

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LAW ENFORCEMENT EMPLOYEE RELATIONS
DIVISION (LEER) of the WISCONSIN
PROFESSIONAL POLICE ASSOCIATION (WPPA),

Complainant,

vs.

WISCONSIN POLICE NEGOTIATORS, LTD.

Respondent.

Case I
No. 25838 MP-1081
Decision No. 17691A

ORDER GRANTING MOTION
TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN
AND DENYING MOTIONS TO DISMISS

The above-named Complainant having on March 5, 1980, filed a complaint with Wisconsin Employment Relations Commission alleging that the above-named Respondent has committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Stephen Pieroni, Examiner to make and issue Findings of Fact, Conclusions of Law and Order; and Respondent on April 14, 1980 having filed Motions To Make the Complaint More Definite and Certain; To Dismiss for Failure to State a Claim Upon Which Relief Can be Granted and/or to Dismiss for Lack of Subject Matter Jurisdiction; and the Examiner being advised in the premises, makes and issues the following

ORDER

1) That Complainant make its complaint more definite and certain with respect to allegations made in paragraph 9 of the Complaint by stating:

a) With respect to the allegation that Respondent entered into a course of conduct which intimidated, coerced and interfered with municipal employees' legal rights under Sec. 111.70(2), Wis. Stats., and interfered with the legal rights of Complainant labor organization in violation of Sec. 111.70(3)(c), state in a clear and concise manner the individual(s) allegedly involved, what specific conduct was allegedly involved and when same allegedly occurred.

2) That Complainant file the above information with the Commission and serve a copy of same upon Respondent on or before April 30, 1980, and that the date for filing an Answer is hereby extended to May 14, 1980. The date of the hearing will be determined at a later date.

No. 17691-A

3) That Respondent's Motions to Dismiss be, and the same hereby are, denied.

Dated at Madison, Wisconsin this ~~21~~²⁴ day of April, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Stephen Pieroni
Stephen Pieroni, Examiner

emw

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

The Commission, in its rules at ERB 12.02(2)(c) established that a complaint must contain among other information:

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.

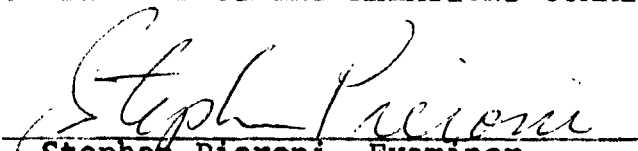
The Examiner has granted Respondent's Motion to Make More Definite and Certain in order to comply with the Commission's rules.

The Examiner has denied Respondent's Motion to Dismiss for Failure to State a Claim upon Which Relief can be Granted and the alternative Motion to Dismiss for Lack of Subject Matter Jurisdiction because the complaint presents a contested case, 1/requiring a full hearing on the pleadings. 2/

Dated at Madison, Wisconsin this 24 day of April, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Stephen Pieroni, Examiner

SP/emw

1/ Wis. Stats., 111.07(2)(a); 111.07(4), Section 227.

2/ Mutual Fed. Saving and Loan Assoc. vs. Savings and Loan Adv. Comm. 38 Wis. 2d 381 (1968); State ex rel City of LaCrosse vs. Rothwell, 25 Wis 2d 228 (1964); Town of Ashwaubenon vs. Public Service Commission, 22 Wis. 2d 38 (1964, rehearing denied).