

Chapter ERC 13

MEDIATION OF LABOR DISPUTES

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Note: Chapter ERB 13 was renumbered chapter ERC 13 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468.

Note: See s. 111.70, Stats.

ERC 13.01 Scope. This chapter governs the general procedure relating to the mediation of labor disputes between municipal employes, or their representatives, and municipal employers, or their representatives, pursuant to s. 111.70 (4) (b), Stats.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62.

ERC 13.02 Policy. It is the policy of the commission to encourage parties to a labor dispute to settle their differences by themselves or their representatives in collective bargaining. However, if the parties, or their representatives, after sincere efforts toward that result, are unable to resolve their differences, the commission shall, in order to assist in the maintenance of harmony in municipal employment relations in the state, offer to aid the parties in the settlement of their labor dispute through mediation.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62; am. Register, March, 1971, No. 183, eff. 4-1-71.

ERC 13.03 Who may act as mediator. The commission, or any member or employe thereof designated by the commission, or any other competent, impartial, disinterested person designated by the commission, may act as the mediator in the dispute.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62; am. Register, March, 1971, No. 783, eff. 4-1-71.

ERC 13.04 Function of mediator. (1) PARTIES CONSENT NEEDED. Upon the consent of the parties to mediation, it shall be the function of the mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate the settlement of the dispute, but neither the mediator nor the commission shall have any power of compulsion in mediation.

(2) CONFIDENTIAL NATURE OF FUNCTION. Any information disclosed by the parties to the mediator in the performance of duties

shall not be divulged voluntarily or because of compulsion unless approved by the party involved. All files, records, reports, documents, or other papers received or prepared by the mediator in his or her confidential capacity shall be classified as confidential and such confidential matter shall not be disclosed to any unauthorized person without the prior consent of the commission. The mediator shall not produce any confidential records of, or testify with regard to, any mediation conducted by the mediator, on behalf of any party to any cause pending in any proceeding before any court, board, including the Wisconsin employment relations commission, investigatory body, arbitrator, or fact finder without the written consent of the commission and failing same, the mediator shall respectfully decline, by reason of this rule, to produce or present confidential records or documents of any nature or given testimony with regard thereto.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62; am. intro. par., and (1), Register, March, 1971, No. 183, eff. 4-1-71; corrections in (1) made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468; **correction made under s. 13.93 (2m) (b) 1., Stats., Register, January, 2000, No. 529.**

ERC 13.05 Mediation proceedings. (1) NATURE. The mediator may hold separate or joint meetings with the parties or their representatives and such meetings shall be of an executive, private and nonpublic nature, except if otherwise mutually agreed to by the parties or their representatives.

(2) WHERE AND WHEN CONDUCTED. Mediation meetings shall be conducted at such time and place agreed to by the mediator and the parties or their representatives.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62.

ERC 13.06 Report to commission. The mediator shall, either orally or in writing, report to the commission the progress of the mediation efforts, as well as the terms of the settlement of the dispute, if any, if so requested by the commission.

History: Cr. Register, July, 1962, No. 79, eff. 8-1-62; am. Register, March, 1971, No. 183, eff. 4-1-71; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468.