

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,	:	
	:	
Complainants,	:	Case IV
	:	No. 20879 MP-670
vs.	:	Decision No. 14963-B
	:	
WESTERN WISCONSIN VOCATIONAL, TECHNICAL	:	
AND ADULT EDUCATION DISTRICT; CHARLES	:	
G. RICHARDSON; AND RICHARD LARSON,	:	
	:	
Respondents.	:	
	:	

ORDER DENYING MOTION TO DISMISS COMPLAINT

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, by Order dated October 22, 1976, directed that the complaint be made more definite and certain and that said amended complaint be filed with the Commission on or before October 29, 1976; and that the order was not served on the Complainants' attorney until October 26, 1976; that Complainants did not submit the amended complaint until November 4, 1976 and that as a result, Respondents filed a motion to dismiss with prejudice the complaint in the instant matter and Complainants having responded thereto; and the Examiner having reviewed the matter finds that there are insufficient reasons to dismiss the complaint;

NOW, THEREFORE, it is

ORDERED

That the motion to dismiss is denied.

IT IS FURTHER ORDERED that the hearing that was rescheduled for Monday, November 15, 1976 is hereby indefinitely postponed and that the date for filing an answer is hereby extended to November 19, 1976.

Dated at Madison, Wisconsin this 9th day of November, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING
MOTION TO DISMISS COMPLAINT

Inasmuch as the Respondents have failed to demonstrate that they have suffered any prejudice as a result of the Complainants' filing herein and inasmuch as sufficient cause exists as to why Complainants were unable to respond to the deadline originally established in the matter, Respondents' motion is hereby denied.

Dated at Madison, Wisconsin this 9th day of November, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Examiner