

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CONNIE A. MERKEL,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case 90
	:	No. 38744 MP-1971
CITY OF GREENFIELD and	:	Decision No. 24776-A
LOCAL 2, AFSCME, AFL-CIO	:	
a/w MILWAUKEE DISTRICT	:	
COUNCIL 48,	:	
	:	
Respondents.	:	
	:	

ORDER DENYING RESPONDENT'S
REQUEST TO RESCHEDULE HEARING

Respondent, Local 2, AFSCME, AFL-CIO, a/w Milwaukee District Council 48, having, on August 11, 1987, filed a request to reschedule the hearing in the matter now set for August 25, 1987, on the grounds that an Equal Rights Division case scheduled for that date was thought to have been settled but in fact is not, and vacation schedules of persons involved in the case interfered with preparation of Respondent's case; and the Complainant having, on August 12, 1987, filed a response in opposition to said request; and the undersigned, having considered the positions of the parties, hereby denies the request to reschedule the hearing on the grounds that no proper cause has been shown for rescheduling of the hearing pursuant to Wis. Adm. Code section ERB 10.13(2);

NOW, THEREFORE, it is

ORDERED

That the Request to Reschedule Hearing be, and the same hereby is, denied.

Dated at Madison, Wisconsin this 18th day of August, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley
Lionel L. Crowley, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING
RESPONDENT'S REQUEST TO RESCHEDULE HEARING

Wis. Adm. Code section ERB 10.13(2) provides that upon proper cause shown by any of the parties, the Commission may reschedule the date of the hearing. Notice of the hearing in this matter was sent to all parties on July 3, 1987 after prior consultation as to available dates with counsel for each party. It would seem appropriate that later developments in the Equal Rights Division case would provide a basis for postponement in that case rather than the instant matter. In view of the length of time between the scheduling notice and the hearing date, it would also appear that vacation scheduling could have been coordinated with the preparation of the case. Moreover, the Respondent may subpoena any witnesses for the hearing and the undersigned would entertain a motion for a continuance should proper cause be shown that Respondent could not proceed with its case due to the absence of a critical witness. Thus, the Respondent's Request to Reschedule the Hearing is denied. 1/

Dated at Madison, Wisconsin this 18th day of August, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley
Lionel L. Crowley, Examiner

1/ See Milwaukee Board of School Directors, Dec. No. 23604-A (Schiavoni, 5/86); School District of Marinette, Dec. No. 17897-A (McGilligan, 1/81).