### STATE OF WISCONSIN

### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

AMANCIO L. GUTIERREZ, JR.,

Complainant,

Case II No. 26450 Ce-1872 Decision No. 17940-A

HARRIS METALS and the UNION LOCAL LODGE NO. 1703, INT'L BROTHERHOOD OF BOILER-MAKERS, IRON SHIPBUILDERS, BLACKSMITHS, FORGERS & HELPERS LOCAL LODGE 1703, AFL-CIO,

vs.

Respondents.

ORDER DIRECTING COMPLAINANT TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

The above-named complainant, having filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, on June 26, 1980 and an additional complaint on August 14, 1980; and the Commission having appointed the undersigned to act as Examiner in the matter; and the Examiner, having reviewed the complaints and having found that said complaints does not comply with the requirements of the Wisconsin Administrative Code, Section ERB 2.02(2);

NOW, THEREFORE, it is

## ORDERED

- That the complainant, above-named, shall issue or cause to be issued a new complaint, which complaint shall comply with Wisconsin Administrative Code, Section ERB 2.02(2), more specifically containing the following:
  - The name and address of the complainant. a.
  - b. The name, address and affiliation, if any, or each of the respondents named in the complaint.
  - A clear and concise statement of the facts conc. stituting the alleged prohibited practices together with a statement as to the specific sections of Chapter 111 of the Wisconsin Statutes alleged to have been violated by the respondents.
  - A prayer for specific as well as general relief. d.
- That the new complaint shall be filed with the Commission on or before September 2, 1980 and shall be denominated as an amended complaint. Failure to comply with the terms of this order on or before September 2, 1980 will result in dismissal of the complaints.

Dated at Madison, Wisconsin this 25th day of August, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Examiner

James

# HARRIS METALS, INC., Case II, Decision No. 17940-A

# MEMORANDUM ACCOMPANYING ORDER DIRECTING COMPLAINANT TO MAKE COMPLAINTS MORE DEFINITE AND CERTAIN

The undersigned has reviewed the contents of both complaints filed herein by Gutierrez. Neither complaint states with specific particularity acts which would tend to establish conduct violative of Chapter 111, Wis. Stats. The complaints fail to identify conduct by the Union tending to establish that its handling of Gutierrez' grievance was arbitrary, discriminatory in bad faith or was perfunctory in nature. Further, the complaints fail to allege with specific particularity the nature of Gutierrez' claim against the Employer sufficient to identify a basis upon which relief may be granted.

Failure to comply with the terms of this order on or before September 2, 1980 will result in dismissal of the complaints.

Dated at Madison, Wisconsin this 25th day of August, 1980.

mes D Lynch

Examiner