

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARVIN J. SLATER, PRESIDENT, LACROSSE
CITY EMPLOYEE'S UNION, LAWRENCE J.
SMITH AND MARY J. HAMRE,

Complainants,

vs.

THE CITY OF LACROSSE AND THE CITY
EMPLOYMENT RELATIONS COMMISSION AND
THE DIRECTOR OF PERSONNEL FOR THE
CITY OF LACROSSE, JEROME RUSCH,

Respondents.

Case XVIII
No. 20924 MP-677
Decision No. 15010-A

ORDER DENYING MOTION TO MAKE
MORE DEFINITE AND CERTAIN

Marvin J. Slater, President, LaCrosse City Employee's Union, Lawrence J. Smith and Mary J. Hamre, herein Complainants, having filed a prohibited practices complaint with the Wisconsin Employment Relations Commission, herein Commission, wherein it alleged that the City of LaCrosse and the City Employment Relations Commission and the Director of Personnel for the City of LaCrosse, Jerome Rusch, herein Respondents, had committed certain prohibited practices; and the Commission thereafter having appointed Amedeo Greco, a member of its staff, to act as Examiner in the matter; and the District having thereafter filed a motion to make more definite and certain; and Complainants having responded to said motion; 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, denied.

Dated at Madison, Wisconsin, this 5th day of January, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco
Amedeo Greco, Examiner

THE CITY OF LA CROSSE, et. al., XVIII, Decision No. 15010-A

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION
TO MAKE MORE DEFINITE AND CERTAIN

The instant complaint was received by the Commission on October 20, 1976. By notice dated October 26, 1976, Respondents were served with said complaints. Respondent's City Clerk and Jerome Fusch received said complaints by certified mail on October 27, 1976.

Several weeks later, Respondents filed the instant motion which was dated November 18, 1976, and which was received by the Commission on November 19, 1976.

As correctly noted by Complainants, Respondent's motion was untimely under ERB 12.03(3), entitled "Motion to Make Complaint More Definite and Certain," which provides:

"If a Complaint is alleged to be so indefinite as to hamper the respondent or any other party in the preparation of its Answer to the Complaint such party may, within 5 days after the service of the Complaint, by motion, request the Commission to order the Complainant to file a statement supplying specified information to make the Complaint more definite and certain." (Emphasis added).

Here, Respondents filed the instant motion well after the 5 days provided for in ERB 12.03(3). Accordingly, since the motion has been untimely filed, it is hereby denied.

Dated at Madison, Wisconsin, this 5th day of January, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco
Amedeo Greco, Examiner