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STATE OF WISCONSIN)
)
EMPLOYMENT RELATIONS COMMISSION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gary L. Covelli, Chairman of the Employment Relations Commission and custodian of the official records do hereby certify that the annexed rules relating to implementation of filing fees established by ss. 111.09(2), 111.71(2) and 111.94(2), Stats., and the updating of an existing rule to reflect the existence of mediation-arbitration procedures under s. 111.77, Stats., and arbitration procedures under s. 111.77, Stats., were duly approved and adopted by this commission on May 12, 1982.

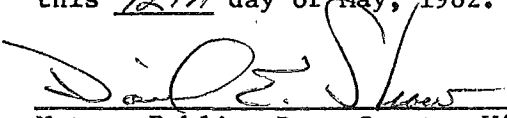
I further certify that this copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Employment Relations Commission at 14 W. Mifflin Street in the City of Madison, this th day of May, 1982.



Gary L. Covelli

Subscribed and sworn to before me
this 12th day of May, 1982.



Notary Public, Dane County, Wis.
My Commission is permanent

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ORDER OF THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION
ADOPTING AND AMENDING RULES

Relating to rules concerning the implementation of the filing fees established by ss. 111.09(2), 111.71(2), and 111.94(2), Stats., and the updating of an existing rule to reflect the existence of mediation-arbitration procedures under s. 111.70(4)(cm), Stats., and arbitration procedures under s. 111.77, Stats. To amend ERB 2.03, ERB 10.08(4), ERB 12.02(1), ERB 12.02(2)(c), ERB 16.03(1), ERB 16.03(2)(e), ERB 20.08(4), ERB 22.02(1), ERB 23.03(1) and ERB 23.03(2)(e) and to create ERB 2.02(d), ERB 12.02(2)(e), ERB 16.03(2)(f), ERB 22.02(2)(e) and ERB 23.03(2)(f).

Analysis prepared by the Wisconsin Employment Relations Commission.

The Commission proposes to adopt and amend ss. ERB 2.02, ERB 2.03, ERB 10.08, ERB 12.02, ERB 16.03, ERB 20.08, ERB 22.02, ERB 23.03 to reflect its statutory obligation under Chapter 20, Laws of 1981, creating ss. 111.09(2), 111.71(2) and 111.94(2), Stats., to assess and collect a filing fee from parties who request that the Commission or a member of its staff act as a grievance arbitrator and from parties who file prohibited practice or unfair labor practice complaints with the Commission. Most importantly, the rules notify parties that both requests for arbitration and unfair labor practice or prohibited practice complaints are not deemed filed with the Commission until the filing fees are received. The Commission also proposes to update s. ERB 10.08(4) to reflect the existence of mediation-arbitration procedures under s. 111.70(4)(cm), Stats. and arbitration procedures under s. 111.77, Stats.

Pursuant to authority vested in the Wisconsin Employment Relations Commission by ss. 111.09(1), 111.71(1), 111.94(1) and 227.014, Stats., the Wisconsin Employment Relations Commission hereby proposes to amend or adopt rules interpreting ss. 111.07, 111.09(2), 111.10, 111.70(3) and (4), 111.71(2), 111.84(4), 111.86, and 111.94(2), Stats., as follows:

Sections ERB 2.03, ERB 10.08(4), ERB 12.02(1), ERB 12.02(2)(c), ERB 16.03(1), ERB 16.03(2)(e), ERB 20.08(4), ERB 22.02(1), ERB 23.03(1), and ERB 23.03(2)(e) of the Wisconsin Administrative Code are amended to read, and Sections ERB 2.02(d), ERB 12.02(2)(e), ERB 16.03(2)(f), ERB 22.02(2)(e) and ERB 23.03(2)(f) of the Wisconsin Administrative Code are adopted to read, all as follows:

Section 1. s. ERB 2.02(d) is adopted to read:

ERB 2.02 (d) A statement that the filing fee established by s. 111.09(2), Stats., accompanies the complaint.

Section 2. s. ERB 2.03 is amended to read:

ERB 2.03 SERVICE OF COMPLAINT. On the filing of the complaint accompanied by the filing fee established by s. 111.09(2), Stats., the commission shall immediately serve all parties in interest a copy thereof and a notice of hearing by registered mail to such parties at their last known post-office address.

Section 3. s. ERB 10.08(4) is amended to read:

ERB 10.08(4) COMPLETION OF FILING. Papers required by section 111.70, Wis. Stats., ~~these rules~~ this chapter, chs. ERB 11, 12, 13, 14, 15, 16, 17, 18, 30 and 31, Wis. Adm. Code, or order of the commission, to be filed with the commission, or its agent, or with a fact finder, an arbitrator or with a mediator-arbitrator, shall be deemed filed upon actual receipt at the place specified for such receipt and must be received before the close of business. ~~of-~~ Papers received after the last day of the time allowed for such filing will not be accepted as timely filed unless good cause be shown warranting waiver, in which case the commission, its agent, or the a fact finder, an arbitrator or the mediator-arbitrator, as the case may be, may upon receipt, deem the document filed at the time it was deposited in the United States mail or with a telegraph office, except that if a filing fee established by s. 111.71(2), Stats., is required to initiate a proceeding before the Commission, the papers shall be deemed to be filed on the date on which the filing fee is received in the offices of the Commission.

Section 4. s. ERB 12.02(1) is amended to read:

ERB 12.02 COMPLAINT. (1) WHO MAY FILE; FORM AND JURAT; NUMBER OF COPIES; FILING FEE. A complaint that any municipal employer, its officers or agents, or municipal employes, individually or in concert with others, have engaged in or are engaging in any prohibited practices as defined in section 111.70(3), Wis. Stats., may be filed by any party in interest. Such complaint shall be in writing upon a form provided by the commission, or a facsimile thereof; the original being signed and sworn to before any person authorized to administer oaths or acknowledgements. Four additional copies of the complaint shall be filed, together with one additional copy for each named party. At the time of filing, the filing fee established by s. 111.71(2), Stats., shall accompany the complaint.

Section 5. s. ERB 12.02(2)(c) is amended to read:

ERB 12.02(c) 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~~ statute alleged to have been violated thereby.

Section 6. s. ERB 12.02(2)(e) is adopted to read:

ERB 12.02(2)(e) A statement that the filing fee established by s. 111.71(2), Stats., accompanies the complaint.

Section 7. s. ERB 16.03(1) is amended to read:

ERB 16.03 REQUEST TO INITIATE ARBITRATION. (1) FORM, FILING, FILING FEE. A request that the commission initiate arbitration shall be in writing and signed by the party or parties filing the request. If not a joint request, the party filing same, at the same time, shall cause a copy thereof to be sent to the other party. Where the full commission, or a single commissioner, or a member of its staff is requested to be the arbitrator, the request shall be accompanied by the filing fee established by s. 111.71(2), Stats.

Section 8. s. ERB 16.03(2)(e) is amended to read:

ERB 16.03(2)(e) Suggested dates, time and place for the conduct of the hearing, if the commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator.

Section 9. s. ERB 16.03(2)(f) is adopted to read:

ERB 16.03(2)(f) Where the commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator, a statement that the filing fee established by s. 111.71(2), Stats., accompanies the request.

Section 10. s. ERB 20.08(4) is amended to read:

ERB 20.08(4) COMPLETION OF FILING. Papers required by subchapter V of chapter 111, Wis. Stats., ~~these rules~~ this chapter, chapters ERB 21, 22, 23, 24, or 25, Wis. Adm. Code, or order of the board, to be filed with the commission, or its agent, or with an arbitrator, or a fact finder shall be deemed filed upon actual receipt at the place specified for such receipt and must be received before the close of business of Papers received after the last day of the time allowed for such filing or will not be accepted as timely filed unless good cause be shown warranting waiver, in which case the commission, or arbitrator or fact finder, as the case may be, may, upon receipt, deem the document filed at the time it was deposited in the United States mail or with a telegraph office, except that if a filing fee established by s. 111.94(2), Stats., is required to initiate a proceeding before the Commission, the papers shall be deemed to be filed on the date on which the filing fee is received in the offices of the Commission.

Section 11. s. ERB 22.02(1) is amended to read:

ERB 22.02 COMPLAINT. (1) WHO MAY FILE; FORM AND JURAT; NUMBER OF COPIES; FILING FEE. A complaint that any state employer or state employes, individually or in concert with others have engaged in, or are engaging in, any prohibited or unfair labor practice, as defined in section 111.84, Wis. Stats., may be filed by any party in interest, or their representative. Such complaint shall be in writing upon a form provided by the commission, or a facsimile thereof; the original being signed and sworn to before any person authorized to administer oaths or acknowledgements. Four additional copies of the complaint shall be filed, together with one additional copy for each named party. At the time of filing, the filing fee established by s. 111.94(2), Stats., shall accompany the complaint.

Section 12. s. ERB 22.02(2)(e) is adopted to read:

ERB 22.02(2)(e) A statement that the filing fee established by s. 111.94(2), Stats., accompanies the complaint.

Section 13. s. ERB 23.03(1) is amended to read:

ERB 23.03 REQUEST TO INITIATE ARBITRATION. (1) FORM, FILING, FILING FEE. A request that the commission initiate arbitration shall be in writing and signed by the party or parties filing the request. If not a joint request, the party filing same, at the same time, shall cause a copy thereof to be sent to the other party. Where the full commission, or a single commissioner, or a member of its staff is requested to be the arbitrator, the request shall be accompanied by the filing fee established by s. 111.94(2), Stats.

Section 14. s. ERB 23.03(2)(e) is amended to read:

ERB 23.03(2)(e) Suggested dates, time and place for the conduct of the hearing, if the commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator.

Section 15. s. ERB 23.03(2)(f) is adopted to read:


ERB 23.03(2)(f) Where the commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator, a statement that the filing fee established by s. 111.94(2), Stats., accompanies the request.

The rules contained in this order shall take effect on July 1, 1982, pursuant to s. 227.026(1), Stats.

Dated at Madison, Wisconsin, this 12th day of May, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Gary L. Covelli
Chairman



State of Wisconsin \ WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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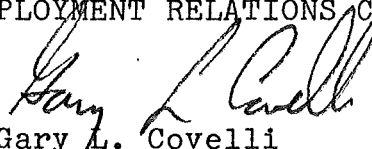
Mr. Gary L. Paulson, Attorney
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Dear Mr. Paulson:

Pursuant to Section 227.023, Stats., I hereby request that the enclosed duly adopted administrative rules be published in the next Wisconsin Administrative Register.

Very truly yours,

WISCONSIN EMPLOYMENT RELATIONS COMMISSION


Gary L. Covelli
Chairman

GLC/mt

Enclosure