

Chapter ERC 50

LABOR-MANAGEMENT COOPERATION SERVICES

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ERC 50.01 Scope. This chapter governs the general procedure relating to the provision of training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3), Stats., to employers, employer associations and labor organizations on collective bargaining, and on areas of management and labor cooperation directly or indirectly affecting collective bargaining in the private, municipal, state and UW System faculty and academic staff sectors, respectively.

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 50.02 Policy. To promote the prompt and peaceful settlement of labor disputes affecting terms and conditions of employment in Wisconsin, the commission offers various training programs to employers and labor organizations on collective bargaining, and on areas of management and labor cooperation directly or indirectly affecting collective bargaining. In order to maintain and enhance the effectiveness of the training function, the commission has established rules and procedures designed to assure that the fees charged for participation in those programs are reasonable and to maintain confidentiality of the training and related processes.

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

ERC 50.03 Request for labor-management cooperation services. (1) **PRE-REQUEST PROCEDURES.** Any representative of an employer, employer association or labor organization interested in obtaining commission labor-management cooperation services may contact the agency's Coordinator of Labor-Management Cooperation Programs regarding the nature and availability of agency programs to address the needs of the parties involved. The Coordinator shall make inquiries, as necessary, to determine both the suitability of available programs to the needs of the inquiring party or parties involved and the willingness and readiness of both the labor and management groups involved for participation in the available programs.

(2) **WHO MAY FILE.** A request for labor-management cooperation training or related services may only be filed jointly by an employer or employer association and by the exclusive collective bargaining representative of one or more bargaining units of employees of the employer or employer association, or by anyone authorized to act on their behalf.

(3) **FORM; FILING; SERVICE.** A request that the commission provide labor-management cooperation training or related services shall be in writing on a form provided by the commission, or a facsimile of the commission's form. The request is not filed until it has been received by the commission at its Madison office during normal business hours specified in s. ERC 10.06 (1). The request shall be transmitted to the commission as set forth in s. ERC 10.06 (1).

(4) **CONTENTS.** A request for labor management cooperation services shall include all of the following:

(a) The name and address of the employer or employer association involved, and the name, address and phone number of its principal representative. Fax numbers and e-mail addresses shall be included, if available.

(b) The name and address of each exclusive representative involved, and the name, address and phone number of the principal representative of each. Fax numbers and e-mail addresses shall be included, if available.

(c) A statement specifying the type of services requested, including but not limited to general labor-management cooperation training, consensus bargaining training and facilitation, labor-management committee effectiveness training and facilitation, refresher training for one of the above, or some other type of service.

(d) A statement specifying the numbers of labor and management representatives to participate in the program.

(e) The date on which the request for services is transmitted to the commission.

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

ERC 50.04 Commission action on request for labor-management cooperation services. (1) **PROGRAM APPROVAL DETERMINATION.** Following receipt of a request for labor-management cooperation services, the commission or its designee shall determine whether, when, to what extent and at what cost it will provide the services requested, and the commission's determinations in those respects shall be communicated to the requesting parties in writing.

(2) **DESIGNATION OF TRAINERS AND FACILITATORS.** If the parties agree to participate in the program on the terms approved by the commission, the commission shall designate the trainer and facilitator as appropriate, and the trainers and facilitator so designated shall proceed to provide the approved services.

(3) **TRAINER AND FACILITATOR IMPARTIALITY.** The commission shall designate only competent, impartial and disinterested persons to act as trainers and facilitators.

(4) **CONFIDENTIAL NATURE OF FUNCTION.** Commission trainers and facilitators shall maintain confidentiality as required of mediators by s. 904.085, Stats. To the extent that s. 904.085, Stats., is or becomes inapplicable for any reason, the following confidentiality provisions shall become applicable. Any information disclosed by the parties to the trainer or facilitator in the performance of duties shall not be divulged voluntarily or because of compulsion unless approved by the parties involved. All files, records, reports, documents, or other papers received or prepared by the trainer or facilitator in that person's confidential capacity shall be confidential and shall not be disclosed to any unauthorized person without the prior consent of the commission. The trainer or facilitator shall not produce any confidential records of, or testify about, any training or facilitation conducted by the trainer or facilitator, before any court, board (including the Wisconsin Employment Relations Commission), investigative body, arbitrator or fact finder without the written consent of the commission. In the absence of written consent of the commission, the trainer or facilitator shall respectfully decline, by reason of this subsection, to produce or present confidential records or documents of any nature or to give testimony concerning confidential training or facilitation information.

(5) BILLING OF PROGRAM FEES AND EXPENSES. The commission shall bill the parties for fees and expenses associated with the parties' participation in the agency's labor-management cooperation programs, in accordance with fee and expense specifications shared with the parties in advance of the program.

History: CR 02-037: cr. Register June 2006 No. 606, eff. 7-1-06; CR 10-019: am. (4) Register June 2010 No. 654, eff. 7-1-10; correction in (4) made under s. 13.92 (4) (b) 6., Stats. Register June 2010 No. 654.

ERC 50.05 Labor-management cooperation program activities. (1) NATURE. The trainer and facilitator may hold separate or joint meetings with the parties or their representatives, or train or facilitate by means of other communications with one or both parties or their representatives. Training and facilitation meetings and related communications shall not be open to the public unless otherwise mutually agreed by the parties or their representatives.

(2) WHERE AND WHEN CONDUCTED. The trainer and facilitator shall set a date, time and place for the conduct of the training and

facilitation that is agreeable to all parties and shall confirm those arrangements in writing to all parties.

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

ERC 50.06 Costs of labor management cooperation services. The fees and expenses charged for participation in labor-management cooperation programs shall be reasonable and consistent with those charged by the commission during the same time period for other labor management cooperation programs in the private, municipal and state sector, respectively. Unless the parties involved agree otherwise, those costs shall be split equally between labor and management.

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

ERC 50.07 Report to commission. If requested by the commission, the trainer and facilitators shall, either orally or in writing, report to the commission about the progress of the training and facilitation, as well as the terms of the settlement of disputes resolved during the course of the program.

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