

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE DISTRICT COUNCIL 48, :
AMERICAN FEDERATION OF STATE, COUNTY : Case LXXII
& MUNICIPAL EMPLOYEES, AFL-CIO & its : No. 20977 MP-682
affiliated LOCAL 1616, : Decision No. 15046-A
:
Complainant, :
:
vs. :
:
MILWAUKEE BOARD OF SCHOOL DIRECTORS, :
:
Respondent. :
:

ORDER GRANTING IN PART AND DENYING IN PART MOTION TO MAKE MORE
DEFINITE AND CERTAIN, DENYING MOTION TO STRIKE, AND GRANTING
MOTION FOR POSTPONEMENT

Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1616, herein Complainant, having filed a complaint with the Wisconsin Employment Relations Commission alleging that Milwaukee Board of School Directors, herein Respondent, have committed certain prohibited practices; and the Commission thereafter having appointed Peter G. Davis, a member of the Commission's staff, to act as Examiner in the matter; and the Respondent having subsequently filed a motion to make the complaint more definite and certain, a motion to strike, and a motion for postponement; 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 in part, and that therefore the Complainant shall file an amended complaint specifying:
 - A. The collective bargaining unit and collective bargaining agreement being referred to in paragraph 3 of the original complaint;
 - B. The time and place on which the alleged refusal to bargain, cited in paragraph 4 of the original complaint, occurred;
 - C. The conduct cited in paragraph 4 of the original complaint which allegedly violates the collective bargaining agreement and the specific section(s) of said agreement which are allegedly violated by said conduct.
2. That this information shall be filed by the Complainant with the Commission, a copy to the Respondent, by December 10, 1976.
3. That the Complainant need not furnish any further requested information.
4. That the motion to strike is denied.

5. That the motion for postponement is granted and the hearing is hereby rescheduled for Thursday, December 30, 1976 at 10:00 a.m. in the State Office Building, Milwaukee, Wisconsin and that Respondent's answer date is hereby extended to December 23, 1976.

Dated at Madison, Wisconsin this 26th day of November, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Peter G. Davis, Examiner

MILWAUKEE BOARD OF SCHOOL DIRECTORS, Case LXXII, Decision No. 15046-A

MEMORANDUM ACCOMPANYING ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO MAKE MORE DEFINITE AND CERTAIN, DENYING MOTION TO STRIKE,
AND GRANTING MOTION FOR POSTPONEMENT

Inasmuch as the Complainant has failed to specify with sufficient clarity certain facts alluded to in paragraphs 3, 4 and 6 of its complaint, the Complainant is required to provide said information pursuant to ERB rules 12.02(2) and 12.03(3). Absent a showing of good cause, failure to supply said information by December 10, 1976 shall be grounds for the dismissal of the complaint.

Respondent's motion to strike the documents attached to the instant complaint is denied but it should be clear that said documents do not acquire the status of exhibits until offered and received at the hearing.

Respondent's motion for postponement is granted given the time needed for compliance with the instant order and for the preparation of the ensuing answer to the amended complaint.

Dated at Madison, Wisconsin this 26th day of November, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 

Peter G. Davis, Examiner