

Chapter ERC 20

GENERAL STATE SECTOR PROVISIONS

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Note: Chapter ERB 20 was renumbered chapter ERC 20 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468. Chapter ERC 20 as it existed on June 30, 2006 was repealed and a new chapter ERC 20 was created, Register June 2006 No. 606, effective July 1, 2006.

ERC 20.01 Purpose and interpretation. Chapters ERC 20 to 29, 40, and 50 govern the conduct of all proceedings involving state employment relations before the Wisconsin Employment Relations Commission. As used in chs. ERC 20 to 29, 40, and 50, “State Employment Labor Relations Act” means subch. V of ch. 111, Stats. Chapters ERC 20 to 29 shall be interpreted to serve the purposes and provisions of the State Employment Labor Relations Act, as shall chs. ERC 40 and 50 in connection with state sector employment. Nothing in chs. ERC 20 to 29, 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 20 to 29, 40, or 50 to serve the purposes and provisions of the State Employment Labor Relations 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; CR 10-019: am. Register June 2010 No. 654, eff. 7-1-10; correction made under s. 13.92 (4) (b) 6., Stats. Register June 2010 No. 654.

ERC 20.02 Chapters. Chapters ERC 21 to 29, 40, and 50 contain special rules applicable to the type of proceeding described in the caption of the chapter. Chapter ERC 20 contains general rules applicable to all types of proceedings in state 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 20.03 Resolution of conflicts. In any conflict between a general rule in ch. ERC 20 and a specific provision in chs. ERC 21 to 29, 40, or 50, the specific provision shall govern.

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 20.04 Definitions. Words or phrases used in this chapter which are defined in s. 111.81, Stats., have the meaning as given in s. 111.81, 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 20.05 Transfer, consolidation and severance of proceedings. Whenever the commission finds it necessary, in order to serve the purposes of the State Employment Labor Relations Act, or to avoid unnecessary costs or delay, it may transfer any proceeding before an examiner to another examiner or to the commission. Proceedings under more than one subsection of the

State Employment Labor Relations Act may be combined or severed.

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

ERC 20.06 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.

ERC 20.07 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 20.08 Fee schedule. (1) COMPLAINTS. For a complaint 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 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. 111.86, 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. 111.87, Stats., the parties to the dispute shall each pay the commission a filing fee as set forth in s. ERC 10.08 (3).

(4) FACT-FINDING. For a request that the commission initiate fact-finding under s. 111.88, Stats., the parties to the dispute shall each pay the commission a filing fee as set forth in s. ERC 10.08 (4), except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid for the fact-finding.

(5) 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 20.09 Computation of time. Computation of any period of time prescribed by or allowed by chs. ERC 20 to 29, 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 20.10 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 4868 High Crossing Blvd., Madison, WI 53704-7403.

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