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☛ Details: Emergency Rule extension by Employment Relations Commission

(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2003-04

(session year)

## Joint

(Assembly, Senate or Joint)

## Committee for Review of Administrative Rules...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

Judith Neumann  
Chair  
Paul Gordon  
Commissioner  
Susan J. M. Bauman  
Commissioner



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**State of Wisconsin  
Wisconsin Employment Relations Commission**

March 22, 2004

Senator Joseph Leibham  
Room 409 South  
State Capitol  
Madison, WI 53707

Representative Glenn Grothman  
Room 15 North  
State Capitol  
Madison, WI 53707

Re: Sec. 227.24(2), Stats. Extension Request

Dear Senator Leibham and Representative Grothman:

The attached emergency administrative rules promulgated by the Wisconsin Employment Relations Commission became effective on September 15, 2003. The emergency rules provide the Commission with revenue necessary to protect labor peace in Wisconsin.

In response to the Commission's January 2, 2004 request (copy attached), the Joint Committee extended the effective period of the emergency rules through April 11, 2004 (copy attached).

The Commission's permanent administrative rules will become effective May 1, 2004 (copy of Revisor's April 2004 Register Proofs attached).

Pursuant to Sec. 227.24(2), Stats., the Commission respectfully requests that the Joint Committee for Review of Administrative Rules extend the effective period of the attached emergency rules through April 30, 2004 (an additional 19 days). This extension of the period the emergency rules are in effect will avoid a threat to labor peace.

Very truly yours,

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis  
General Counsel

PGD/gjc  
G0022G.05  
Enclosure

## FINDING OF EMERGENCY

The Employment Relations Commission finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

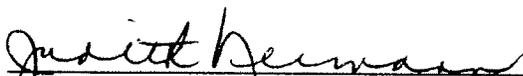
1. The Employment Relations Commission has a statutory responsibility in the private, municipal and state sectors for timely and peaceful resolution of collective bargaining disputes and for serving as an expeditious and impartial labor relations tribunal.
2. Effective July 26, 2003, 2003 Wisconsin Act 33 reduced the Employment Relations Commission's annual budget by \$400,000 in General Program Revenue (GPR) and eliminated 4.0 GPR supported positions. These reductions lowered the Employment Relations Commission's annual base GPR funding level and the number of GPR supported positions by more than 16%.

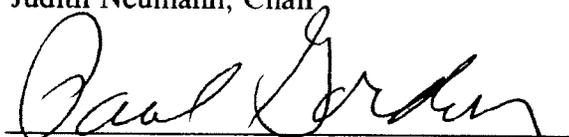
Act 33 also abolished the Personnel Commission and transferred certain of the Personnel Commission's dispute resolution responsibilities to the Employment Relations Commission.

3. 2003 Wisconsin Act 33 increased the Employment Relations Commission's Program Revenue (PR) funding and positions by \$237,800 and 2.0 PR positions respectively. The revenue to support these increases will be provided by increasing existing filing fees for certain dispute resolution services.
4. Unless the emergency rule making procedures of s. 227.24, Stats., are utilized by the Employment Relations Commission to provide the increased filing fee revenue needed to support the 2.0 PR positions, the Commission's ability to provide timely and expeditious dispute resolution services will be significantly harmed.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 2003.

### WISCONSIN EMPLOYMENT RELATIONS COMMISSION

  
\_\_\_\_\_  
Judith Neumann, Chair

  
\_\_\_\_\_  
Paul Gordon, Commissioner

  
\_\_\_\_\_  
Susan J. M. Bauman, Commissioner

**ORDER OF THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION  
PROMULGATING EMERGENCY ADMINISTRATIVE RULES**

The Wisconsin Employment Relations Commission hereby makes an order to promulgate emergency administrative rules to amend ERC 1.06 (1)(2) and (3), 10.21 (1)(2)(3)(4) and (5), and 20.21 (1)(2)(3) and (4) relating to increased filing fees.

The emergency rules increase existing filing fees for Commission dispute resolution services in amounts necessary to fund 2.0 Program Revenue positions as authorized by 2003 Wisconsin Act 33.

Sections 111.09, 111.71, 111.94, 227.11 and 227.24., Stats., authorize promulgation of these emergency rules.

SECTION 1. ERC 1.06 (1)(2) and (3), are amended to read:

**ERC 1.06 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.06, Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40.~~ \$80. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.10, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125.~~ \$250.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.11, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125.~~ \$250.

SECTION 2. ERC 10.21 (1)(2)(3)(4) and (5) are amended to read:

**ERC 10.21 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that a prohibited practice has been committed under s. 111.70(3), Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40.~~ \$80. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.70 (4) (c) 2., or (cm) 4., Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125.~~ \$250.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.70(4)(c)1. or (cm)3., Stats., the parties to the dispute shall each pay the commission a filing fee or ~~\$125.~~ \$250.

**(4) FACT-FINDING.** At the time a request is received asking the commission to initiate fact-finding under s. 111.70 (4) (c) 3., Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125.~~ \$250., except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

**(5) INTEREST ARBITRATION.** At the time a request is received asking

(5) INTEREST ARBITRATION. At the time a request is received asking the commission to initiate interest arbitration under s. 111.70 (4)(cm)6., (4)(jm) or 111.77(3), Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

SECTION 3. ERC 20.21 (1)(2)(3) and (4) are amended to read:

**ERC 20.21 Fees.** (1) COMPLAINTS. At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.84, Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40~~, \$80. The complaint is not filed until the fee is paid.

(2) GRIEVANCE ARBITRATION. At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.86, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250.

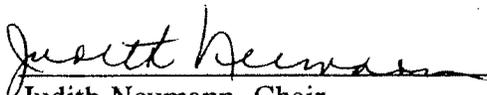
(3) MEDIATION. At the time a request is received asking the commission or its staff to act as a mediator under s. 111.87, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250.

(4) FACT-FINDING. At the time a request is received asking the commission to initiate fact-finding under s. 111.88, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

These emergency rules will take effect September 15, 2003.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

  
\_\_\_\_\_  
Judith Neumann, Chair

  
\_\_\_\_\_  
Paul Gordon, Commissioner

  
\_\_\_\_\_  
Susan J. M. Bauman, Commissioner

**FISCAL ESTIMATE**

**EMERGENCY ADMINISTRATIVE RULE  
INCREASING FILING FEES**

**PROMULGATED BY THE WISCONSIN  
EMPLOYMENT RELATIONS COMMISSION  
AUGUST 21, 2003 AND PUBLISHED  
AUGUST 25, 2003**

During the last four fiscal years, WERC has averaged \$225,000 in filing fee revenue.

WERC estimates that doubling the existing filing fee levels will produce some reduction in the requests for WERC fee-related services but produce an additional \$200,000 in fee revenues annually.

Because the vast majority of filing fee revenue is derived from services for which the union and employer each pay 50% of the fee and because the vast majority of the WERC's fee-related services are provided to public sector employers and the unions representing their employees, WERC anticipates that doubling the existing fees will increase the costs of public sector employers by \$100,000 annually.

09/04/03