

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Respondent.

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

No. 15986-A

dispute relative to the payment of said holiday benefits and the determination of what are 'regularly scheduled hours' within the meaning of the collective bargaining agreement should be submitted to the Arbitrator.

- e. With respect to paragraph 14 of said complaint: the areas of the Arbitrator's award with which Respondent has allegedly failed and refused to fully comply; the areas of dispute relative to the award of the Arbitrator with which Respondent has allegedly failed and refused to submit pursuant to the "retained jurisdiction stipulation agreed to by the parties".
- f. With respect to paragraph 1 of the Second Cause of Action: the employees against whom the Respondent has allegedly discriminated and when said alleged discrimination took place.

3. That the aforesaid information shall be filed by the Complainant with the Commission, a copy to Respondent, no later than January 20, 1978.

4. That all other requests for information sought in Respondent's motion are denied.

5. That the date for filing an Answer is hereby extended to February 10, 1978.

6. That the hearing in this matter is hereby rescheduled to Tuesday, February 21, 1978, commencing at 10:00 a.m. at the Madison Central Fire Station, 325 West Johnson Street, Madison, Wisconsin.

Dated at Madison, Wisconsin, this 12th day of January, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Examiner

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

The Examiner has denied Respondent's motion to dismiss on the grounds that the undersigned believes 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, in part:

"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 in part so that compliance with said rule is satisfied. On the other hand, in those instances wherein Respondent's motion was denied, it was because the allegations set forth in the complaint are sufficiently clear to enable Respondent to answer.

Dated at Madison, Wisconsin, this 12th day of January, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, 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.