

## Chapter ERC 3

### ELECTIONS TO DETERMINE BARGAINING REPRESENTATIVE FOR PRIVATE SECTOR EMPLOYEES

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**Note:** Chapter ERB 3 was renumbered chapter ERC 3 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468. Chapter ERC 3 as it existed on June 30, 2006, was repealed and a new chapter ERC 3 was created, Register June 2006 No. 606, effective July 1, 2006.

**ERC 3.01 Scope.** This chapter governs the general procedure for filing and processing of a petition to determine a collective bargaining representative or an appropriate collective bargaining unit under s. 111.05, Stats., involving employees of private sector employers.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06.

**ERC 3.02 Petition for election.** A petition for a representation or unit-determination election may be filed by an employee or employees, or by a labor organization acting on their behalf, or by the employer or anyone authorized to act on its behalf. Practice and procedure for filing and processing of a petition to determine a collective bargaining representative or an appropriate collective bargaining unit shall otherwise be as set forth in s. ERC 11.02.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.03 Withdrawal of petition.** Practice and procedure for withdrawal of an election petition shall be as set forth in s. ERC 11.03.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.04 Stipulation for election.** Where an employer, and one or more individual employees or a labor organization acting on their behalf, and the exclusive representative, if any, of an existing unit agree that a question of representation or unit determination has arisen concerning employees of the employer, those parties may jointly file a stipulation for an election to resolve that question. Practice and procedure concerning a stipulation for an election shall be as set forth in s. ERC 11.04.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.05 Commission pre-hearing action on petition.** Practice and procedure regarding commission pre-hearing action on a petition for an election shall be as set forth in s. ERC 11.05.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.06 Motions.** Practice and procedure concerning

motions in election proceedings shall be as set forth in s. ERC 11.06.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.07 Hearings.** Practice and procedure concerning hearings in election proceedings shall be as set forth in s. ERC 11.07.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.08 Direction of election or other dispositional order.** Practice and procedure regarding a commission direction of election or other dispositional order in an election proceeding shall be as set forth in s. ERC 11.08.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.09 Elections.** Practice and procedure for conducting elections shall be as set forth in s. ERC 11.09, except that the statutory reference in s. ERC 11.09 (6) shall be to s. 111.05, Stats.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.10 Certification of results of election.** Practice and procedure for certification of results of an election shall be as set forth in s. ERC 11.10.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.11 Objections to election.** Practice and procedure for filing objections to the conduct of an election shall be as set forth in s. ERC 11.11.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.12 Commission action on challenges or objections.** Practice and procedure for commission action on challenges or objections in election proceedings shall be as set forth in s. ERC 11.12.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.

**ERC 3.13 Petition for rehearing.** Any person aggrieved by a final order of the commission may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. Practice and procedure for filing and processing a petition for rehearing shall be as set forth in s. ERC 11.13.

**History:** CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10.