

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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SCHOOL DISTRICT OF NEW LONDON, :  
SUPPORT STAFF EMPLOYEE, :  
 :  
Complainant, :  
 :  
vs. : Case 14  
 : No. 49957 MP-2812  
 : Decision No. 27860-A  
NEW LONDON EDUCATIONAL SUPPORT :  
STAFF ASSOCIATION, :  
 :  
Respondent. :  
 :  
- - - - -

ORDER DENYING MOTION TO STRIKE AND GRANTING  
MOTION TO MAKE THE COMPLAINT MORE DEFINITE AND CERTAIN

On October 12, 1993, Complainant School District of New London Support Staff Employee (Gary R. Zuehlke) filed a complaint of prohibited practices against the New London Educational Support Staff Association with the Wisconsin Employment Relations Commission. On October 22, 1993, the New London Educational Support Staff Association filed Motions to Strike and to Make the Complaint More Definite and Certain. On November 2, 1993, the Commission appointed Lionel L. Crowley, a member of its staff, to act as Examiner to make and issue Findings of Fact, Conclusions of Law and Order as provided in Sec. 111.70(5), Stats. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. The Motion to Strike is hereby denied.
2. The Complainant shall amend his complaint to show clearly and concisely by stating:
  - (a) who was present and may have overheard his conversation with Doug Knudson on the afternoon of September 20, 1993;
  - (b) the names of the WEAC Union Representatives alleged to have threatened employees;
  - (c) the name of the person who told employees their actions are illegal and the names of employees so told;
  - (d) the name of the employee who was told that the Union would take care of those who do not fall in line and the name of the person who allegedly made the statement.
  - (e) the name of the employee who was told she is an illegal employee as well as the person who allegedly made this statement;
  - (f) the name of the person who hassled the spouse; and
  - (g) the date, time and place of the occurrence of (b), (c), (d), (e) and (f).

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3. State the section(s) of the Statute alleged to be violated by Respondent.

4. A statement that the filing fee accompanies the complaint.

5. The amendment shall be filed with the Examiner, with a copy of the same mailed to:

Ms. Ellen J. Henningsen  
Staff Counsel  
Wisconsin Education Association Council  
33 Nob Hill Drive  
P. O. Box 8003  
Madison, WI 53708-8003

on or before November 15, 1993.

Dated at Madison, Wisconsin, this 2nd day of November, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

NEW LONDON SCHOOL DISTRICT

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

In a Motion to Strike, the pleadings as well as any reasonable inferences therefrom will be liberally construed in favor of the Complainant and the Motion will not be granted unless the pleading is redundant, immaterial, impertinent, scandalous or indecent. A review of the complaint fails to show that it falls within these categories, and the Motion to Strike has been denied.

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 2nd day of November, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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