

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STEVE HARTMANN, BUSINESS
BUSINESS REPRESENTATIVE,
LOCAL 95, OFFICE AND
PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, AFL-CIO

Complainant,

vs.

RICHARD WASSON, DIRECTOR OF
OPERATIONS, WISCONSIN RAPIDS
BOARD OF EDUCATION,

Respondent.

Case XXIV
No. 28629 MP-1251
Decision No. 19084-A

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

The above-named Complaint having, on September 11, 1981 filed a complaint with the 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 Christopher Honeyman as Examiner to make and issue Findings of Fact, Conclusions of Law and Order in this matter; and Respondent having, on October 28, 1981, filed Motion to Dismiss and to make the Complaint More Definite and Certain; the Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. That Complainant make its complaint more definite and certain by amending said complaint to show clearly:

- a) Whether the Respondent is the School District of Wisconsin Rapids, the individual named in paragraph 2 of the complaint, or both.
- b) Whether the employees referred to in paragraph 3 of the complaint are represented by Complainant as part of a bargaining unit, and if so the nature of such bargaining unit and the basis for Complainant's claim to represent it.
- c) The person or persons who refused to grant the vacations and step increases referred to in paragraph 3 of the complaint, and the date(s) of such refusal.

2. That these amendments be filed with the Examiner and a copy of same mailed to Respondent's counsel:

Mr. James K. Ruhly
Melli, Shiels, Walker & Pease, S.C.
Attorneys at Law
Suite 600 Insurance Building
119 Monona Avenue
P.O. Box 1664
Madison, WI 53701

on or before November 13, 1981.

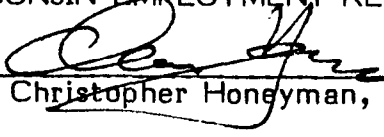
3. That the due date for the Answer required in the Notice of Hearing be, and the same hereby is, extended to November 23, 1981.

4. That the Motion to Dismiss filed by Respondent be, and the same hereby is, denied.

Dated at Madison, Wisconsin this 6th day of November, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Christopher Honeyman, Examiner

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

The Commission, in its rule 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 practices including the time and place of occurrence of particular acts . . .

The Examiner has granted Respondent's Motion to Make More Definite and Certain in order to comply with the Commission's rules. The Complaint is not so defective on its face as to warrant dismissal at this time, and the Examiner has therefore denied Respondent's Motion to Dismiss. Failure to amend the complaint as required in this Order, however, may result in dismissal of the complaint.

Dated at Madison, Wisconsin this 6th day of November, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Christopher Honeyman, Examiner