

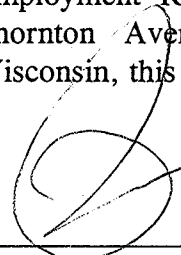
# Clearinghouse Rule 95-179

STATE OF WISCONSIN )  
 ) SS  
EMPLOYMENT RELATIONS COMMISSION )

I, Peter G. Davis, General Counsel of the Employment Relations Commission and custodian of the official records, certify that the annexed rules, relating to filing fees and transcript fees were duly approved and adopted by this Commission on October 4, 1999.

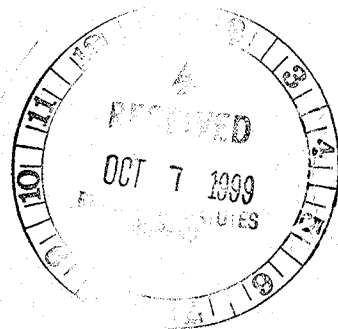
I further certify that this copy has been compared by me with the original on file in this Commission and that it is a true copy of the original, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Employment Relations Commission at 18 South Thornton Avenue, in the City of Madison, Wisconsin, this 7<sup>th</sup> day of October, 1999.



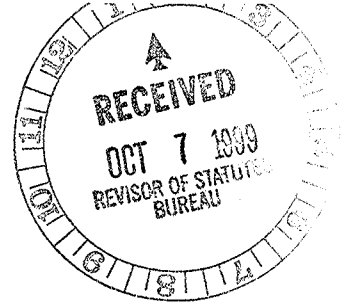
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Peter G. Davis, General Counsel



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## **ORDER OF THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

The Wisconsin Employment Relations Commission amends ERC 2.02(1)(d), 10.08(4), 10.13(5), 12.02(2)(e), 20.08(4), 20.13(5); and creates ERC 1.06, 10.21 and 20.21 relating to fees for complaints, grievance arbitration, mediation, fact-finding, interest arbitration and transcripts.

Sections 111.09(1) and (2), 111.71(1) and (2), and 111.94(1) and (2) of the statutes, as affected by 1995 Wisconsin Act 27, and SECTION 9120(3g) of 1995 Wisconsin Act 27 require that the Commission promulgate rules establishing a schedule of filing fees and transcript fees to be paid in the following circumstances:

1. When a complaint is received alleging that an unfair labor practice has been committed under s. 111.06 or 111.84 or that a prohibited practice has been committed under s. 111.70(3).
2. When a request is received asking that the Commission or its staff act as a grievance arbitrator under s. 111.10, 111.70(4)(c)2, 111.70(4)(cm)4., or 111.86(1).
3. When a request is received asking that the Commission initiate fact-finding under s. 111.70(4)(c)3 or 111.88.
4. When a request is received asking that the Commission or its staff act as a mediator under s. 111.11, 111.70(4)(c)1, 111.70(4)(cm)3, or 111.87.
5. When a request is received asking that the Commission initiate interest arbitration under s. 111.70(4)(cm)6, 111.70(4)(jm) or 111.77(3).
6. When a party requests a transcript of a Commission proceeding.

These rules meet the Commission's obligations under 1995 Wisconsin Act 27 by establishing filing fees of \$40 for complaint cases and \$250 for mediation, grievance arbitration, fact-finding and interest arbitration cases, and by establishing a transcript fee rate of \$5.00 per page or the actual per page fee of the court reporter, whichever is less.

SECTION 1. ERC 1.06 is created to read:

**ERC 1.06 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.06, Stats., the complaining party or parties shall pay the commission a filing fee of \$40. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.10, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.11, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125.

**(4) TRANSCRIPTS.** Any party requesting the commission to provide a transcript of a commission proceeding shall pay a fee of \$5.00 per page or the actual per page fee of the court reporter, whichever is less.

SECTION 2. ERC 2.02(1)(d) is amended to read:

**ERC 2.02(1)(d)** A statement that the filing fee established by ~~s. 111.09(2), Stats.,~~ s. ERC 1.06(1) accompanies the complaint.

SECTION 3. ERC 10.08(4) is amended to read:

**ERC 10.08(4) COMPLETION OF FILING.** Papers required by s. 111.70, Stats., this chapter, chs. ERC 11, 12, 13, 14, 15, 16, 17, 18, 30 and 31, or order of the commission, to be filed with the commission, its agent, a fact finder, an arbitrator or with a mediator-arbitrator, shall be deemed filed upon actual receipt at the place specified for such receipt before the close of business. Papers received after the last day of the time allowed for such filing will not be accepted as timely filed unless good cause be shown warranting waiver, in which case the commission, its agent, a fact finder, an arbitrator or the mediator-arbitrator, as

the case may be, may upon receipt, deem the document filed at the time it was deposited in the United States mail or with a telegraph office, except that if a filing fee established by ~~s. 111.71(2), Stats.,~~ s. ERC 10.21 is required to initiate a proceeding before the commission, the papers shall be deemed to be filed on the date on which the filing fee is received in the offices of the commission.

SECTION 4. ERC 10.13(5) is amended to read:

**ERC 10.13(5) TRANSCRIPTS OTHER THAN IN FACT FINDING IN MUNICIPAL EMPLOYMENT.** Hearings shall be stenographically transcribed by the official reporter of the commission. ~~Such transcripts shall be the sole official transcript. In prohibited practice cases the commission shall furnish one copy of the transcript to each of the parties. In election cases the commission may furnish one copy of the transcript to each of the parties. Copies of transcripts which are furnished to the parties will be furnished at no cost to them.~~

SECTION 5. ERC 10.21 is created to read:

**ERC 10.21 Fees. (1) COMPLAINTS.** At the time a complaint is received 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 \$40. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking 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 \$125.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to 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 \$125.

(4) **FACT-FINDING.** At the time a request is received asking the commission to initiate fact-finding under s. 111.70(4)(c)3, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

(5) **INTEREST ARBITRATION.** At the time a request is received asking the commission to initiate interest arbitration under s. 111.70(4)(cm)6, (4)(jm), or 111.77(3), Stats., the parties to the dispute shall each pay the commission a filing fee of \$125, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

(6) **TRANSCRIPTS.** Any party requesting the commission to provide a transcript of a commission proceeding shall pay a fee of \$5.00 per page or the actual per page fee of the court reporter, whichever is less.

SECTION 6. ERC 12.02(2)(e) is amended to read:

**ERC 12.02(2)(e)** A statement that the filing fee established by ~~s. 111.71(2), Stats.~~, s. ERC 10.21(1) accompanies the complaint.

SECTION 7. ERC 20.08(4) is amended to read:

**ERC 20.08(4) COMPLETION OF FILING.** Papers required by subch. V, ch. 111, Stats., this chapter, ch. ERC 21, 22, 23, 24, or 25, or order of the board, to be filed with the commission, or its agent, an arbitrator, or a fact finder, shall be deemed filed upon actual receipt at the place specified for such receipt before the close of business. Papers received after the last day of the time allowed for such filing will not be accepted as timely filed unless good cause be shown warranting waiver, in which case the commission, arbitrator or fact finder, as the case may be, may, upon receipt, deem the document filed at the time it was deposited in the United States mail or with a telegraph office, except that if a filing fee established by ~~s. 111.94(2), Stats.~~, s. ERC 20.21 is required to initiate a proceeding before

the commission, the papers shall be deemed to be filed on the date on which the filing fee is received in the offices of the commission.

SECTION 8. ERC 20.13(5) is amended to read:

**ERC 20.13(5) TRANSCRIPTS OTHER THAN IN FACT FINDING IN MUNICIPAL EMPLOYMENT.** ~~Hearings shall be stenographically transcribed. by the official reporter of the commission. Such transcripts shall be the sole official transcript. In prohibited practice cases the commission shall furnish one copy of the transcript to each of the parties. In election cases the commission may furnish one copy of the transcript to each of the parties. Copies of transcripts which are furnished to the parties will be furnished at no cost to them.~~

SECTION 9. ERC 20.21 is created to read:

**ERC 20.21 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.84, Stats., the complaining party or parties shall pay the commission a filing fee of \$40. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.86, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.87, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125.

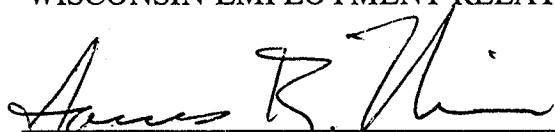
**(4) FACT-FINDING.** At the time a request is received asking the commission to initiate fact-finding under s. 111.88, Stats., the parties to the dispute shall each pay the commission a filing fee of \$125, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

(5) TRANSCRIPTS. Any party requesting the commission to provide a transcript of a commission proceeding shall pay a fee of \$5.00 per page or the actual per page fee of the court reporter, whichever is less.

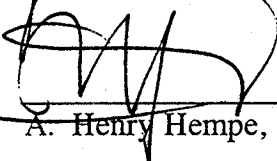
This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2), Stats.

Adopted at Madison, Wisconsin this 4<sup>TH</sup> day of October, 1999.

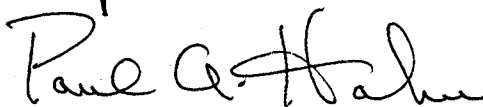
WISCONSIN EMPLOYMENT RELATIONS COMMISSION



James R. Meier, Chairperson



A. Henry Hempe, Commissioner



Paul A. Hahn, Commissioner