

Chapter ERC 9

DISCRETIONARY PRIVATE SECTOR DECLARATORY RULINGS UNDER CH. 227, STATS.

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Note: Chapter ERB 9 was renumbered chapter ERC 9 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468. Chapter ERC 9 as it existed on June 30, 2006, was repealed and a new chapter ERC 9 was created, Register June 2006 No. 606, effective July 1, 2006.

ERC 9.01 Scope. This chapter governs the general procedure relating to discretionary declaratory rulings requested under s. 227.41, Stats., concerning the Wisconsin Employment Peace Act and rules concerning its administration.

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

ERC 9.02 Petition. Any interested person may file a petition requesting that the commission issue a declaratory ruling about the applicability to any person, property or state of facts of any provision of the Wisconsin Employment Peace Act or any rule concerning its administration. Practice and procedure for filing a petition for discretionary declaratory ruling shall be as set forth in s. ERC 19.02, except that references to the “Municipal Employment Relations Act” shall be to the “Wisconsin Employment Peace Act.”

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 9.03 Statement in response to petition. Practice and procedure regarding filing of a statement in response to a petition for discretionary declaratory ruling shall be as set forth in s. ERC 19.03.

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 9.04 Withdrawal of petition. Practice and procedure regarding withdrawal of a petition for discretionary declaratory ruling shall be as set forth in s. ERC 19.04.

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 9.05 Motions. Practice and procedure regarding motions in discretionary declaratory ruling proceedings shall be as set forth in s. ERC 18.06.

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 9.06 Commission action on petition. Practice

and procedure regarding commission action on a petition for a discretionary declaratory ruling shall be as set forth in s. ERC 19.06.

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 9.07 Notice of hearing. Practice and procedure regarding a notice of hearing in a discretionary declaratory ruling proceeding shall be as set forth in s. ERC 19.07.

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 9.08 Hearings. Practice and procedure for hearings in discretionary declaratory ruling proceedings shall be as set forth in s. ERC 19.08.

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 9.09 Findings of fact, conclusions of law and declaratory ruling. After submission of the case, the commission shall either make and file its findings of fact, conclusions of law and declaratory ruling or issue an order denying the petition. Practice and procedure regarding commission issuance of findings of fact, conclusions of law and declaratory ruling in a discretionary declaratory ruling proceeding shall be as set forth in s. ERC 18.09.

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 9.10 Effect of declaratory ruling. The effect of a discretionary declaratory ruling issued under this chapter shall be as set forth in s. ERC 19.10.

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

ERC 9.11 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 in a discretionary declaratory ruling proceeding shall be as set forth in s. ERC 19.11.

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.