

## Chapter ERC 2

### 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.

**Note:** See s. 111.07, Stats.

**ERC 2.01 Who may file complaint.** A complaint that a person has engaged or is engaging in an unfair labor practice may be submitted by any party in interest. Such complaint shall be in writing upon a form provided by the commission, the original being signed and sworn to before any person authorized to administer oaths or acknowledgments. Five additional copies of the complaint shall be filed.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 2.02 Complaint. (1)** The complaint shall include:

(a) The full name and address of the person making the complaint, hereinafter referred to as the complainant;

(b) The full name and address of the person against whom the complaint is made, hereinafter referred to as the respondent;

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice or practices, including the time and place of occurrence of particular acts and the names of persons involved.

(d) A statement that the filing fee established by s. ERC 1.06 (1) accompanies the complaint.

**History:** 1-2-56; cr. (1) (d), Register, June, 1982, No. 318, eff. 7-1-82; am. (1) (d), Register, November, 1999, No. 527, eff. 12-1-99.

**ERC 2.03 Service of complaint.** On the filing of a complaint accompanied by the filing fee established by s. 111.09 (2), Stats., the commission shall immediately serve on all parties in interest a copy thereof and a notice of hearing by registered mail to such parties at their last known post-office address.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71; am. Register, June, 1982, No. 318, eff. 7-1-82.

**ERC 2.04 Answer.** The person or persons complained of may file an answer not later than 8 days after the mailing by the commission of a complaint addressed to their last known post-office address. The answer shall contain a clear and concise statement of the facts which constitute a defense. The answer shall specifically admit, deny, or explain each of the allegations in the complaint unless the person complained of shall be without knowledge, in which case the person shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless it is stated in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true, and may be so found by the commission.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468.

**ERC 2.05 Filing and service of answer.** The original and 3 copies of the answer shall be signed and filed with the commission, the original being sworn to. The respondent shall serve a copy upon each of the other parties.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 2.06 Amendment of answer.** The respondent may, on showing cause, amend an answer.

**History:** 1-2-56; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468.

**ERC 2.07 Motions.** All motions made previous to or subsequent to a hearing shall be filed in writing with the commission and shall state briefly the grounds for such motion and the relief applied for. The original and 3 copies shall be signed and a copy thereof served upon each of the other parties. Motions made at a hearing may be stated orally and shall be included in the stenographic report of the hearing.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 2.08 Rulings and orders.** Any ruling or order announced outside of a hearing shall be in writing. The commissioner or examiner shall serve a copy thereof upon each of the parties. Rulings and orders announced at a hearing may be stated orally, and shall be included in the stenographic report of the hearing.

**ERC 2.09 Parties.** Any person claiming interest in the dispute or controversy may be made a party upon application and a showing satisfactory to the commission of their interest in the controversy.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 2.10 Witnesses.** Witnesses shall be examined orally under oath, except that for good cause, the commissioner or examiner may permit their testimony to be taken by deposition under oath in the manner prescribed by ch. 887, Stats.

**History:** 1-2-56; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1994, No. 468.

**ERC 2.11 Subpoenas.** Applications for the issuance of subpoenas requiring the attendance of witnesses and the production of any evidence including books, records, correspondence or documents that relate to any matter within the scope of the hearing, may be filed by any party to the proceeding with the commission or, during the hearing, with the commissioner or examiner. Such application shall specify the name of the witness and nature of the facts to be proved by the witness and must specify the documents, the production of which is desired, in such particularity as will enable them to be identified for the purposes of production.

**History:** 1-2-56; am. Register, March, 1971, No. 183, eff. 4-1-71; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1994, No. 468.

**ERC 2.12 Appearances.** Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, to call, examine, and cross examine witnesses, and to introduce into the record documentary or other evidence.

**ERC 2.13 Stipulations of fact.** In any such proceeding, stipulations of fact may be introduced in evidence with respect to any issue.

**ERC 2.14 Objections.** Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

**ERC 2.15 Contempt.** Contemptuous conduct at a hearing shall be grounds for exclusion from the hearing.

**ERC 2.16 Argument.** Any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral

argument which shall not be included in the stenographic report of the hearing unless the commissioner or examiner so directs.

**ERC 2.17 Argument.** In hearings conducted by a commissioner or an examiner, any party in interest who desires the privilege of oral argument before the commission as a body, shall make such request before the close of the hearing.

**History:** 1-2-56; am Register, March, 1971, No. 183, eff. 4-1-71.

**ERC 2.18 Brief.** Any party in interest who desires to file a brief after the hearing shall do so within such time as shall be fixed by the commissioner or examiner conducting such hearing.