

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GRAFTON EDUCATION ASSOCIATION	:	
	:	
Complainant,	:	Case 5
	:	No. 40858
vs.	:	MP-2120
	:	Dec. No. 25703-A
SCHOOL DISTRICT OF GRAFTON,	:	
and CONNECTICUT GENERAL LIFE	:	
INSURANCE COMPANY,	:	
	:	
Respondents	:	
	:	

Appearances:

- Ms. Ellen J. Henningsen, Staff Counsel, Wisconsin Education Association Council, 101 West Beltline Highway, P. O. Box 8003, Madison, WI 53708, appearing on behalf of Complainant.
- Mr. James Korom, von Briesen & Purtell, S.C., Attorneys at Law, Suite 700, 411 East Wisconsin Avenue, Milwaukee, WI 53202-4470, appearing on behalf of Respondent District.
- Mr. Paul A. Hahn, Boardman, Suhr, Curry & Field, Attorneys at Law, Suite 410, One South Pickney Street, P.O. Box 927, Madison, WI 53701, appearing on behalf of Respondent Connecticut General.

SUMMARY OF RESULTS OF PREHEARING CONFERENCE INCLUDING ORDER POSTPONING HEARING AND REQUIRING CLARIFICATION OF COMPLAINT

A prehearing conference concerning the above matter was conducted in person at the Commission offices on October 10, 1988, and by conference telephone call on two occasions the last of which was on November 10, 1988.

During the course of those discussions, the parties exchanged and discussed several versions of possible settlements of the matter. To date, no settlement satisfactory to all three parties has been developed, though further exploration of a settlement along the lines of the first written settlement draft were continuing as of November 10, 1988.

In the November 10, 1988, telephone conference, the District, joined by Connecticut General, moved that the Association be required to make paragraphs IV.E and F. more definite and certain and that the hearing be postponed to permit Respondents to answer and to adequately prepare for hearing on those specifications. The District also: 1) expressed its intention, if efforts to settle this matter fail, to file a complaint of its own involving many of the same facts that would be adduced in a hearing on the complaint filed in the above matter, and expressed a willingness to do so well enough in advance of a rescheduled hearing to permit the Association to answer and prepare for a consolidated hearing of the two complaints; 2) agreed to maintain Trust insurance through at least October 31, 1989, and to use its best efforts to expeditiously resolve any outstanding claims relating to Connecticut General's period as its carrier; and 3) stated that it would not contend that the Association's submission of specifications as sought by the District's motion, per se, constitutes a basis for dismissal of the complaint.

The Association firmly opposed both aspects of the Respondents' motion. Association Counsel noted that the time for filing a motion to make more definite and certain had long passed and that the District has also had ample time in which to file its contemplated complaint. The Association urged that the November 14-17 hearing go forward as scheduled and that the request that the complaint be made more definite and certain be denied, so that additional time to answer or to prepare with respect to complaint specifications would be unnecessary.

The District argued in response that it had refrained from formally requesting complaint specifications and from filing its own complaint because of the pendency of settlement discussions in the matter.

After hearing the parties' arguments, the Examiner advised the parties that he was granting the Respondents' motion in both respects and that he would provide written confirmation to that effect as soon as possible.

Now, therefore, pursuant to the examiner's authority under Sec. 227.07, Stats., to require amendments of pleadings that he deems necessary during the course of a pre-hearing conference, and pursuant to the examiner's authority under Sec. 227.12, Stats., to dispose of procedural requests, the Examiner makes and issues the following

ORDER

1. The hearing previously scheduled in this matter for November 14-17, 1988, shall be and hereby is postponed until January 23-26, 1989, beginning at 9:30 A.M. at the Grafton Police Department Conference Room, 1981 Washington Street, Grafton, Wisconsin.

2. No later than November 23, 1988, Complainant shall place in the mail to the Examiner and Respondents' Counsel clarifications of complaint paragraphs IV E. and F. identifying all instances presently complained of and for which relief in any form is sought, including identification of:

- the name of the teacher unit employe involved;
- the name of the person receiving the service involved (if different from the teacher unit employe);
- the provider of the service involved;
- the date the service was provided;
- the nature of the service provided (unless strong confidentiality considerations preclude such a revelation);
- the amount of the claim involved;
- the amount paid by Connecticut General, if any, and the date of that payment.

Complainant shall not be foreclosed from further amending its complaint to specify additional instances that are not presently known to it.

3. Respondents shall have until December 14, 1988, to answer the complaint as thereby amended.

4. No later than December 7, 1988, Respondent District shall file any complaint it has involving factual matters likely to be adduced in the hearing on the instant complaint, along with the statutorily required filing fee.

5. Complainant shall have until December 28, 1988 to answer that complaint.

Dated at Madison, Wisconsin this 17th day of November, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

by Marshall L. Gratz
Marshall L. Gratz, Examiner