

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GERHARDT J. STEINKE, :
: :
Complainant, :
: :
vs. : Case 443
: No. 48405 MP-2665
: :
: Decision No.
27503-A :
MILWAUKEE AREA TECHNICAL COLLEGE, :
: :
Respondent. :
: :

ORDER GRANTING MOTION TO MAKE
THE COMPLAINT MORE DEFINITE AND CERTAIN

On November 18, 1992, Complainant Gerhardt J. Steinke filed a complaint of prohibited practices against the Milwaukee Area Technical College with the Wisconsin Employment Relations Commission. On December 4, 1992, Milwaukee Area Technical College filed a Motion to Make the Complaint More Definite and Certain. On December 16, 1992, the Commission appointed Lionel L. Crowley, a member of its staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order as provided in Sec. 111.07(5), Stats. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. Complainant shall amend his complaint to show clearly and concisely by stating what "action" was demanded by Complainant on October 26, 1992 and identify specifically the MATC - Milwaukee Chief Presiding Officer from which said action was demanded. Complainant shall state what, if any, response he received from said individual.

2. If Complainant is alleging a refusal to strike arbitrators or to select an arbitrator for certain grievances, the Complainant shall clearly and concisely identify the particular grievances involved including the dates of said grievances as well as the status with respect to the grievance step and other pertinent facts, such as the receipt of a panel of arbitrators and/or the selection of an arbitrator. (In lieu of said statement, any pertinent documents may be attached to said complaint.)

3. The Complainant shall clearly and concisely state how the facts alleged constitute a violation of Sec. 111.70(3)(a)5, Stats.

No. 27503-A

4. The amendments shall be filed with the Examiner with a copy of the same mailed to:

Mr. Mark L. Olson
Davis & Kuelthau, S.C.
Attorneys at Law
111 East Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202

on or before December 29, 1992.

Dated at Madison, Wisconsin this 17th day of December, 1992.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley /s/
Lionel L. Crowley, Examiner

MILWAUKEE AREA TECHNICAL COLLEGE

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

Wisconsin Administrative Code, Section ERB 12.02(2),(c), provides 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 in part granted the Respondent's Motion to Make the Complaint 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 17th day of December, 1992.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Lionel L. Crowley /s/
Lionel L. Crowley, Examiner