

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ELLEN TOOKEY AND BELOIT EDUCATION  
ASSOCIATION,

Complainants,

vs.

CITY OF BELOIT SCHOOL DISTRICT BOARD  
OF EDUCATION AND DR. EUGENE TORNOW AND  
GENEVA JOHNSON,

Respondents.  
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Case XII

No. 20549 MP-628

Decision No. 14702-A

ORDER DENYING DEMAND FOR BILL OF PARTICULARS

Ellen Tookey and the Beloit Education Association, herein Complainants, having filed a prohibited practice complaint with the Wisconsin Employment Relations Commission wherein they alleged that City of Beloit School District Board of Education, Dr. Eugene Tornow and Geneva Johnson, herein Respondents, had committed certain prohibited practices; and the Commission having appointed Peter G. Davis, a member of the Commission's staff, to act as Hearing Examiner in the matter; and the Respondents having thereafter filed a demand for a bill of particulars; and the Examiner having considered the matter;

NOW, THEREFORE, it is

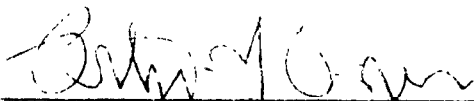
ORDERED

That the demand for a bill of particulars be, and the same hereby is, denied.

Dated at Madison, Wisconsin this 10th day of August, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Peter G. Davis, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING  
DEMAND FOR BILL OF PARTICULARS

On August 3, 1976, Respondents demanded a bill of particulars stating the facts relied upon by the Complainants when they assert that Respondents committed certain prohibited practices. The Examiner has construed this demand as a motion that the complaint be made more definite and certain.

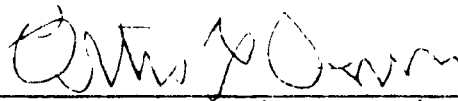
ERB rule 12.03(3) states:

"(3) MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN. If a complaint is alleged to be so indefinite as to hamper the respondent or any other party in the preparation of its answer to the complaint such party may, within 5 days after the service of the complaint, by motion request the commission to order the complainant to file a statement supplying specified information to make the complaint more definite and certain."

Inasmuch as the complaint in the instant matter was served upon the Respondents on June 21, 1976, and the Respondents demand was not filed within the five day period established by ERB 12.03(3), the Respondent's motion is not timely and therefore is denied. 1/

Dated at Madison, Wisconsin this 10th day of August, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Peter G. Davis, Examiner

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1/ It is noted that an examination of the complaint in the instant matter indicates that Complainant's allegations, while not overwhelming in their clarity, are sufficiently specific to have required that the Examiner deny even a timely demand for a bill of particulars.