

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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WISCONSIN STATE EMPLOYEES UNION	:	
(WSEU) AFSCME, COUNCIL 24,	:	
AFL-CIO,	:	
	:	Case 239
Complainant,	:	No. 37231 PP(S)-131
	:	Decision No. 23885-A
vs.	:	
	:	
STATE OF WISCONSIN, DEPARTMENT	:	
OF EMPLOYMENT RELATIONS	:	
(CLERICAL & RELATED)	:	
	:	
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ORDER DENYING MOTION TO DISMISS

Wisconsin State Employees Union (WSEU), AFSCME, Council 24, AFL-CIO, herein Complainant, having on July 9, 1986 filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, wherein it alleged that State of Wisconsin, Department of Employment Relations (Clerical & Related), herein Respondent, has committed unfair labor practices within the meaning of Sec. 111.84(1)(a), (1)(b), (1)(c), (1)(d) and (1)(e), Wis. Stats.; and Respondent having on September 11, 1986, filed an Answer to the complaint and Motion to Dismiss; and the Commission having on August 13, 1986, appointed Coleen A. Burns, a member of its staff, to act as Examiner; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

That the Motion to Dismiss is denied.

Dated at Madison, Wisconsin this 23rd day of October, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Coleen A. Burns*
Coleen A. Burns, Examiner

DEPARTMENT OF EMPLOYMENT RELATIONS (CLERICAL & RELATED)

MEMORANDUM ACCOMPANYING
ORDER DENYING MOTION TO DISMISS

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

Dated at Madison, Wisconsin this 23rd day of October, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Coleen A. Burns*
Coleen A. Burns, Examiner

1/ Wisconsin Statutes, Sec. 111.07(2)(a), Sec. 111.07(4), Sec. 227.

2/ Mutual Fed. Saving & 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.