

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

WESTERN WISCONSIN TECHNICAL INSTITUTE	:	
FEDERATION OF TEACHERS LOCAL 3609, WFT,	:	
AFL-CIO and WISCONSIN FEDERATION OF	:	
TEACHERS, AFL-CIO,	:	
	:	Case IV
Complainants,	:	No. 20879 MP-670
	:	Decision No. 14963-A
vs.	:	
	:	
WESTERN WISCONSIN VOCATIONAL, TECHNICAL	:	
AND ADULT EDUCATION DISTRICT;	:	
CHARLES G. RICHARDSON; AND	:	
RICHARD LARSON,	:	
	:	
Respondents.	:	
	:	

ORDER GRANTING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN

Western Wisconsin Technical Institute Federation of Teachers Local 3609, WFT, AFL-CIO and Wisconsin Federation of Teachers, AFL-CIO, hereinafter Complainants, having on October 6, 1976, filed a complaint with the Wisconsin Employment Relations Commission alleging that Western Wisconsin Vocational, Technical and Adult Education District, Charles G. Richardson and Richard Larson, hereinafter Respondents, had committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Stephen Schoenfeld, Examiner, to make and issue Findings of Fact, Conclusions of Law and Order; and Respondents on October 21, 1976, having filed a motion to make the complaint more definite and certain and to postpone the hearing scheduled for November 9, 1976 in order to allow for the filing of an amended complaint and an answer thereto; and Complainants having responded to said motion; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

That the motion to make the complaint more definite and certain in the aforesaid matter be, and the same hereby is, granted and that Complainants make their complaint more definite and certain with respect to the allegations made in paragraphs six and eight of the complaint by stating:

1. The names of the two teachers who Complainants allege teach the type of courses taught by Diane Cunningham and whose teaching schedules are allegedly less onerous and unpleasant; and
2. In a clear and concise manner the nature of the alleged conduct set forth in paragraph eight so as to ascertain whose request is involved and to whom it was allegedly to be forwarded; and
3. The time and place of the alleged action(s) set forth in paragraph eight which purportedly constitute the refusal "to forward to Diane Cunningham request for certification as a teacher"; and

4. In paragraph eight the specific "state law and applicable rules thereunder" allegedly breached by Respondents; and

5. In paragraph eight the identity of the certification and area of teaching to be covered by said certification.

And, that Complainants file the above information with the Commission and serve a copy of same upon Respondents on or before October 29, 1976;

IT IS FURTHER ORDERED that the hearing previously scheduled in said matter for November 9, 1976 is hereby rescheduled to Monday, November 15, 1976, commencing at 10:30 a.m., in the LaCrosse County Courthouse, LaCrosse, Wisconsin; and that the date for filing an Answer is hereby extended to November 5, 1976.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Examiner

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

Complainants alleged in paragraph six of its complaint that:

"6. At the beginning of the school year 1976 the Respondents imposed on Diane Cunningham a teaching schedule of classes that was, and was known to Respondents to be much more onerous and more unpleasant than the teaching schedule she had in 1975-76 and than the teaching schedules of two teachers who teach in the same type of courses she teachers [sic]."

and in paragraph eight of their complaint that:

"8. Respondents have, contrary to their obligations under state law and applicable rules thereunder refused to forward to Diane Cunningham request [sic] for certification as a teacher and have justified imposing the onerous teaching schedule upon her on the basis that the state has granted her the certification she has sought."

The Commission, in its rules at ERB 12.02(2)(c) established that a complaint must contain, inter alia;

"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."

The Examiner has granted Respondents' motion so that compliance with said rule is satisfied. The Complainants are hereby required to take the aforesaid action with respect to paragraphs six and eight in order to clarify and set forth with greater particularity the information requested in Respondents' motion.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Examiner