#### STATE OF WISCONSIN

### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOCAL 391, INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Complainant,

vs.

Case VII

No. 20805 Ce-1689 Decision No. 14909-A

WEBSTER ELECTRIC COMPANY, INC.,

Respondent.

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ORDER GRANTING MOTION TO MAKE COMPLAINT MORE
DEFINITE AND CERTAIN AND DENYING MOTIONS TO
DISMISS COMPLAINT OR STAY PROCEEDINGS

Local 391, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America having filed a complaint with the Wisconsin Employment Relations Commission alleging that Webster Electric Company, Inc., committed an unfair labor practice within the meaning of the Wisconsin Employment Peace Act; and the Commission having appointed Peter G. Davis, a member of its staff, to act as Hearing Examiner in the matter; and a hearing in the matter being scheduled for October 7, 1976; and Webster Electric Company, Inc., having thereafter filed motions to dismiss the complaint or alternatively to stay proceedings and to make the complaint more definite and certain; and the Examiner having considered the matter;

NOW, THEREFORE, it is

### ORDERED

- 1. That the motion to make the complaint more definite and certain in the above entitled matter be, and the same hereby is, granted; and that therefore an amended complaint shall be filed which specifies the provisions of the collective bargaining agreement which Webster Electric Company, Inc., has allegedly violated as asserted in paragraph eight of the complaint, and further specifies the specific statutory provisions which the Complainant believes have been violated by said alleged contractual violations.
- 2. That the amended complaint should be filed by the Complainant with the Commission, with a copy to Respondent, by September 30, 1976.
- 3. That the motions to dismiss the complaint or to stay proceedings are denied at this time.

Dated at Madison, Wisconsin this 22nd day of September, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Examiner

## WEBSTER ELECTRIC COMPANY, INC., VII, Decision No. 14909-A

# MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN AND DENYING MOTIONS TO DISMISS COMPLAINT OR TO STAY PROCEEDINGS

The Respondent has moved that the complaint be made more definite and certain in order to allow for the preparation of an adequate defense thereto. While the Examiner finds the complaint to be sufficiently clear with respect to the factual allegations contained therein, its ambiguity regarding the specific contractual and statutory provisions allegedly violated by Respondent requires that the motion be granted with respect to the provision of said information.

The Respondent also moved that the complaint be dismissed inasmuch as the Commission allegedly lacks jurisdiction over the matter. This motion is premised upon Respondent's assertion that a charge identical to the complaint filed herein has been filed with the National Labor Relations Board. Inasmuch as the Examiner cannot now determine whether the National Labor Relations Board has asserted jurisdiction over the Respondent or, as noted above, the precise nature of the allegations asserted in the complaint filed with the Commission, the Respondent motion is denied at this time. 1/ For these same reasons, Respondent's motion to stay proceedings is also denied.

Dated at Madison, Wisconsin this 22nd day of September, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Examiner

Respondent can of course renew its motion at the hearing at which time evidence may be presented with respect to the jurisdictional issue.