

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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MADISON TEACHERS INCORPORATED, :  
 :  
Complainant, : Case CXVII  
 : No. 27881 MP-1210  
 : Decision No. 18682-A  
vs. :  
 :  
MADISON METROPOLITAN SCHOOL DISTRICT :  
and the BOARD OF EDUCATION, MADISON :  
METROPOLITAN SCHOOL DISTRICT, :  
 :  
Respondents. :  
 :  
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ORDER DENYING MOTION TO DISMISS

The above-named Complainant having on April 21, 1981 filed a complaint with the Wisconsin Employment Relations Commission alleging that Madison Metropolitan School District and the Board of Education, Madison Metropolitan School District, hereinafter Respondents, have 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 Respondents on May 26, 1981, having filed a Motion to Dismiss; and the Examiner being advised in the premises makes and issues the following

ORDER

1. That Respondent's Motion to Dismiss be, and the same hereby is, denied.

Dated at Madison, Wisconsin this 29th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Pieroni  
Stephen Pieroni, Examiner

MEMORANDUM ACCOMPANYING ORDER  
DENYING MOTION TO DISMISS

The Examiner has denied Respondent's Motion to Dismiss on the grounds that it is premature, and because the complaint presents a contested case, 1/ requiring a full hearing on the pleadings. 2/

Dated at Madison, Wisconsin this 29th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Pieroni  
Stephen Pieroni, Examiner

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

2/ Mutual Fed. Savings & Loan Assoc. v. Savings & Loan Adv. Comm.; (1968) 38 Wis. 2d 381; State ex rel. City of LaCrosse v. Rothwell, (1964) 25 Wis. 2d 228, rehearing denied; Town of Ashwaubenon v. Public Service Commission (1964) 22 Wis. 2d 38, rehearing denied; State ex rel. Ball v. McPhee (1959) 6 Wis. 2d 190; General Electric Co. v. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.