

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**WALWORTH COUNTY COURTHOUSE  
EMPLOYEES UNION LOCAL 1925-B,  
AFSCME, AFL-CIO, Complainant,**

vs.

**WALWORTH COUNTY, Respondent.**

Case 136  
No. 54930  
MP-3278

**Decision No. 29123-A**

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**Appearances:**

**Mr. Laurence Rodenstein**, Staff Representative, on behalf of the Union.

vonBriesen, Purtell & Roper, S.C., by **Mr. James R. Korom**, on behalf of the County.

**ORDER DENYING MOTION  
TO DISMISS**

Complainant Walworth County Courthouse Employees Union Local 1925-B, AFSCME, AFL-CIO (“Union”), on February 24, 1997, filed a prohibited practices complaint with the Wisconsin Employment Relations Commission (“Commission”), against Walworth County (“County”), which alleged that it committed prohibited practices in violation of the Municipal Employment Relations Act (“MERA”) by unlawfully discriminating against Union adherents and by interfering with, and coercing them over their concerted, protected activities. Thereafter, the Commission on June 24, 1997, appointed the undersigned to act as Examiner and to make Findings of Fact, Conclusions of Law and Order pursuant to Secs. 111.70(4)(a) and 111.07, Stats.

The County on July 8, 1997, thereafter filed a Motion to Dismiss those parts of the Union’s complaint which predated the one year statute of limitations. After amending its complaint on July 11, 1997, the Union on July 17, 1997, opposed said motion on the ground that it:

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*intends to rely on events beyond the statute of limitations for the sole purpose of helping to reinforce a pattern of unlawful conduct, including acts of coercion, intimidation, retaliation against union members and officers for lawful, protected activity.*

Having considered the matter, I find that paragraphs D, E, F, and G of the Union's July 11, 1997, amended complaint all predate the statute of limitations and that they may not be relevant to the alleged misconduct occurring during the statute of limitations. It is impossible, however, to now rule on whether these complaint allegations should be dismissed before hearing because it is not clear at the present time just how the Union intends to tie in such matters to the acts alleged to have occurred during the statute of limitations.

As a result, I am now denying the County's motion. However, the Union at the very outset of the hearing will answer - paragraph by paragraph - just how such matters are relevant to its case. The County at that time will be given the opportunity to renew its motion.

Dated at Madison, Wisconsin this 15th day of October, 1997.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Amedeo Greco /s/

Amedeo Greco, Examiner

