

Clearinghouse Rule 19-038

**STATE OF WISCONSIN
WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

The Wisconsin Employment Relations Commission is hereby petitioning the Joint Committee for Review of Administrative Rules to repeal ss. ERC 8, 33, 60, 61, 62, 63, 64, 65, 66, 67, and 68 pursuant to s. 227.26(4), Wis. Stats.

Analysis Prepared by the Wisconsin Employment Relations Commission

Statutes Interpreted:

Chapter 111, Subchapter 1 – Employment Peace, Subchapter IV – Municipal Employment Relations, and Subchapter V – State Employment Labor Relations.

Statutory Authority:

ss. 111.09(1), 111.71(1), and 111.94(1), Wis. Stats.

Explanation of Agency Authority:

Sections 111.09(1), 111.71(1), and 111.94(1), Wis. Stats. provide the Wisconsin Employment Relations Commission with statutory authority to adopt rules relative to the exercise of its powers, govern its proceedings, and regulate the conduct of hearings and elections.

Related Statute or Rule:

None.

Plain language analysis:

Per s. ERC 8.01, ch. ERC 8 “governs the general procedure relating to referenda under s. 111.075, Stats.” Section 111.075 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 33.01, ch. ERC 33 governs procedure for collective bargaining agreements expiring before July 1, 2009. 2011 Wisconsin Act 10 repealed all statutory provisions applicable to those agreements.

Per s. ERC 60.01, ch. ERC 60 governs “the conduct of all proceedings involving UW System faculty and academic staff employment relations” All employment relations rights for UW System faculty and academic staff were repealed by 2011 Wisconsin Act 10.

Per s. ERC 61.01, ch. 61 “governs the general procedure relating to elections under ss. 111.98 and 111.990, Stats.” Sections 111.98 and 111.990 were repealed by 2011 Wisconsin Act 10.

Per s. ERC 62.01, ch. 62 “governs the general procedure relating to complaints of UW System faculty and academic staff sector unfair labor practices as defined in s. 111.991, Stats.” Section 111.991 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 63.01, ch. ERC 63 “governs the general procedure relating to grievance arbitration proceedings and designation of grievance arbitrators under s. 111.993, Stats.” Section 111.993 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 64.01, ch. ERC 64 “governs the general procedure relating to mediation of labor disputes under s. 111.994, Stats.” Section 111.994 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 65.01, ch. ERC 65 “governs the general procedure relating to fact-finding in UW System faculty and academic staff sector employment under s. 111.995, Stats.” Section 111.995 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 66.01, ch. ERC 66 “governs the general procedure relating to referenda under s. 111.992, Stats.” Section 111.992 was repealed by 2011 Wisconsin Act 10.

Per s. ERC 67.01, ch. ERC 67 “governs general procedure relating to clarification of UW System faculty and academic staff sector bargaining units under the University of Wisconsin System Faculty and Academic Staff Labor Relations Act to determine whether one or more positions are properly included in or excluded from an existing collective bargaining unit of UW System faculty and academic staff employees specified in s. 111.98, Stats., or a bargaining unit of academic staff supervisors specified in s. 111.98(5), Stats.” Section 111.98 was repealed by 2011 Wisconsin Act 10.

Therefore, the Commission has determined that ss. ERC 8, 33, 60, 61, 62, 63, 64, 65, 66, 67, and 68 are unauthorized rules within the meaning of s. 227.26(4)(a), Wis. Stats., and seeks their repeal pursuant to s. 227.26(4), Wis. Stats.

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TEXT OF RULE

Section 1. ss. ERC 8, 33, 60, 61, 62, 63, 64, 65, 66, 67, and 68 are repealed.

Section 2. EFFECTIVE DATE. The repeal shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22(2) (intro.), Stats.