

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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 BROWN COUNTY PROFESSIONAL EMPLOYEES :  
 LOCAL 1901-E, AFSCME, AFL-CIO, :  
 :  
 Complainant, : Case 507  
 : No. 49765 MP-2787  
 vs. : Decision No. 28158-C  
 :  
 BROWN COUNTY, :  
 :  
 Respondent. :  
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 BROWN COUNTY PROFESSIONAL EMPLOYEES :  
 LOCAL 1901-E, AFSCME, AFL-CIO, :  
 :  
 Complainant, : Case 535  
 : No. 51103 MP-2901  
 vs. : Decision No. 28159-C  
 :  
 BROWN COUNTY, :  
 :  
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Appearances:

Lawton & Cates, S.C., by Mr. Bruce F. Elke, Attorneys at Law, 214 West  
 Mifflin Street, Madison, Wisconsin 53703-2594, on behalf of  
 Local 1901-E.  
 Mr. John C. Jacques, Assistant Corporation Counsel, Brown County, Brown  
 County Courthouse, P.O. Box 23600, Green Bay, Wisconsin 54305-3600,  
 on behalf of the County.

ORDER DENYING MOTION TO DISMISS

On September 13, 1993 Complainant filed the complaint in Case 507 which was thereafter held in abeyance pending the outcome of the County's appeal of Decision No. 17585-A (Case 66, No. 46052, ME-109) issued by the Commission on September 21, 1994. On June 7, 1994 Complainant filed the complaint in Case 535, No. 49765, MP-2901. On August 11, 1994 Respondent filed a Motion to Consolidate these complaints. In addition, a first amended complaint was filed in Case 535 on August 24, 1994. The Commission granted Respondent's Motion to Consolidate on September 7, 1994. On November 3, 1994 the Commission appointed Sharon A. Gallagher, a member of its staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order in these consolidated complaint cases as provided in Sec. 111.07 and 111.70, Wis. Stats. On October 13, 1994, Respondent filed a Motion to Dismiss the Consolidated Complaints. On October 31, 1994, the Examiner received Complainant's written opposition to Respondent's Motion to Dismiss, postmarked October 28, 1994. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

The Motion to Dismiss is hereby denied.

Dated at Oshkosh, Wisconsin this \_\_\_\_ day of November, 1994.

No. 28158-C  
No. 28159-C

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By \_\_\_\_\_  
Sharon A. Gallagher, Examiner

Brown County

MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION TO DISMISS

A review of the consolidated complaints, the Respondent's Motion to Dismiss and supporting arguments and documents, as well as Complainant's arguments in opposition to Respondent's Motion, reveal that these are cases involving ". . . genuine issues of fact or law raised by the parties and remaining for disposition" ERB 12.04(1). Thus, the Motion to Dismiss is denied on the basis these cases are contested.

Therefore, the Examiner is satisfied that the hearings scheduled by Notice dated October 14, 1994 shall be held as scheduled on November 29 and 30, 1994.

Dated at Oshkosh, Wisconsin this \_\_\_\_ day of November, 1994.

By \_\_\_\_\_  
Sharon A. Gallagher, Examiner