

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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GERHARDT STEINKE,		:	
	Complainant,	:	
and GLENN PETRICK,		:	
	Intervenor-Complainant,	:	
	vs.	:	Case 315
MILWAUKEE AREA VOCATIONAL, TECHNICAL		:	No. 43317 MP-2303
AND ADULT EDUCATION DISTRICT, and		:	Decision No. 26322-B
LOCAL 212, AMERICAN FEDERATION OF		:	
TEACHERS,		:	
	Respondents.	:	
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GERHARDT STEINKE,		:	
	Complainant,	:	
	vs.	:	Case 320
MILWAUKEE AREA VOCATIONAL, TECHNICAL		:	No. 43624 MP-2332
AND ADULT EDUCATION DISTRICT, and		:	Decision No. 26482
LOCAL 212, AMERICAN FEDERATION OF		:	
TEACHERS,		:	
	Respondents.	:	
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GERHARDT STEINKE,		:	
	Complainant,	:	
	vs.	:	Case 324
MILWAUKEE AREA VOCATIONAL, TECHNICAL		:	No. 43899 MP-2347
AND ADULT EDUCATION DISTRICT;		:	Decision No. 26483
LOCAL 212, AMERICAN FEDERATION OF		:	
TEACHERS; MEL SCHMIDT; FRANKLIN		:	
SHANSKY and WILLIAM THOMAS,		:	
	Respondents.	:	
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Local 212, AFT, having on May 3, 1990, filed a Motion in the above matters to Consolidate, to Order Complaint Made More Certain and to Reschedule Answer and Hearing Dates; and the parties having filed written statements in support of and in opposition to said Motion, the last of which was received May 10, 1990; and the Commission having considered the matter, makes and issues the following

ORDER

- 1. Cases 315 and 320 are consolidated for the purpose of hearing before Examiner Jane B. Buffett on May 25, 1990.
- 2. The Motion to Reschedule Answer Date is granted and a new Answer Date of May 6, 1990 is established in Case 320.
- 3. The Motion to Make More Definite and Certain is deferred to Examiner Buffett for action.

Given under our hands and seal at the City of
Madison, Wisconsin this 10th day of May, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
A. Henry Hempe, Chairman

No. 26322-B
No. 26482
No. 26483

Herman Torosian, Commissioner

William K. Strycker, Commissioner

MILWAUKEE AREA VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICT

MEMORANDUM ACCOMPANYING ORDER

Case 315 was filed on December 12, 1989 and Examiner David E. Shaw has issued a Notice of Hearing scheduling this case for hearing on May 17, 1990. On May 4, 1990, Examiner Shaw issued an Order granting the motion of Glenn Petrick to intervene and denying motions to dismiss filed by both Respondents.

Case 320 was filed on February 27, 1990. Examiner Jane B. Buffett has issued a Notice of Hearing scheduling this case for hearing on May 25, 1990 and directing that Answers be filed by Respondents on or before May 11, 1990.

Case 324 was filed on April 17, 1990. This matter is presently pending before Mediator Raleigh Jones for the purpose of settlement discussions with the parties. Prior to receipt of this Motion, no party had requested that this matter be scheduled for hearing.

Section 111.07(6), Stats., which is made applicable to this proceeding by Sec. 111.70(4)(a), Stats., states in pertinent part:

- (b) The Commission shall have the power to remove or transfer the proceedings pending before a commissioner or examiner.

ERB 10.07 specifies in pertinent part:

Whenever the commission deems it necessary, in order to effectuate the purposes of s.111.70, Stats., or to avoid unnecessary costs or delay, it may remove or transfer any proceeding before a single commission member or examiner.

Here, Respondent Local 212 persuasively argues that the presence of common parties in all three proceedings and the potential for overlap in the proof presented generate a sound basis for consolidation in the interest of administrative efficiency. However, Complainant Steinke persuasively argues that to consolidate all three matters as proposed in the Local 212 Motion will necessarily produce postponement to the existing hearing dates in Cases 315 and 320.

To accommodate these competing interests, we have consolidated Cases 315 and 320 for hearing before Examiner Buffett on her May 25 hearing date. 1/ Hearing will proceed in those cases on that date unless Examiner Buffett concludes that postponement is warranted by her response to the Motion to Make Complaint More Definite and Certain or by any Motions she receives subsequent to this Order. We leave to the Examiner's discretion whether she issues separate decisions in Cases 315 and 320.

1/ We have extended the Answer Date from May 11, 1990 to May 16, 1990 to give Respondents an opportunity to file Answers in Case 320 after receipt of this Order.

We have not consolidated Case 324 with Cases 315 and 320 because of the delay which such action would produce. However, interests of administrative efficiency will likely dictate that she be the Examiner assigned to Case 324 for hearing and decision.

Dated at Madison, Wisconsin this 10th day of May, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
A. Henry Hempe, Chairman

Herman Torosian, Commissioner

William K. Strycker, Commissioner