

Chapter ERC 23

ARBITRATION OF LABOR DISPUTES

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Note: Chapter ERB 23 was renumbered chapter ERC 23 under s. 13.93 (2m) (b) 1, Stats., Register, December, 1994, No. 468.

Note: See s. 111.86, Stats.

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

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, March, 1971, No. 183, eff. 4-1-71.

ERC 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 commission may act or name arbitrators for the final determination of such disputes.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, March, 1971, No. 183, eff. 4-1-71.

ERC 23.03 Request to initiate arbitration. (1) FORM, FILING, FILING FEE. A request that the commission 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. Where the full commission, or a single commissioner, or a member of its staff is requested to be the arbitrator, the request shall be accompanied by the filing fee established by s. 111.94 (2), Stats.

(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 commission 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 commission as the sole arbitrator, or as chairperson of an arbitration board; or furnish the parties with a panel of individuals not in the employ of the commission, 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 commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator.

(f) Where the commission is requested to act as an arbitration board, or to appoint one of its members or staff members as the arbitrator, a statement that the filing fee established by s. 111.94 (2), Stats., accompanies the request.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67; am. (1) and (2) (c), and (e), Register, March, 1971, No. 183, eff. 4-1-71; am. (1) and (2) (e) and cr. (2) (f), Register, June, 1982, No. 318, eff. 7-1-82; correction in (2) (c) made under s. 13.93 (2m) (b) 5, Stats., Register, December, 1994, No. 468.

ERC 23.04 Commission action. (1) ACQUIESCENCE. If the request to initiate arbitration is filed by only one party, the commission 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 commission 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 commission 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; am. Register, March, 1971, No. 183, eff. 4-1-71.

ERC 23.05 Arbitrators, who may act. (1) COMMISSION AND STAFF. The full commission 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 commission nor any member of the staff shall receive any compensation from the parties in the performance of such function.

(2) OTHERS. The commission 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; am. Register, March, 1971, No. 183, eff. 4-1-71.

ERC 23.06 Proceedings before the arbitrator. Proceedings before the arbitrator shall be as provided in ch. 788, Stats., where applicable.

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67; correction made under s. 13.93 (2m) (b) 7, Stats., Register, December, 1994, No. 468.

ERC 23.07

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

History: Cr. Register, December, 1966, No. 132, eff. 1-1-67; am. Register, March, 1971, No. 183, eff. 4-1-71; corrections made under s. 13.93 (2m) (b) 5, Stats., Register, December, 1994, No. 468.