## STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

UNIFIED SCHOOL DISTRICT NO. 1 of : Racine County, Wisconsin, : Respondent. :	RACINE EDUCATION ASSOCIATION, Complainant, vs. Case vs. Case case case case case case case case c
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## ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

Racine Education Association, hereinafter Complainant, having on August 20, 1976, filed a Complaint with the Wisconsin Employment Relations Commission, hereinafter the Commission, alleging that Unified School District No. 1 of Racine County, Wisconsin, hereinafter Respondent, has committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Sherwood Malamud Examiner, to make and issue Findings of Fact, Conclusions of Law and Order; and Respondent on June 7, 1976, having filed a Motion to Make the Complaint More Definite and Certain; Complainant having filed its objection to said Motion; Complainant having indicated by letter that it will provide Respondent with the information it desires; and Respondent having advised the Examiner on October 13, 1976 that he has not received said information; and the Examiner being fully advised in the premises makes and issues the following

## ORDER

That Complainant, Racine Education Association make its Complaint more definite and certain with respect to allegations made in paragraphs five and six of the Complaint by stating:

- 1. Relative to paragraph five of the Complaint, the date and place of the interrogations and the nature of such interrogations which it alleges were made.
- 2. Relative to paragraph six of the Complaint, the names of the individuals seeking to process grievances and the identifying number or a statement of the nature of such grievances, the names of the individuals to whom such grievances were made and the names of the individuals who refused to process said givevances and the dates upon which such refusals were made.
- 3. That Complainant amend its Complaint by October 22, 1976, and file same with the Commission and serve a copy thereof on Mr. Jack Walker, Melli, Shiels, Walker & Pease, S.C., Attorneys at Law, 119 Monona Avenue, Madison, Wisconsin, 53703; and that Respondent file its Answer to said amended Complaint with the Commission by November 1, 1976, and serve a copy of same on Mr. Arthur Heitzer, Perry & First, Attorneys at Law, 222 East Mason Street, Milwaukee, Wisconsin, 53202.

No. 14862-A

4. That the hearing in the instant matter will proceed as scheduled on November 3 and 4, 1976.

Dated at Madison, Wisconsin this 14th day of October, 1976.

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WISCONSIN EMPLOYMENT RELATIONS COMMISSION By, Sherwood Malamud, Examiner

RACINE UNIFIED SCHOOL DISTRICT NO. 1, Case XXXVII, Decision No. 14862-A

## MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

Complainant alleged in paragraph five of its Complaint that:

"5. At all times material herein Charles Kent has coerced, intimidated, and interfered with employees in the exercise of rights guaranteed by MERA by interrogating employees concerning their Association sympathies; by pressuring employees under his supervision to abandon support of the Association; by engaging in a campaign of written anti-Association propaganda using school facilities and materials; and through personal coercive individual anti-Association conferences."

and in paragraph six of its Complaint that:

"6. The Respondent, although required to do so by its collective agreement with the Association, and despite repeated requests by the Association, has refused to process grievances and on numerous occasions has failed and refused to proceed to arbitration as set forth in the collective agreement."

Respondent requests the Examiner order Complainant to make such allegations more specific. Complainant stated in a letter dated September 11, 1976 that it would provide Respondent with the information it requested. Apparently, no information was forthcoming.

The Commission, in its rules at ERB 12.02(2)(c) established that a complaint must contain among other things:

"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."

In order to afford Respondent with notice of the specific acts, dates, and individuals which are the subject of the instant Complaint, the Examiner has granted Respondent's Motion to Make the Complaint More Definite and Certain.

Dated at Madison, Wisconsin this 14th day of October, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By/ Curre Sherwood Malamud, Examiner