS,	:	
LOCAL 2477,	:	
	:	
Respondent.	:	
	:	

ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS'
MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

The above named Complainants, having filed a complaint of prohibited practices with the Wisconsin Employment Relations Commission on April 1, 1976; and the Commission on April 19, 1976, having appointed the undersigned as Examiner pursuant to Section 111.07 of the Wisconsin Statutes; and the Examiner on April 19, 1976 having ordered Complainants to amend their complaint; and Complainants on May 5, 1976 having filed an amendment to their complaint; and Respondents on May 12, 1976 having by motion requested the Commission to order Complainants to make said complaint more definite and certain; and the Examiner having reviewed the pleadings and being satisfied that the complaint should be made more definite and certain;

NOW, THEREFORE, it is

ORDERED

That Complainants shall make the complaint more definite and certain by amending said complaint, on or before June 1, 1976, by specifying the section of the Municipal Employment Relations Act (MERA) alleged to have been violated, and at the same time serve a copy of such amended complaint upon Respondents.

Dated at Madison, Wisconsin this 19th day of May, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger
 Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

Respondents claim they do not know if said complaint was "signed and sworn to before a person authorized to administer oaths or acknowledgement." The original of said complaint was signed and sworn to as prescribed by Wis. Adm. Code Section ERB 12.02(1) and, therefore, that aspect of Respondents' motion pertaining to the verification of the complaint is denied.

In their motion Respondents also contend that they cannot determine "the time, place, persons involved, and the specific circumstances under which the alleged violations occurred" and furthermore, the Sections of MERA violated. Wis. Admin. Code ERB 12.02(2)(c) provides that the complaint shall contain


"A clear and concise statement of the facts constituting the alleged prohibited practice or practices including the time and place of occurrence of particular acts and the sections of the act alleged to have been violated thereby."

After reviewing the complaint and amended complaint the Examiner is satisfied they are sufficiently specific as to the facts which Complainant alleges constitutes a prohibited practice. However, Complainants have not stated the section(s) of the act which Respondents' are alleged to have violated, as required, and to that extent Respondents' motion has been granted.

Dated at Madison, Wisconsin this 19th day of May, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Thomas L. Yaeger, Examiner