

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE DISTRICT COUNCIL 48,
AFSCME, AFL-CIO,

Complainant,

vs.

CITY OF MILWAUKEE,

Respondent.

Case CCV
No. 25911 MP-1089
Decision No. 18782-A

ORDER DENYING MOTION TO DISMISS AND ORDER
GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE
AND CERTAIN AND EXTENDING TIME TO FILE AN ANSWER

The above-named Complainant having on March 13, 1980 filed a complaint with the Wisconsin Employment Relations Commission and thereafter having filed an Amended Complaint on June 1, 1981 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 June 29, 1981, having filed a Motion To Dismiss and Motion to Make More Definite and Certain; and the Examiner being advised in the premises makes and issues the following

ORDERS

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

2. That Respondent's Motion to Make Complaint More Definite and Certain, a copy of which was served on the Complainant by the Respondent, is hereby granted in its entirety; and that Complainant therefore amend its amended complaint by providing the information requested therein.

3. That said Amended Complaint be filed with the Examiner and a copy of same mailed to Respondent's Counsel

Mr. Nicholas M. Siegel
Principal Assistant City Attorney
800 City Hall
Milwaukee, Wisconsin 53202

on or before July 13, 1981. Failure to so amend the complaint may result in its dismissal.

4. That Respondent shall file an Answer with the Examiner and mail a copy of same to Complainant's Counsel

Ms. Nola Hitchcock Cross
Attorney at Law
Suite 315
207 East Michigan Street
Milwaukee, Wisconsin 53202

on or before July 22, 1981.

Dated at Madison, Wisconsin this 7th day of July, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Stephen Pieroni
Stephen Pieroni, Examiner

No. 18782-A

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO DISMISS
AND ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE
AND CERTAIN AND EXTENDING TIME TO FILE AN ANSWER

The Examiner has denied Respondent's Motion To Dismiss on the grounds that it is premature, and because the complaint presents a contested case which raises questions of fact and law which are best resolved by an evidentiary hearing. 1/

Respondent's Motion To Make the Complaint More Definite and Certain was timely filed. The information sought by Respondent will enable it to determine with specificity the facts constituting the alleged prohibited practice, 2/ and permit it to prepare a response to the charge. Accordingly the Examiner has extended the time for the Respondent to file an Answer.

Dated at Madison, Wisconsin this 7th day of July, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Stephen Pieroni
Stephen Pieroni, Examiner

1/ Wisconsin Statutes, Section 111.07(2)a, Section 111.07 (4) and Section 227 General Electric Co. vs. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.

2/ ERB 12.02(2)(c).