

## Chapter ERC 1

### GENERAL PRIVATE SECTOR PROVISIONS

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s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468; Chapter ERC 1 as it existed on June 30, 2006, was repealed and a new chapter ERC 1 was created, Register June 2006 No. 606, effective July 1, 2006.

**ERC 1.01 Purpose and interpretation.** Chapters ERC 1 to 9, 40, and 50 govern the conduct of all proceedings involving private sector employment relations before the Wisconsin Employment Relations Commission. As used in chs. ERC 1 to 9, 40, and 50, “the Wisconsin Employment Peace Act” means subch. I of ch. 111, Stats. Chapters ERC 1 to 9 shall be interpreted to serve the purposes and provisions of the Wisconsin Employment Peace Act, as shall chs. ERC 40 and 50 in connection with private sector employment. Nothing in chs. ERC 1 to 9, 40, or 50 shall be construed to prevent the commission or persons employed or designated by the commission from using best efforts to adjust any dispute arising between employees and employers. The commission or examiner may waive requirements of chs. ERC 1 to 9, 40, or 50 to serve the purposes and provisions of the Wisconsin Employment Peace Act, unless a party shows that it would be prejudiced by the waiver.

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

**ERC 1.02 Chapters.** Chapters ERC 2 to 9, 40, and 50 contain special rules applicable to the type of proceeding described in the caption of the chapter. This chapter contains general rules applicable to all types of proceedings in private sector employment relations and shall be read in conjunction with the chapter governing the particular proceeding.

**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 1.03 Resolution of conflicts.** In any conflict between a provision of this chapter and a specific provision in chs. ERC 2 to 9, 40, or 50, the specific provision shall govern.

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

**ERC 1.04 Definitions.** Words or phrases used in this chapter which are defined in s. 111.02, Stats., have the meaning as given in s. 111.02, 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 1.05 Transfer, consolidation and severance of proceedings.** Whenever the commission finds it necessary, in order to serve the purposes of the Wisconsin Employment Peace Act, or to avoid unnecessary costs or delay, it may transfer any proceeding before an examiner to another examiner or to the com-

mission. Proceedings under more than one subsection of the Wisconsin Employment Peace Act may be combined or severed.

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

**ERC 1.06 Filing with the commission or with commission personnel.** Practice and procedure regarding filing documents with the commission or with commission personnel shall be as set forth in s. ERC 10.06.

**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 1.07 Service on a party or representative.** Practice and procedure for service on a party or representative shall be as set forth in s. ERC 10.07.

**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 1.08 Fee schedule.** (1) **COMPLAINTS.** For a complaint 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 as set forth in s. ERC 10.08 (1).

(2) **GRIEVANCE ARBITRATION.** For a request 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 as set forth in s. ERC 10.08 (2).

(3) **MEDIATION.** For a request that the commission or its staff act as a mediator under s. 111.11, Stats., the parties to the dispute shall each pay the commission a filing fee as set forth in s. ERC 10.08 (3).

(4) **TRANSCRIPTS.** Any party requesting the commission to provide a transcript of a commission proceeding shall pay a fee as set forth in s. ERC 10.08 (6).

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

**ERC 1.09 Computation of time.** Practice and procedure for computing any period of time prescribed by or allowed by chs. ERC 1 to 9, 40, or 50 or by order of the commission or individual conducting the proceeding, shall be as set forth in s. ERC 10.09.

**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 1.10 Forms.** Lists and copies of commission forms may be obtained from the commission’s Madison office or the agency website.

**Note:** The address of the commission’s website is <http://werc.wi.gov>.

**Note:** For the commission’s Madison office, the mailing address is 2418 Crossroads Dr., Suite 1000, Madison, WI 53718–7896.

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