

Chapter ERC 10

GENERAL MUNICIPAL SECTOR PROVISIONS

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Note: Chapter ERB 10 was renumbered chapter ERC 10 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1994, No. 468. Chapter ERC 10 as it existed on June 30, 2006, was repealed and a new chapter ERC 10 was created, Register June 2006 No. 606, effective July 1, 2006.

ERC 10.01 Purpose and interpretation. Chapters ERC 10 to 19, 30 to 33, 40, and 50 govern the conduct of all proceedings involving municipal employment relations before the Wisconsin Employment Relations Commission. As used in chs. ERC 10 to 19, 30 to 33, 40, and 50, “the Municipal Employment Relations Act” means subch. IV of ch. 111, Stats. Chapters ERC 10 to 19 and 30 to 33 shall be interpreted to serve the purposes and provisions of the Municipal Employment Relations Act, as shall chs. ERC 40 and 50 in connection with municipal sector employment. Nothing in chs. ERC 10 to 19, 30 to 33, 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 10 to 19, 30 to 33, 40, and 50 to serve the purposes and provisions of the Municipal Employment 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.

ERC 10.02 Chapters. Chapters ERC 11 to 19, 30 to 33, 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 municipal 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 10.03 Resolution of conflicts. In any conflict between a provision of this chapter and a specific provision in chs. ERC 11 to 19, 30 to 33, 40, or 50, the specific provision shall govern.

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

ERC 10.04 Definitions. Words or phrases used in this chapter which are defined in s. 111.70 (1), Stats., have the meaning as given in s. 111.70 (1), 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 10.05 Transfer, consolidation and severance of proceedings. Whenever the commission finds it necessary, in order to serve the purposes of s. 111.70, Stats., 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 Municipal Employment Relations Act may be combined or severed.

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

ERC 10.06 Filing with the commission or with commission personnel. (1) **COMPLETION OF FILING WITH THE COMMISSION.** Except as otherwise specifically provided in the rules chapter applicable to the document involved, filing of a document with the commission is completed when the document and any

associated filing fee is actually received by the commission at its Madison office during normal business hours by physical delivery, mail, fax or e-mail. The commission’s normal business hours at all work locations are 7:45 AM to 4:30 PM, Monday through Friday, excluding legal holidays. E-mail communications to the commission shall be directed to the commission’s central e-mail address.

Note: For the commission’s Madison office, the mailing address is 4868 High Crossing Blvd., Madison, WI 53704-7403 and the central e-mail address is werc@werc.state.wi.us.

(2) **COMPLETION OF FILING WITH COMMISSION PERSONNEL.** Filing of documents with individual commission personnel is completed when the document is actually received, either at the commission’s Madison office during normal business hours or at the individual commission employee’s work location during normal business hours, by physical delivery, mail, fax or e-mail. The commission’s normal business hours at all work locations are 7:45 AM to 4:30 PM, Monday through Friday, excluding legal holidays. E-mail communications to individual commission personnel may be directed either to the commission’s central e-mail address or to the commission employee’s e-mail address. The e-mail addresses of individual commission employees are available from the commission’s Madison office and on the commission’s website.

(3) **UPON WHOM SERVED.** Except as otherwise specifically provided in the rules chapter applicable to the document involved, all documents filed with the commission or with an individual commission employee shall be served on the attorney or other representative of each party and on all parties not represented by an attorney or other representative. Serving a party’s attorney or representative shall constitute serving the party. Where specifically required by the rules chapter applicable to the document involved, a copy shall also be transmitted to the represented party.

(4) **STATEMENT OF SERVICE.** Documents filed with the commission or with an individual commission employee shall identify who has been or is being served with a copy.

(5) **SIGNATURE FACSIMILE.** Signature facsimile requirements of chs. ERC 10 to 19, 30 to 33, 40, and 50 are met by a photocopy of a handwritten signature for documents filed in paper form; by a faxed copy of a handwritten signature for documents filed via fax; and by either a graphic copy of a handwritten signature or a typed name preceded by “/s/” for documents filed via e-mail.

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

ERC 10.07 Service on a party or representative.

(1) **COMPLETION OF SERVICE ON A PARTY OR REPRESENTATIVE.** Service of any document is completed when any of the following occur:

- (a) The document has been delivered in person.
- (b) The document has been left at the principal office or place of business of the person served.
- (c) The document has been addressed to the last known address of the person served and deposited in the United States mail.

(d) The document has been addressed to the last known address of the person served and deposited with a telegraph company.

(e) The document has been faxed to the last known fax number of the person served.

(f) The document has been transmitted to the person served by any other means authorized by the person served.

(g) For service of complaints and notices of complaint hearings on persons or parties located outside the state, the document has been served in the manner and at the time provided in s. 111.07 (2) (a), Stats.

(2) **UPON WHOM SERVED.** All documents shall be served on the attorney or other representative of each party and on all parties not represented by counsel. Serving a party's counsel or representative shall constitute serving the party. Where specifically required by the rules chapter applicable to the document involved, a copy shall also be transmitted to the represented party.

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

ERC 10.08 Fee schedule. (1) COMPLAINTS. For a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), Stats., the complaining party or parties shall pay the commission a filing fee of \$100.

(2) **GRIEVANCE ARBITRATION.** For a request that the commission or its staff act as a grievance arbitrator under s. 111.70 (4) (c) 2. or (cm) 4., Stats., the parties to the dispute shall each pay the commission a filing fee of \$400.

(3) **MEDIATION.** For a request that the commission or its staff act as a mediator under s. 111.70 (4) (c) 1. or (cm) 3., Stats., the parties to the dispute shall each pay the commission a filing fee of \$400.

(4) **FACT-FINDING.** For a request that the commission initiate fact-finding under s. 111.70 (4) (c) 3., Stats., the parties to the dis-

pute shall each pay the commission a filing fee of \$400, 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) **INTEREST ARBITRATION.** For a request that the commission initiate interest arbitration under s. 111.70 (4) (cm) 6., or (jm) or 111.77 (3), Stats., the parties to the dispute shall each pay the commission a filing fee of \$400, 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 arbitration.

Note: Section 111.70 (4) (cm) 6., Stats., was repealed by 2011 Wis. Act 10.

(6) **TRANSCRIPTS.** Any party requesting the commission to provide a transcript of a commission proceeding shall pay a fee of \$8.00 per page or the actual per page fee of the court reporter, whichever is less.

History: CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; emerg. am. (1) to (5), eff. 12-19-07; CR 07-092: am. (1) to (5) Register May 2008 No. 629, eff. 6-1-08.

ERC 10.09 Computation of time. In computing any period of time prescribed by or allowed by chs. ERC 10 to 19, 30 to 33, 40, or 50 or by order of the commission or individual conducting the proceeding, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

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

ERC 10.10 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>.

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