

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JANICE STUBLEFIELD,	:	
	:	
Complainant,	:	Case LV
	:	No. 22314 MP-807
vs.	:	Decision No. 16011-A
	:	
CHIPPEWA FALLS JOINT SCHOOL DISTRICT	:	
NO. 1,	:	
	:	
Respondent.	:	
	:	

ORDER DENYING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

Janice Stublefield, referred to as Complainant, filed a complaint with the Wisconsin Employment Relation Commission alleging that Chippewa Falls Joint School District No. 1, referred to as Respondent, had committed prohibited practices within the meaning of the Municipal Employment Relations Act. The Commission appointed Ellen J. Henningsen, a member of its staff to act as Examiner. Respondent, on January 10, 1978, filed a motion to make the complaint more definite and certain. The Examiner provided Complainant an opportunity to respond to Respondent's motion but Complainant did not respond. The Examiner has considered the matter and issues the following

ORDER

IT IS ORDERED that the motion to make the complaint more definite and certain is denied.

IT IS FURTHER ORDERED that the hearing will be rescheduled in the near future.

Dated at Madison, Wisconsin this 3rd day of February, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Ellen J. Henningsen
Ellen J. Henningsen, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO
MAKE COMPLAINT MORE DEFINITE AND CERTAIN

The complaint in this matter was mailed to Respondent on December 22, 1977 and was received by Respondent's agent on December 28, 1977. 1/ Respondent's motion to make the complaint more definite and certain was filed with the Commission on January 10, 1978.

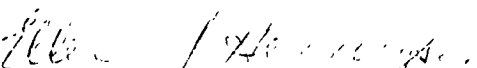
ERB rule 12.03(3) provides that a party "may, within five days after the service of the complaint, by motion request the commission to order the complainant to file a statement supplying specified information to make the complaint more definite and certain." Since Respondent was thereby accorded five days in which to file its motion, ERB rule 10.08(1) is also applicable as it provides that "when the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation." Additionally, ERB rule 10.08 (2) states that when a party has been served by mail "three days shall be added to the prescribed period . . ." Since Respondent was accorded eight days after service of the complaint to file its motion by virtue of ERB rules 12.03(3) and 10.08(2) and since intervening weekends and legal holidays are not to be included within those days by virtue of ERB rule 10.08(1), Respondent's motion was due eight work days after December 22, 1977 or January 5, 1978. As Respondent's motion was filed January 10, 1978, it is untimely and therefore is denied.

Even had the motion been timely filed, the Examiner would have denied the motion. The allegations for which Respondent seeks further information are sufficiently specific to enable Respondent to prepare its answer.

Dated at Madison, Wisconsin this 3rd day of February, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Ellen J. Henningsen, Examiner