

Chapter ERB 23

**ARBITRATION OF LABOR DISPUTES PURSUANT
TO SECTION 111.86, WIS. STATS.**

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ERB 23.01 Scope. This chapter governs the general procedure relating to the arbitration proceedings and designation of arbitrators, pursuant to section 111.86, Wis. Stats.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

ERB 23.02 Policy. The policy of the state being primarily to promote the prompt, peaceful and just settlement of labor disputes arising from the interpretation or application of a collective bargaining agreement affecting terms and conditions of state employment, the board may act or name arbitrators for the final determination of such disputes.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

ERB 23.03 Request to initiate arbitration. (1) **FORM, FILING.** A request that the board 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.

(2) **CONTENTS.** (a) If a joint request, it shall contain a statement as to the issue or issues in dispute, or if a request only by one of the parties, a statement as to the alleged issue or issues in dispute.

(b) A copy of the collective bargaining agreement in effect.

(c) A request that the board either act as an arbitration board; or appoint either one of its commissioners or staff members or an individual not in the employ of the board, as the sole arbitrator, or as chairman of an arbitration board; or furnish the parties with a panel of individuals not in the employ of the board, for their consideration in the selection of an arbitrator or board of arbitration.

(d) The names, addresses and phone numbers of the principal representatives of the parties involved.

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

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

ERB 23.04 Board action. (1) **ACQUESCENCE.** If the request to initiate arbitration is filed by only one party, the board shall immediately contact the other party to the dispute to inquire as to its acquiescence to arbitration. If the latter party opposes the right of the initiating

party to proceed to arbitration the board shall so advise the initiating party and thereupon shall not act further on the request.

(2) **APPOINTMENT OF ARBITRATOR.** If arbitration has been jointly initiated or acquiesced in, the board shall, as requested or agreed, either appoint the arbitrator or arbitrators, or submit to the parties a panel of individuals for their consideration in the selection of an arbitrator or board of arbitration.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

ERB 23.05 Arbitrators, who may act. (1) **BOARD AND STAFF.** The full board may act as a board of arbitration or it may, by order, appoint one of its members or staff members to act as an arbitrator in a particular dispute. When so acting, neither any member of the board nor any member of the staff shall receive any compensation from the parties in the performance of such function.

(2) **OTHERS.** The board shall appoint only competent, impartial and disinterested persons to act as arbitrators or to be included in a panel of arbitrators. Such persons, when acting as arbitrators, shall be compensated by the parties, for fees and expenses, at such sums mutually agreed upon by the parties and the arbitrator or arbitrators.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

✓ **ERB 23.06 Proceedings before the arbitrator.** Proceedings before the arbitrator shall be as provided in chapter 298, Wis. Stats., where applicable.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.

ERB 23.07 Award and report. Any arbitrator appointed by the board or selected by the parties from a panel designated by the board shall, after he has submitted his award to the parties, file a copy thereof with the board, as well as a report reflecting a breakdown of his fees and expenses, if any.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67.