

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Respondent.

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

By.   
Peter G. Davis, Examiner

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