

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JOSEPH CHARLES GITTENS,

Complainant,

vs.

JANESVILLE SCHOOL DISTRICT,

Respondent.

Case 47

No. 51895 MP-2969

Decision No. 28288-A

ORDER DENYING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN

Joseph C. Gittens (herein, Complainant), on December 5, 1994 filed a complaint with the Wisconsin Employment Relations Commission in which he alleged Janesville School District (herein, District), had committed prohibited practices within the meaning of Chapter 111, Stats. On January 19, 1995 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 Orders pursuant to Sec. 111.07(5), Stats. On February 6, 1995 Complainant filed a motion to amend the complaint to add the Wisconsin Association of School Boards (herein, WASB) as Respondent. On February 20, 1995 WASB filed a motion that Complainant be ordered to make his complaint more definite and certain. The Examiner, having considered the matter, makes and issues the following

ORDERS

1. The motion to order the Complainant to make the complaint more definite and certain is hereby denied.
2. The time for Respondent-WASB to enter a response to Complainant's motion to amend and the District's motion to dismiss is hereby extended to March 10, 1995.

Dated at Madison, Wisconsin this 22nd day of February, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

No. 28288-A

JANESVILLE SCHOOL DISTRICT

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

ERB 12.03 (3) Wis. Adm. Code provides:

MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN. If a complaint is alleged to be so indefinite as to hamper the respondent or any other party in the preparation of its answer to the complaint such party may, within 5 days after the service of the complaint, by motion request the commission to order the complainant to file a statement supplying specified information to make the complaint more definite and certain.

The motion to amend the complaint to add WASB as respondent was served on WASB by certified mail. The returned receipt indicated delivery on February 8, 1995. Since the prescribed time period was less than seven days, pursuant to ERB 10.08(1), Saturdays and Sundays are not counted. The five-day time limit, then, expired February 16, 1995, prior to the filing of WASB's motion on February 20, 1995. The motion must be denied.

In light of the time elapsed in the filing and the denial of the motion, the undersigned has extended by one week the time allowed for WASB to enter a response to the Complainant's motion to amend and the District's motion to dismiss.

Dated at Madison, Wisconsin this 22nd day of February, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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