

and concluded that it is appropriate under ERB 10.01 2/ to waive the "service of copy" requirements of ERB 12.09(1) because Respondent County has not been prejudiced by Complainant's failure inasmuch as Respondent has received a copy of the petition, was aware of the petition's existence within approximately five days of the Commission's receipt thereof and will be fully advised as to the specifics of Complainant's position upon receipt of Complainant's brief in support of the petition;

NOW, THEREFORE, it is

ORDERED

1. That the Motion to Dismiss is denied.
2. That the following briefing schedule is established:

Complainant's brief in support of the petition should be postmarked on or before August 10, 1987.

Respondent's response should be postmarked on or before September 7, 1987.

Complainant's reply, if any, should be postmarked on or before September 21, 1987.

Given under our hands and seal at the City of  
Madison, Wisconsin this 20th day of July, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld  
Stephen Schoenfeld, Chairman

Herman Torosian  
Herman Torosian, Commissioner

Danae Davis Gordon  
Danae Davis Gordon, Commissioner

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2/ ERB 10.01 provides:

**ERB 10.01 Purpose and construction.** These rules govern the conduct of all proceedings involving municipal employment relations before the Wisconsin employment relations commission and before fact finders, appointed pursuant to commission action, in municipal employment disputes. These rules shall be liberally construed to effectuate the purposes and provisions of subch. IV, ch. 111, Stats. The Commission, or fact finder, as the case may be, may waive any requirements of these rules unless a party shows prejudice thereby. (Emphasis added)

See also Racine Unified School District, Dec. No. 20941-B (WERC 1/85).