

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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DODGE COUNTY SHERIFF	:	
DEPARTMENT, EMPLOYEES LOCAL	:	
1323 B, AFL-CIO,	:	Case LIX
	:	No. 28977 MP-1282
Complainant,	:	Decision No. 19354-A
	:	
vs.	:	
	:	
DODGE COUNTY,	:	
	:	
Respondent.	:	
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ORDER DENYING MOTION TO DISMISS, OR IN ITS ALTERNATIVE MOTION TO MAKE MORE DEFINITE AND CERTAIN

Dodge County Sheriff Department, Employes Local 1323 B, AFL-CIO, herein Complainant, having on December 15, 1981, filed a complaint of prohibited practices with the Wisconsin Employment Relations Commission, wherein it is alleged that Dodge County, herein Respondent, has committed certain prohibited practices within the meaning of Section 111.70(3)(a)5, Wis. Stats., and Respondent having on December 28, 1981, moved for an order dismissing the complaint or in the alternative making the complaint more definite and certain; and the Complainant having on January 5, 1982, replied to the Respondent's motion; and the Commission having on February 2, 1982, appointed Edmond J. Bielarczyk, Jr., a member of its staff, to act as Examiner; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

That the Motions to Dismiss and to Make More Definite and Certain are denied.

Dated at Madison, Wisconsin this 2nd day of February, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Edmond J. Bielarczyk, Jr.  
Edmond J. Bielarczyk, Jr., Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO DISMISS,  
OR IN ITS ALTERNATIVE, MOTION TO MAKE MORE DEFINITE AND CERTAIN

On December 15, 1981, Dodge County Sheriff Department, Employees Local 1323 B commenced this action against Dodge County by filing a complaint of prohibited practice. On December 28, 1981, Respondent moved to dismiss the complaint, or in the alternative to make said complaint more definite and certain. The motion to dismiss is premised on the following grounds:

1. The complaint has not been sworn to before a person authorized to administer oaths or acknowledgements, as required by Wis. Adm. code section ERB 12.02(1), and the Wisconsin Employment Relations Commission therefore lacks jurisdiction to entertain said complaint.

2. The complaint does not have attached to it a true and correct copy of the collective bargaining agreement alleged to have been entered into between the parties and which respondent is alleged to have violated.

On January 5, 1982, the Complainant filed with the Commission a verified copy of complaint originally filed with the Commission on December 15, 1981, duly sworn to by Bruce M. Davey. In addition, Wis. Adm. Code Ch. ERB Section 12 does not require that a complaint alleging that a party has engaged in prohibited practices within the meaning of the Municipal Employment Relations Act have attached to it a true and correct copy of the collective bargaining agreement alleged to have been entered into between the parties. Therefore said motion is denied.

The motion to make more definite and certain was is premised on the following grounds:

1. To specify what person, office or department is being referred to by use of the word "respondent" in paragraphs 7, 8, 10 and 11 of the complaint, and the paragraph setting forth the prayer for relief.

2. To specify and state the name of the employe referred to in paragraph 7 of the complaint.

Paragraph 2 of the Complaint identifies the Respondent as Dodge County. Also, attached to the complaint are three exhibits, Exhibit A, a grievance filed by Ronald Guptill who is alleged to have served a two day suspension on July 24, 1981, and July 25, 1981, Exhibit B, an August 13, 1981 letter concerning "Robert Guptill, Disciplinary Action"; and Exhibit C, a November 18, 1981 letter concerning "Dodge County: Requests for grievance arbitration."

The complaint herein clearly complies with the requirements of Wis. Adm. Code Ch. ERB Section 12.04(2). It provides sufficient information as to identify the addresses of the parties, the events giving rise to the complaint, the sections of MERA alleged to have been violated by the Respondent and the relief sought. It also provides a sufficient basis for the Respondent to file its responsive pleadings in this matter.

On the basis of the above, I conclude that the Complaint filed is in compliance with the applicable requirements under the law regarding specificity and the Respondent's Alternative Motion to Make More Definite and Certain is denied.

Dated at Madison, Wisconsin this 2nd day of February, 1982.

By Edmond J. Bielarczyk, Jr.  
Edmond J. Bielarczyk, Jr., Examiner