

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MADISON TEACHERS INCORPORATED, :
 :
Complainant, : Case CXXIII
 : No. 28892 MP-1276
vs. : Decision No. 19210-A
 :
MADISON METROPOLITAN SCHOOL :
DISTRICT and THE BOARD OF :
EDUCATION, :
 :
Respondent. :
 :

ORDER GRANTING MOTION TO MAKE COMPLAINT
MORE DEFINITE AND CERTAIN

On December 1, 1981, Madison Teachers Incorporated, hereinafter Complainant, filed a complaint of prohibited practices against the Madison Metropolitan School District, hereinafter Respondent, with the Wisconsin Employment Relations Commission, hereinafter Commission. On December 14, 1981 the Commission appointed Lionel L. Crowley, a member of its staff, Examiner and authorized him to make and issue Findings of Fact, Conclusions of Law and Order in the matter. The written complaint was served on Respondent on December 7, 1981. On December 14, 1981, Respondent filed a Motion to Make Complaint More Definite and Certain. The Examiner did not receive any statement from Complainant concerning said motion. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. That Complainant shall make its complaint more definite and certain with respect to the allegations made in paragraph 6 of the complaint by stating:
 - a. The identity of the person or persons who allegedly threatened members of the Complainant's collective bargaining unit by telling them that Respondent would layoff bargaining unit members should Complainant prevail in arbitration before Arbitrator Kerkman;
 - b. The date and place of the alleged statement described in a.;
 - c. The identity of the person or persons to whom said statement described in a. was made;
 - d. In a clear and concise manner, what specific conduct was allegedly involved that constituted the threat;
 - e. The identity of Respondent's agents who told bargaining unit members that meetings would be scheduled to discuss layoffs and the date and place of such statements.

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

The Commission in its rules, Wisconsin Administrative Code, section ERB 12.02(2)(c) provides that a complaint must contain, inter alia:

"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 reviewed the complaint herein and Respondent's motion to make more definite and certain and has required Complainant to supply certain information requested in Respondent's motion in order to make the complaint conform with the Wisconsin Administrative Code set forth above, and to enable Respondent to determine the incidents complained of and to permit it to prepare an answer to the charges. Complainant is not required to state the exact words used by Respondent's agents inasmuch as compliance with this Order should provide Respondent sufficient information to prepare a defense.

Dated at Madison, Wisconsin this 5th day of January, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BY Lionel L. Crowley
Lionel L. Crowley, Examiner