

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**MADISON TEACHERS, INC.,** Complainant,

vs.

**MADISON METROPOLITAN SCHOOL DISTRICT  
and THE BOARD OF EDUCATION OF THE  
MADISON METROPOLITAN SCHOOL DISTRICT,** Respondents.

Case 295  
No. 64514  
MP-4132

**Decision No. 31345-A**

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

On February 18, 2005, Madison Teachers, Inc, herein the Complainant, filed a complaint against the Madison Metropolitan School District and the Board of Education of the Madison Metropolitan School District, herein the Respondents, alleging that the Respondents had committed prohibited practices contra to Secs. 111.70(3)(a)1 & 4, Wis. Stats. On March 2, 2005, the Respondents filed a motion and supporting brief seeking an order for the Complainant to make its complaint more definite and certain. On May 23, 2005 a scheduling conference was held, wherein the matter was set for hearing on September 22, 2005. At the time it was agreed that the Complainant would have 30 days to respond to the Respondents' motion and the Respondents would have an additional 30 days thereafter for any additional response. On June 22, 2005, the Complainant filed an Amended Complaint. Thereafter, the Respondents' elected not to respond further. Having reviewed the motion, the supporting documents and the applicable law, and upon the record as a whole, the Examiner makes and issues the following

**ORDER**

Respondents' Motion to Make Complaint More Definite and Certain is denied.

Dated at Fond du Lac, Wisconsin, this 4th day of August, 2005

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

John R. Emery /s/

John R. Emery, Examiner

**MADISON METROPOLITAN SCHOOL DISTRICT**

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

Sec. ERC 12.02(2)(c), Wis. Admin. Code, provides that a complaint shall contain:

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.

Further, Sec. ERC 12.03(3), Wis. Admin. Code provides that a respondent may, by motion, seek a more definite certain statement of the complaint where it is alleged to be so indefinite as to hamper a respondent's ability to prepare an adequate answer.

In this matter, the Respondents allege that the complaint is fatally indefinite and ambiguous in that the Complainant fails to identify with specificity the dates of certain events alleged in the complaint and the participants thereof and, further, fails to identify in what way the Respondents are alleged to have violated Sec. 111.70(3)(a), Wis. Stats. Subsequent to the filing of the Motion, however, the Complainant filed an amended complaint. In the amended complaint, the Complainant provides additional detail as to the dates certain bargaining sessions and meetings took place and the matters under discussion therein. The Complainant further clarifies the alleged actions of District representatives which are claimed to be prohibited acts of individual bargaining with bargaining unit members. In my opinion, the amended complaint complies with ERC 12.02(2)(c) and provides the Respondents with sufficient detail for them to adequately respond to the allegations contained therein and is deemed to have adequately addressed the concerns set forth in the Respondents' motion. The Motion thus becomes moot and is denied.

Dated at Fond du Lac, Wisconsin this 4th day of August, 2005

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

John R. Emery /s/

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John R. Emery, Examiner