

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

RACINE EDUCATION ASSOCIATION,	:	
	:	
Complainant,	:	
	:	Case XXXVII
vs.	:	No. 20740 MP-653
	:	Decision No. 14862-B
UNIFIED SCHOOL DISTRICT NO. 1 of	:	
Racine County, Wisconsin,	:	
	:	
Respondent.	:	
	:	

ORDER GRANTING MOTION FOR AN EXTENSION AND POSTPONEMENT OF HEARING

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 1 of Racine County, Wisconsin, hereinafter Respondent, has committed prohibited practices under the Municipal Employment Relations Act (MERA); the Commission having appointed Sherwood Malamud, Examiner, to make and issue Findings of Fact, Conclusions of Law and Order; on August 30, 1976 Respondent having filed a motion requesting Complainant to Make its Complaint More Definite and Certain and Respondent having supplemented said motion on September 7, 1976; on September 13, 1976 Complainant having advised both the Examiner and Respondent that it will provide the information requested by Respondent; thereafter, on October 13, 1976, Respondent having requested the Examiner to rule on its Motion to Make More Definite and Certain because Complainant had not provided the information requested in its supplemented motion; on October 14, 1976, the Examiner having ordered Complainant to make its Complaint More Definite and Certain by October 22, 1976; on October 21, 1976 Complainant having made a telephonic request for an extension to November 5, 1976 to comply with the Examiner's order to make its complaint More Definite and Certain; on October 22, 1976 Respondent having filed its position opposing Complainant's motion for an extension; and the Examiner being fully advised in the premises makes and issues the following

ORDER

1. That Complainant's request for an extension to comply with the Examiner's order of October 14, 1976 directing Complainant to Make its Complaint More Definite and Certain is hereby granted, and Complainant is hereby directed to make its Complaint More Definite and Certain with respect to paragraphs five and six of its complaint by stating:

- "a. 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.
- b. 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 grievances and the dates upon which such refusals were made."

2. That Complainant file the above amendments to its complaint with the Commission, (i.e. received in its offices no later than 4:30 p.m.) on November 8, 1976 and serve a copy thereof on the same date on Mr. Jack Walker, Melli, Shiels, Walker & Pease, Attorneys at Law, 119 Monona Avenue, Madison, Wisconsin 53703; and that Respondent file its Answer to said amended complaint with the Commission by 4:30 p.m. on November 18, 1976, and serve a copy of same on the same date on Mr. Arthur Heitzer, Perry & First, Attorneys at Law, 222 East Mason Street, Milwaukee, Wisconsin 53202.

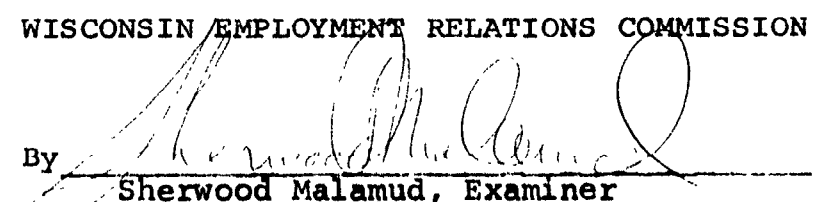
3. That in the event Complainant fails to comply with this Order and upon motion of the Respondent, the Examiner may dismiss the within complaint without further hearing in the matter.

4. That the hearing in the matter scheduled for November 3 and 4, 1976 is hereby postponed to a date most convenient to Respondent and the Commission; that Counsel for Respondent shall advise the Examiner and Complainant's Counsel in writing within five days of the date of this order of the dates most convenient for hearing (said dates shall permit at least two consecutive days for hearing); that upon receipt of Respondent's suggested dates for hearing, the Examiner shall issue an appropriate notice of hearing.

Dated at Madison, Wisconsin this 25th day of October, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Sherwood Malamud, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION FOR AN
EXTENSION AND POSTPONEMENT OF HEARING

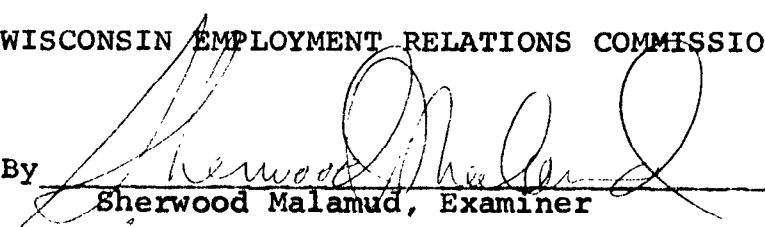
Complainant filed its complaint on August 20, 1976. Respondent's Motion to Make More Definite and Certain was filed on August 30, 1976 and supplemented on September 7, 1976. On September 13, 1976 Complainant advised Respondent and the Examiner that the information requested by Respondent was forthcoming. However, approximately one month after stating it would provide the information requested and approximately one week prior to the Answer date, Complainant had not provided either Respondent or the Examiner with the above information. On October 14, 1976, the Examiner issued his Order directing Complainant to make its Complaint More Definite and Certain. Complainant states that it is unable to comply with the Examiner's order, ". . . because an extremely heavy schedule of litigation has prevented our client from obtaining and supplying to us the necessary information prior to said date."

The Examiner has granted Complainant's motion for an extension to permit the joinder of issue prior to the hearing. Paragraph 3 of the within Order is intended to place Complainant on notice that its failure to comply with this order of the Examiner will be treated as a failure on the part of Complainant to prosecute its complaint. Accordingly, upon appropriate motion by Respondent, Complainant's failure to proceed forward on its complaint may result in the dismissal of the complaint without any further hearing in the matter.

Dated at Madison, Wisconsin this 25th day of October, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Sherwood Malamud, Examiner

