

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MILWAUKEE DISTRICT COUNCIL 48, :
AFSCME, AFL-CIO and its :
LOCAL 1486, :
Complainant, : Case 23
vs. : No. 40829 MP-2115
BROWN DEER SCHOOL DISTRICT, : Decision No. 25732-A
Respondent. :

Appearances:

Podell, Ugent & Cross, Attorneys at Law, by Ms. Monica Murphy, 207 East Michigan Street, Milwaukee, Wisconsin 53202, appearing on behalf of Complainant.

von Briesen & Purtell, S.C., Attorneys at Law, by Mr. James R. Korom, Suite 700, 411 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, appearing on behalf of Respondent.

ORDER DENYING MOTION TO DISMISS

Milwaukee District Council 48, AFSCME, AFL-CIO and its Local 1486 filed a complaint on July 5, 1988 with the Wisconsin Employment Relations Commission, alleging that the Brown Deer School District had violated Sec. 111.70(3)(a)1, 3, 4 and 5, Wis. Stats., by threatening retaliation against employees for Complainant's positions taken in collective bargaining and by other related actions. The Commission appointed Christopher Honeyman, a member of its staff, to act as Examiner in this matter and to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Sec. 111.07(5), Wis. Stats. Hearing was deferred at the parties' agreement to permit time for informal settlement attempts; but hearing was subsequently scheduled for December 1, 1988. On October 17, 1988 Respondent filed a Motion to Dismiss the complaint, together with a brief in support of the motion. Complainant did not file a responding brief within the allotted time. Based on Respondent's brief and the face of the complaint, the Examiner has carefully considered the motion, and finds that substantial issues of fact remain which can best be resolved by a hearing.

NOW, THEREFORE, it is

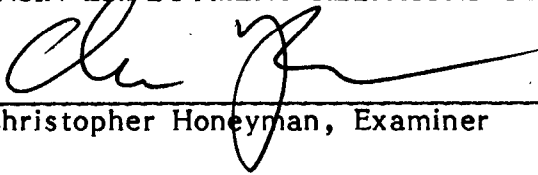
ORDERED

That the Motion to Dismiss the complaint is denied.

Dated at Madison, Wisconsin this 15th day of November, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____


Christopher Honeyman, Examiner

BROWN DEER SCHOOL DISTRICT

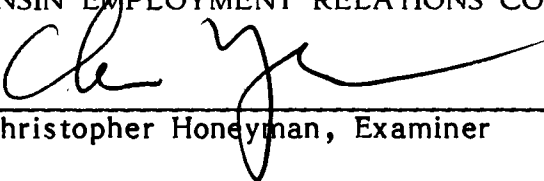
MEMORANDUM ACCOMPANYING ORDER
DENYING MOTION TO DISMISS

The complaint in this matter cites a number of incidents of varied nature, essentially involving alleged harassment and threats related to Complainant's bargaining posture. Respondent's motion raises grounds for dismissal which are both complex in themselves and interwoven with the factual complexities of the complaint. But in the absence of a full record, it is impossible at present to determine whether, in fact, Respondent is correct in its assertion that the facts on which its arguments are predicated are undisputed. Accordingly, the motion to dismiss is denied.

Dated at Madison, Wisconsin this 15th day of November, 1988.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Christopher Honeyman, Examiner