

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----	:	
THOMAS R. VILMIN,	:	
	:	
Complainant,	:	
	:	Case I
vs.	:	No. 29405 Ce-1944
	:	Decision No. 19535-B
TRANSPORTATION SERVICE OF	:	
WATERTOWN,	:	
	:	
Respondent.	:	
-----	:	

ORDER TO SHOW CAUSE

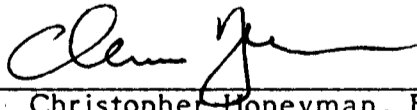
Thomas R. Vilmin, an individual, having on March 4, 1982 filed a complaint with the Wisconsin Employment Relations Commission, alleging that Transportation Service of Watertown had committed unfair labor practices within the meaning of Section 111.07, Wis. Stats., by discharging the Complainant and by other conduct; and the Commission having appointed the undersigned as Examiner in this matter; and Respondent having, on April 19, 1982, filed a motion to dismiss the complaint on the basis that a similar case was pending before the National Labor Relations Board involving the same parties and the same issues; and Respondent's answer in the National Labor Relations Board having denied that the N.L.R.B. had jurisdiction over the employer; and the undersigned Examiner having, accordingly, denied Respondent's motion to dismiss on May 17, 1982; and this proceeding having been held in abeyance since that time pending ruling by the National Labor Relations Board as to whether it asserts jurisdiction over the employer or not; and Respondent having, on March 13, 1984, renewed its motion to dismiss on the basis that it has abandoned its defense of lack of jurisdiction before the National Labor Relations Board and that the N.L.R.B. has asserted jurisdiction in the parallel complaint case; the Examiner makes and issues the following

ORDER

That Thomas R. Vilmin, the Complainant herein, shall show cause in writing within fourteen (14) days from the date hereof why the complaint filed herein should not be dismissed on the basis that the National Labor Relations Board has asserted jurisdiction over the substance of the unfair labor practices alleged in the complaint.

Dated at Madison, Wisconsin this 16th day of March, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
 Christopher Honeyman, Examiner

MEMORANDUM ACCOMPANYING
ORDER TO SHOW CAUSE

In the Order denying the Respondent's motion to dismiss this matter 1/, I noted that the Respondent had denied before the National Labor Relations Board that that agency had jurisdiction to resolve the merits of the complaint filed there. I therefore denied the motion to dismiss this proceeding, and held it in abeyance pending a determination by the N.L.R.B. of whether or not it would assert jurisdiction over the employer.

On March 13, 1984, Respondent filed a renewed motion to dismiss this matter, and filed in support of the motion copies of the following documents:

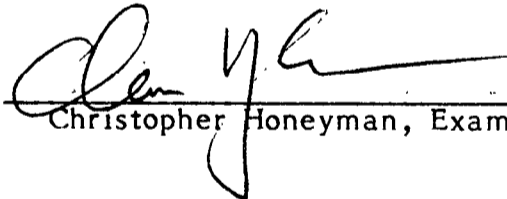
1. A letter dated October 13, 1982 from Respondent's attorney to the Regional Office of the National Labor Relations Board, advising Counsel for the General Counsel that Respondent was withdrawing its affirmative defense that the National Labor Relations Board did not have jurisdiction in the unfair labor practice case pending there.
2. The amended answer filed in the N.L.R.B. unfair labor practice case by Respondent, admitting that the N.L.R.B. had jurisdiction.
3. A section of the transcript of the N.L.R.B.'s hearing before Administrative Law Judge Deniston, in which the amendment to the Respondent's answer admitting jurisdiction is confirmed.

Based on these documents, it appears that the National Labor Relations Board has, and has asserted, jurisdiction over the Respondent for purposes of determining the merits of an unfair labor practice proceeding paralleling that presented here. I therefore find it appropriate to give the Complainant fourteen (14) days to show cause in writing why the complaint should not be dismissed: 2/

Dated at Madison, Wisconsin this 16th day of March, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Christopher Honeyman, Examiner

1/ Decision No. 19535-A, May 1982.

2/ Marathon County, 16346, May 1978.