

LODGE 437, INTERNATIONAL
ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS,
AFL-CIO,

Complainant,

vs.

RACINE COUNTY,

Respondent.

LODGE 437, INTERNATIONAL
ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS,
AFL-CIO,

VS.

Respondent.

The above-named Complainant having, on January 7, 1983, filed a complaint with the Wisconsin Employment Relations Commission alleging that Racine County, hereinafter the Respondent, has committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Andrew M. Roberts, Examiner, to make and issue Findings of Fact, Conclusions of Law and Order; and the Respondent on February 14, 1983, having filed a Motion to Dismiss; and the Examiner being advised in the premises makes and issues the following

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

MEMORANDUM ACCOMPANYING ORDER
DENYING MOTION TO DISMISS

The Examiner has denied the Respondent's Motion to Dismiss on the ground that it is premature and that the complaint presents a contested case, 1/ requiring a full hearing on the pleadings. 2/

Dated at Madison, Wisconsin this 24th day of February, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Andrew M. Roberts
Andrew M. Roberts, Examiner

1/ Wisconsin Statutes, Section 111.07(3)(a), Section 111.07(4), Section 227.

2/ Mutual Fed. Savings & Loan Assoc. v. Savings & Loan Adv. Comm.; (1968) 38 Wis. 2d 381; State ex rel. City of LaCrosse v. Rothwell, (1964) 25 Wis. 2d 228, rehearing denied; Town of Ashwaubenon v. Public Service Commission (1964) 22 Wis. 2d 38, rehearing denied; State ex rel. Ball v. McPhee (1959) 6 Wis. 2d 190; General Electric Co. v. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.