

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----	:	
MS. SAMELLA WILLIAMS,	:	
JOYCE CARAVELLO and	:	
THE WISCONSIN STATE	:	
EMPLOYEES UNION (WSEU),	:	
AFSCME, COUNCIL 24,	:	
AFL-CIO,	:	Case 245
	:	No. 38490 PP(S)-135
Complainants,	:	Decision No. 25281-A
	:	
vs.	:	
	:	
STATE OF WISCONSIN,	:	
	:	
Respondent.	:	
-----	:	

ORDER GRANTING
RESPONDENT'S MOTION TO SEVER
AND DENYING RESPONDENT'S
MOTION TO DISMISS

Ms. Samella Williams, Joyce Caravello, and the Wisconsin State Employees Union (WSEU), AFSCME, Council 24, AFL-CIO, herein Complainants, having on March 10, 1987, filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, wherein it alleged that the State of Wisconsin, herein Respondent, has committed unfair labor practices within the meaning of Sec. 111.84(1)(a), (1)(c), and (1)(d) Wis. Stats.; and Respondent having on April 8, 1988 renewed its April 18, 1987 Motion to Dismiss and further, filed a Motion to Sever the Samella Williams complaint from the Joyce Caravello complaint; and the Complainants having on April 15, 1988 filed a response to Respondent's Motion to Dismiss and Motion to Sever; and the Commission having on March 21, 1988 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

1. That the Motion to Sever is granted.
2. That the Motion to Dismiss is denied.
3. That the Joyce Caravello complaint will be heard on April 25, 1988, as previously scheduled.
4. That the Samella Williams complaint will be rescheduled for hearing at a future date.

Dated at Madison, Wisconsin this 19th day of April, 1988.

MEMORANDUM ACCOMPANYING
ORDER GRANTING RESPONDENT'S MOTION
TO SEVER AND ORDER DENYING
RESPONDENT'S 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.

Complainants having no objection to Respondent's Motion to Sever and the Examiner being satisfied that the factual circumstances underlying the Samella Williams complaint are distinct from those underlying the Joyce Caravello complaint, the Examiner has granted Respondent's Motion to Sever.

Dated at Madison, Wisconsin this 19th day of April, 1988.

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. Savings and Loan Assoc. v. Savings and 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.