

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CAROL F. ROSO, HELEN HOEKSTRA,

Complainants,

vs.

SCHOOL DISTRICT OF KETTLE MORaine,

Respondent.

Case V

No. 21228 MP-702

Decision No. 15188-A

ORDER DENYING MOTION TO DISMISS,
GRANTING MOTION TO MAKE COMPLAINT
MORE DEFINITE AND CERTAIN, EXTENDING
DATE FOR ANSWER AND SETTING NEW HEARING DATE

Carol F. Roso and Helen Hoekstra, hereinafter Complainants, having on January 11, 1977, filed a complaint with the Wisconsin Employment Relations Commission alleging that School District of Kettle Moraine, hereinafter Respondent, has committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Dennis P. McGilligan, Examiner to make and issue Findings of Fact, Conclusions of Law and Order; and Respondent on January 27, 1977 having filed a Motion To Dismiss and in the alternative a Motion To Make Complaint More Definite And Certain; and Complainants, by letter dated January 28, 1977, having filed a response to the above Motions; and the Examiner being advised in the premises makes and issues the following

ORDER

1. That Respondent's Motion To Dismiss be, and the same hereby is, denied.
2. That Complainants make their complaint more definite and certain with respect to allegations made in paragraphs (a) through (h) of the complaint by stating a clear and concise statement of the facts constituting the alleged prohibited practice in conformance with the aforementioned alternative Motion of the Respondent to make the complaint more definite and certain, paragraphs 1 through 10.
3. That Complainants state the specific section(s) of Section 111.70 of the Wisconsin Statutes allegedly violated by Respondent.

And furthermore, that Complainants file the above information with the Commission and serve a copy of same upon Respondent on or before February 21, 1977; and that the date for filing an Answer is hereby extended to March 7, 1977; and that hearing in the matter is hereby rescheduled to Monday, March 14, 1977, commencing at 10:00 a.m. at the Waukesha County Courthouse, Waukesha, Wisconsin.

Dated at Madison, Wisconsin this 4th day of February, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Dennis P. McGilligan, Examiner

No. 15188-A

MEMORANDUM ACCOMPANYING ORDER DENYING
MOTION TO DISMISS AND GRANTING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN,
EXTENDING DATE FOR ANSWER AND SETTING NEW HEARING DATE

Complainants filed their complaint on January 11, 1977. Thereafter on January 27, 1977 Respondent timely filed Motions to dismiss and to make the complaint more definite and certain. The Complainants responded by letter dated January 28, 1977.

The Examiner has denied Respondent's Motion To Dismiss on the grounds that it is premature, and because the complaint presents a contested case, 1/ requiring a full hearing on the pleadings. 2/

The Commission, in its rules at ERB 12.02(2)(c) established that a complaint must contain among other things:

"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 Respondent's Motion To Make More Definite And Certain in order to comply with the Commission's rules. Furthermore, the Examiner on his motion has directed Complainants to specify the section or sections of the Municipal Employment Relations Act which it alleges were violated by Respondent.

The Examiner has extended date for Answer and set a new hearing date in the matter in order to facilitate the direction of the above Order.

Dated at Madison, Wisconsin this 4th day of February, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Dennis P. McGilligan, Examiner

1/ Wisconsin Statutes, Section 111.07(2)(a), Section 111.07(4), Section 227.

2/ Mutual Fed. Savings & Loan Assoc. v. Savings & Loan Adv. Comm.; (1968) 38 Wis. 2d 381; State ex rel. City of LaCrosse v. Rothwell, (1964) 25 Wis. 2d 228, rehearing denied; Town of Ashwaubenon v. Public Service Commission (1964) 22 Wis. 2d 38, rehearing denied; State ex rel. Ball v. McPhee (1959) 6 Wis. 2d 190; General Electric Co. v. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.