

## Chapter ERC 2

### PRIVATE SECTOR UNFAIR LABOR PRACTICES

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s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468; Chapter ERC 2 as it existed on June 30, 2006, was repealed and a new chapter ERC 2 was created, Register June 2006 No. 606, effective July 1, 2006.

**ERC 2.01 Scope.** This chapter governs the general procedure relating to complaints of unfair labor practices as defined in s. 111.06, Stats.

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

**ERC 2.02 Complaint.** A complaint that any employer, employee, or person has engaged in an unfair labor practice defined, respectively, in s. 111.06 (1), (2) or (3), Stats., may be filed by any party or by a representative authorized to file on behalf of a party. Practice and procedure for complaint filing and processing shall otherwise be as set forth in s. ERC 12.02, except that the statutory references in s. ERC 12.02 (1) and (2) (c) shall be to s. 111.06 (1), (2) or (3), Stats.; references to "prohibited practices" shall be to "unfair labor practices"; and 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 2.03 Answer to complaint.** Each respondent named in the complaint shall file an answer to the complaint with the commission on or before the date designated in the notice of hearing. Practice and procedure for filing and processing an answer shall be as set forth in s. ERC 12.03.

**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 2.04 Motions.** Practice and procedure for motions concerning unfair labor practice complaints shall be as set forth in s. ERC 12.04.

**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 2.05 Hearings.** Practice and procedure for hearings concerning unfair labor practice complaints shall be as set forth in s. ERC 12.05, 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 2.06 Findings of fact, conclusions of law and order.** After the close of the evidence and the submission of closing arguments, or on granting a motion for dismissal of a complaint, the commission or examiner shall issue written findings of fact, conclusions of law and order to the parties. Practice and procedure concerning the issuance of findings of fact, conclusions of law and order in unfair labor practice complaint proceedings shall be as set forth in s. ERC 12.06, 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 2.07 Interlocutory findings of fact, conclusions of law and order.** The practice and procedure for interlocutory findings of fact, conclusions of law and order in unfair labor practice complaint proceedings shall be as set forth in s. ERC 12.07.

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

**ERC 2.08 Setting aside, modifying, changing or reversing findings of fact, conclusions of law and order.** The practice and procedure for setting aside, modifying, changing or reversion findings of fact, conclusions of law and order in unfair labor practice complaint proceedings shall be as set forth in s. ERC 12.08.

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

**ERC 2.09 Review of findings of fact, conclusions of law and order issued by examiner.** Practice and procedure for commission review of findings of fact, conclusions of law and order issued by an examiner in unfair labor practice complaint proceedings shall be as set forth in s. ERC 12.09.

**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 2.10 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 shall be as set forth in s. ERC 12.10.

**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.