

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE DISTRICT COUNCIL 48, AFSCME, AFL-CIO, and NICK BALLAS,	:	
	:	
Complainants,	:	Case CLXXIX
	:	No. 22856 MP-846
vs.	:	Decision No. 16305-A
	:	
CITY OF MILWAUKEE,	:	
	:	
Respondent.	:	
	:	

ORDER GRANTING MOTION TO MAKE MORE
DEFINITE AND CERTAIN

Milwaukee District Council 48, AFSCME, AFL-CIO, and Nick Ballas, Staff Representative, herein Complainants, filed a complaint with the Wisconsin Employment Relations Commission against City of Milwaukee, herein Respondent, alleging that Respondent has committed certain prohibited practices in violation of Section 111.70(3)(a) 1, 2 and 5 of the Wisconsin Statutes; the Commission thereafter appointed Michael F. Rothstein, a member of the Commission's staff, to act as Examiner in the matter; Respondent subsequently filed a timely motion to make the complaint more definite and certain; the Examiner has considered the matter and is satisfied that the motion should be granted;

NOW, THEREFORE, it is

ORDERED

1. That the motion to make more definite and certain filed in the above-entitled matter is granted and that therefore Complainants shall amend their complaint so as to clarify the matters in issue by setting forth the following:

- a. the relationship, if any, between the City of Milwaukee and Milwaukee District Council 48, in regard to this particular complaint;
- b. the relationship between Nick Ballas and the City of Milwaukee in regard to this particular complaint;
- c. the representative capacity of the Complainants herein;
- d. sufficient information alleging the Respondent's involvement with the premises at 1313 West Mount Vernon Avenue;
- e. the party or parties upon whom demand was made by Complainants to view the premises located at 1313 West Mount Vernon Avenue, and what information was requested of the Respondent or Respondent's agents by the Complainant;
- f. the nature of the unsafe working conditions that are alleged to exist as set forth in paragraph 4 of the complaint.

2. That such information as is ordered to be provided to the Respondent must be filed by Complainants with the Commission, with a copy to the Respondent, on or before May 8, 1978.

3. That the Respondent may file an answer to the amended complaint with the Commission, with a copy to Complainants, on or before May 16, 1978.

4. That the hearing in this matter which was previously scheduled for May 3, 1978 shall be postponed and a new hearing shall be held pursuant to the amended notice of hearing on complaint.

Dated at Madison, Wisconsin this 25th day of April, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Michael F. Rothstein
Michael F. Rothstein, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION
TO MAKE MORE DEFINITE AND CERTAIN

Complainants have failed to specify with sufficient clarity the conduct alleged to have violated Section 111.70(3)(a) 1, 2, and 5 of the Wisconsin Statutes. Wisconsin Administrative Code Section ERB 12.02 provides that the complaint shall contain 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; since the original complaint has failed to provide the required specificity, the Examiner has ordered Complainants to serve an amended complaint alleging in greater detail the particular acts deemed violative of Section 111.70(3).

In order to allow Complainants to prepare their amended complaints, and to allow Respondent to answer said amended complaint, the Examiner has rescheduled the hearing on said complaint. Notice of Postponement accompanies this order.

Dated at Madison, Wisconsin this 25th day of April, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Michael F. Rothstein
Michael F. Rothstein, Examiner