

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LEONARD A. TOKUS, BRUCE D. SCHRIMPF,
JOYCE E. BORKENHAGEN and JOHN J. DOLL,
Complainants,
vs.
NANCY NEWBURY, Administrator, Equal
Rights Division and THOMAS W. DALE,
Director, Legal Service Bureau, Equal
Rights Division, Department of Industry,
Labor and Human Relations and STATE OF
WISCONSIN,
Respondents.

Case VII
No. 23343 PP(S)-53
Decision No. 16487-C

ORDER TO AMEND COMPLAINT TO MAKE
MORE DEFINITE AND CERTAIN

Leonard A. Tokus, Bruce D. Schrimpf, Joyce E. Borkenhagen and John J. Doll, herein Complainants, having, on July 31, 1978, filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, wherein they allege Nancy Newbury and Thomas W. Dale, of the Department of Industry, Labor and Human Relations, State of Wisconsin, herein Respondents, have committed certain unfair labor practices; and the Commission, on August 7, 1978, having appointed Thomas L. Yaeger, a member of the Commission's staff, to act as Examiner in the matter; and Complainants having on October 6, 1978, moved to amend said complaint to add the State of Wisconsin as a Respondent; and the Examiner having, on October 9, 1978, granted said motion; and the Wisconsin Administrative Code, Section ERB 22.02(2)(c) requires that a complaint of unfair labor practices shall contain a clear and concise statement of facts constituting said unfair labor practices; and the Examiner finding said complaint being so indefinite as to not be in compliance with the aforesaid requirement makes and issues the following

ORDER

That Complainants, on or before October 25, 1978, make their complaint at paragraphs (g) and (h) more definite and certain by stating with specificity those facts alleged to constitute unfair labor practices within the meaning of Section 111.84, Stats., including the time and place of occurrence of particular acts and the sections of the Statute allegedly violated thereby.

Dated at Madison, Wisconsin this 11th day of October, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING ORDER TO AMEND
COMPLAINT TO MAKE MORE DEFINITE AND CERTAIN

Examination of the subject complaint reveals that paragraphs (g) and (h) thereof are conclusional and do not set forth with sufficient detail the specific facts from which the alleged unfair practices arise. At hearing, counsel for Complainants did produce a memorandum where, in addition to argument, the underlying factual basis for said complaint was set forth. The undersigned intends by this Order that, inter alia, such particulars with respect to alleged acts of Respondents be set forth in the amended complaint as required by Wisconsin Administrative Code, Section ERB 22.02(2)(c).

Dated at Madison, Wisconsin this 11th day of October, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By  _____
Thomas L. Yaeger, Examiner