

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

NASSER NAHAVANDI,

Complainant,

vs.

UNISERV-NORTH, WINNEBAGOLAND, MR.  
HENRY KROKOSKY, EXECUTIVE DIRECTOR  
(FOX VALLEY TECHNICAL INSTITUTE  
FACULTY ASSOCIATION), AND MR. DAVID  
NANCE,

Respondent.

Case I  
No. 23366 MP-882  
Decision No. 16505-E

NASSER NAHAVANDI,

Complainant,

vs.

FOX VALLEY TECHNICAL INSTITUTE,

Respondent.

Case XXII  
No. 23367 MP-883  
Decision No. 16504-E

ORDER DENYING MOTION TO MAKE  
COMPLAINT MORE DEFINITE AND CERTAIN

Nasser Nahavandi, herein Complainant, having filed separate complaints with the Wisconsin Employment Relations Commission alleging that UniServ-North, WinnebagoLand, Mr. Henry Krokosky, Executive Director (Fox Valley Technical Institute Faculty Association) and Mr. David Nance, and Fox Valley Technical Institute, herein Respondents, have committed unfair labor practices under the State Employment Labor Relations Act; and the Commission having thereafter appointed Peter G. Davis, a member of its staff, to act as Examiner in said matters; and the Examiner having consolidated the complaints for the purposes of hearing and ordered Complainant to file amended complaints specifying the specific statutory sections allegedly violated by the Respondents; and Complainant having, on September 19, 1978, filed amended complaints alleging that Respondents had committed certain specific prohibited practices under the Municipal Employment Relations Act (MERA); and Respondent Fox Valley Technical Institute having on October 13, 1978 filed a motion to make complaint more definite and certain; and the Examiner having granted said motion on October 30, 1978; and Complainant having filed an amended complaint in response thereto on November 30, 1978; and hearing having been held in the above-entitled matters on December 5, 1978 and December 6, 1978 during which Complainant represented himself and orally amended both his complaint against Respondent Uni-Serv-North et al. to allege prohibited practices under Sections 111.70(3)(b)1, 2, 3, 4 and 5 of MERA as well as his complaint against Respondent Fox Valley Technical Institute to allege prohibited practices under Section 111.70(3)(a)1, 2, 3, 4, 5 and 6 of MERA; and Respondent Fox Valley Technical Institute having on December 13, 1978

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a motion to make complaint more definite and certain and extend time for filing an Answer; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

That the motion to make complaint more definite and certain is denied.

Dated at Madison, Wisconsin this 21st day of December, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Peter G. Davis, Examiner

FOX VALLEY TECHNICAL INSTITUTE FACULTY ASSOCIATION, I, Decision No. 16505-E  
FOX VALLEY TECHNICAL INSTITUTE, XXII, Decision No. 16504-E

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

ERB 1.05 states that "these rules and regulations shall be liberally construed to effectuate the purposes of the act." The undersigned has concluded that the purposes of the Municipal Employment Relations Act are best served by denying Respondent Fox Valley Technical Institute's motion and having Complainant proceed with the presentation of his case. At that time Respondent will be aware of the nature of Complainant's allegations and the extent of his proof and will thus be in a position to respond in an informed manner. If at the conclusion of Complainant's case Respondent believes that it will be unable to prepare a defense before the hearing is scheduled to reconvene, it can move that the hearing be postponed to a later date. In light of the foregoing, it should be clear that Respondent Fox Valley Technical Institute is under no obligation to file an Answer.

Dated at Madison, Wisconsin this 21st day of December, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Peter G. Davis, Examiner

December 21, 1979

Mr. Nasser Nahavandi  
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Oshkosh, Wisconsin 54901

Mr. Michael Stoll  
Staff Counsel  
Wisconsin Education Association  
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414 East Walnut Street  
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Re: Fox Valley Technical Institute  
Case I No. 23366 MP-882  
Case XXII No. 23367 MP-883

Gentlemen:

This is to advise you that I inadvertently cited ERB 1.05 instead of ERB 10.01 in the Memorandum Accompanying the Order Denying Motion to Make Complaint More Definite and Certain issued in the above-entitled matters.

Very truly yours,

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis  
Examiner

PGD/jk

Enclosure

cc: Mr. Henry Krokosky, Executive Director, Winnebago Land Educational  
Staff Council, 550 E. Shady Lane, Neenah, Wisconsin 54956