

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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DISTRICT COUNCIL 48, AFSCME, AFL-CIO, :
  
and its Affiliated LOCAL 594, :
  
:
  
Complainants, : Case 376
  
: No. 50983 MP-2893
  
vs. : Decision No. 28063-A
  
:
  
MILWAUKEE COUNTY, :
  
:
  
Respondent. :
  
:
  
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ORDER GRANTING MOTION TO MAKE COMPLAINT  
MORE DEFINITE AND CERTAIN

District Council 48, AFSCME, AFL-CIO, and its Affiliated Local 594 (the Union), on May 9, 1994, filed a complaint with the Wisconsin Employment Relations Commission in which it alleged Milwaukee County (the County), had committed prohibited practices within the meaning of Sec. 111.70(3)(a)1, 2, & 5, Stats. On June 3, 1994, the Commission appointed Jane B. Buffett, a member of its staff, to act as Examiner, to make and issue Findings of Fact, Conclusions of Law and Order pursuant to Sec. 111.07(5), Stats. On May 24, 1994, the County filed a request that the Commission order the Complainant make the complaint more definite and certain. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

The Complainants shall make their complaint more definite and certain by providing a clear and concise statement of the facts constituting the alleged prohibited practices, including the time and place of occurrence of particular acts, so as to enable the Respondent to provide an answer to the complaint.

Dated at Madison, Wisconsin this 3rd day of June, 1994.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Jane B. Buffett /s/  
Jane B. Buffett, Examiner

No. 28063-A

MILWAUKEE COUNTY

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

The County asserts that the complaint is so indefinite as to hamper it in preparing its answer. The Wisconsin Administrative Code, Sec. ERB 12.02(2)(c) provides that a complaint must contain, inter alia:

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.

Review of the complaint reveals that it lacks such specificity so as to enable the County to identify the alleged unlawful acts. Accordingly, the Complainant is hereby ordered to make the complaint more definite and certain.

Dated at Madison, Wisconsin this 3rd day of June, 1994.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Jane B. Buffett /s/  
Jane B. Buffett, Examiner