

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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JEFFERSON COUNTY,	:	
	:	
Complainant,	:	
	:	Case 52
vs.	:	No. 44717 MP-2402
	:	Decision No. 26662-A
WISCONSIN COUNCIL 40,	:	
AFSCME, AFL-CIO,	:	
	:	
Respondent.	:	
	:	

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ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

On October 23, 1990, Complainant Jefferson County filed a complaint with the Wisconsin Employment Relations Commission alleging that Respondent Wisconsin Council 40, AFSCME, AFL-CIO, committed prohibited practices within the meaning of the Municipal Employment Relations Act. The Commission appointed Karen J. Mawhinney, Examiner, to make and issue Findings of Fact, Conclusions of Law and Order. The Respondent filed a timely motion to make the complaint more definite and certain. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. That Complainant amend Paragraph D of its complaint to show clearly and concisely:

- a) what acts or course of conduct along with the dates of such acts or course of conduct the Union engaged in that is alleged to violate MERA;
- b) whether the Complainant's reference to Section 111.70(3)(a)3 is a typographical error, in that alleged violations of Section 111.70(3)(a) are prohibited practices regarding municipal employers; and if such reference was a typographical error, what other section, if any, is alleged to be a prohibited practice.

2. That these amendments be filed with the Examiner and a copy of same mailed to:

Mr. Jack Bernfeld  
Staff Representative  
Wisconsin Council 40,  
AFSCME, AFL-CIO  
5 Odana Court  
Madison, WI 53719

on or before December 7, 1990.

Dated at Madison, Wisconsin this 21st day of November, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Karen J. Mawhinney /s/  
Karen J. Mawhinney, Examiner

JEFFERSON COUNTY (COURTHOUSE)

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN

The Commission, in its rule at ERB 12.02(2)(c) established that a complaint must contain:

A clear and concise statement of the facts constituting the alleged prohibited practice or practices, including the time and place of occurrence of particular acts and the sections of the statute alleged to have been violated thereby.

The Examiner has granted the Respondent's Motion to Make More Definite and Certain in order to comply with the Commission's rules. The information sought by the Respondent will enable it to determine with specificity the facts constituting the alleged prohibited practice and to permit it to prepare a response to the charge.

Dated at Madison, Wisconsin this 21st day of November, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Karen J. Mawhinney /s/  
Karen J. Mawhinney, Examiner