

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL UNION NO. 43, Complainant,

vs.

CITY OF LAKE GENEVA, Respondent.

Case 42
No. 57801
MP-3536

Decision No. 29819-A

**ORDER GRANTING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN**

Teamsters Local Union No. 43 filed a complaint with the Wisconsin Employment Relations Commission on July 23, 1999, which alleged that the City of Lake Geneva had committed prohibited practices by taking certain action toward employe Debbie Vernon. Thereafter, the complaint was held in abeyance pending settlement efforts. On August 19, 1999, the City filed a Motion to Make Complaint More Definite and Certain. The Complainant never responded to that Motion. The Commission has appointed Raleigh Jones, a member of its staff, to act as Examiner in this matter and to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Sec. 111.70(5), Stats. Hearing on the matter has not yet been set. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. The Complainant shall make their complaint more definite and certain by identifying the facts constituting the alleged prohibited practices. In doing so, it is to identify which particular acts done by the City of Lake Geneva have violated MERA, including the time and place of said acts and the person or persons who committed said acts.

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2. The amended complaint is to be filed with the Examiner and the City's representative, Attorney Robert Mulcahy, by February 14, 2000.

Dated at Madison, Wisconsin this 18th day of January, 2000.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/

Raleigh Jones, Examiner

CITY OF LAKE GENEVA

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

Wisconsin Administrative Code, Section ERC 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 act alleged to have been violated thereby.

At present, the prohibited practice charge cites several statutory references, alleges “coercion-direct dealing with employee, violation of collective bargaining process”, and attaches two memos regarding Debbie Vernon.

The charge currently lacks specificity in all respects. It does not explain how the City is alleged to have violated MERA. This requires the Respondent to speculate as to the facts that may or may not give rise to a claim or claims against it. The Respondent’s Motion has therefore been granted.

The Complainant is directed to amend their complaint to specify the facts constituting the alleged prohibited practices, including the particular acts done by the City of Lake Geneva which have violated MERA, including the time and place of said acts and the person or persons who committed said acts.

In my view, this information is needed to make the complaint conform with the Wisconsin Administrative Code set forth above, and to enable the Respondent to prepare a response to the charge.

Dated at Madison, Wisconsin this 18th day of January, 2000.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/

Raleigh Jones, Examiner

REJ/gjc
29819-A.D

