

STATE OF WISCONSIN
EMPLOYMENT RELATIONS COMMISSION

BIENNIAL REPORT

**JULY 1, 2017
JUNE 30, 2019**



STATE OF WISCONSIN Employment Relations Commission

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James J. Daley
Chairman

October 15, 2019

The Honorable Tony Evers
Office of the Governor
115 East, State Capitol
Madison, WI 53702

Members of the Wisconsin Legislature
State Capitol Building
Madison, WI 53702

Dear Governor Evers and Legislators:

The following is the Biennial Report of the Wisconsin Employment Relations Commission for the 2017-2019 biennium. The Commission continues to maintain its statewide and national recognition for competence, fairness and integrity as the agency responsible for administering Wisconsin's labor relations and civil service laws.

As a Commission, we look forward to maintaining a hard-working reputation through the continued exercise of diligence and professionalism in the performance of our duties.

Respectfully Submitted,

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "James J. Daley".

James J. Daley
Chairman

JJD/ckl
Enclosure

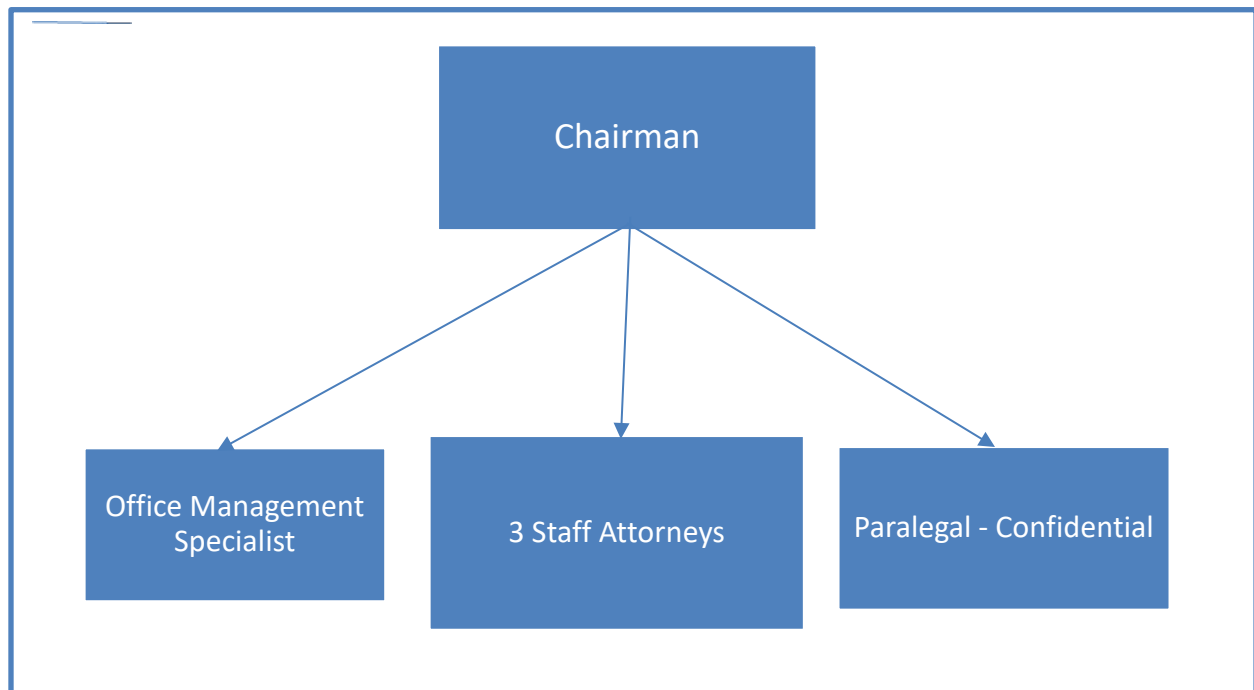
Agency Functions and Organization:

Functions: The mission of the Wisconsin Employment Relations Commission (WERC) is to promote peaceful labor relations and collective bargaining throughout the State of Wisconsin and to serve as a neutral decision-maker regarding State employee civil service appeals. To accomplish that mission, the WERC has jurisdiction over certain private sector labor relations matters under the Wisconsin Employment Peace Act (WEPA) (Subchapter 1, Chapter 111, Wis. Stats.), over municipal labor relations under the Municipal Employment Relations Act (MERA) (Subchapter IV, Chapter 111, Wis. Stats.), over state labor relations under the State Employment Labor Relations Act (SELRA) (Subchapter V, Chapter 111, Wis. Stats.), and over State employee civil service appeals filed pursuant to § 230.45 (1), Stats.

The WERC’s labor relations work includes conducting elections to determine if employees wish to be or wish to continue to be represented by a collective bargaining representative; issuing decisions regarding unfair labor practice, election, unit clarification, and declaratory ruling cases; mediating collective bargaining disputes; providing arbitration services for grievances arising over the interpretation and application of existing collective bargaining agreements; and serving as impartial hearing officers. The WERC also provides training designed to enable employees, employers and unions to work together to achieve common goals.

The WERC’s State employee civil service work primarily involves the issuance of decisions determining whether the State acted within its authority when disciplining, hiring or classifying employees.

Organization: During the 2017-2019 biennium the WERC consisted of the Chairman appointed by the Governor, subject to confirmation by the Senate, for a six-year term. The WERC had a staff of three attorney hearing examiners/mediators/arbitrators and two administrative support personnel. The Commission’s organization was as follows.:



Technology development continues to be a goal of the agency. The content of the website maintained by the WERC (<http://werc.wi.gov>) includes full-text searchable archives of labor relations decisions, grievance awards, municipal interest awards and personnel appeal decisions. The Commission is now using a case management software package that streamlines the tracking of WERC cases and manages a contact database allowing the annual certification election process to be conducted entirely electronically. The WERC has encouraged its personnel and its customers to make use of e-mail whenever possible, and our administrative rules are designed to remove obstacles to the use of e-mail in nearly all aspects of communication to and from the WERC.

Flexible Time Work Schedules

Because many of those served by the WERC are members of locally elected governing bodies, some of the work is performed in the evening or at late afternoon meetings in locations throughout the state. This requires the chairman and professional staff to have flexible working hours and to coordinate meeting, hearing, and writing schedules. Support staff hours and schedules are adjusted to meet the needs of the WERC and to respond to the normal operating hours expected of state agencies. In addition, support staff employee hours are occasionally adjusted to accommodate the personal/family needs of those employees.

Biennial Caseload Summary

During the 2017-2019 biennium, 1,155 new cases were filed with the WERC. The Commission and its professional staff issued 112 civil service appeal decisions, 30 labor relations decisions and 15 contractual grievance arbitration awards.

During the 2017-2019 biennium, 41 petitions for recognition elections and 738 annual recertification election requests were received at the WERC. The recognition elections are conducted by mail and ballots were sent to approximately 4,000 eligible voters. The annual recertification elections are conducted by telephone and online using the American Arbitration Association and included approximately 124,000 eligible voters.

The Commission began tracking the number of information calls received from the public beginning in July of 2018. A total of 523 calls were received during FY2019.

**APPENDIX A
PERFORMANCE MEASURES**

FY2017 ACTUALS AND FY2018 AND FY2019 GOALS AND ACTUALS

Program No.	Performance Measure	Actual FY2017	Goal FY2018	Actual FY2018	Goal FY2019	Actual FY2019
1.	Percentage of mediation-type cases closed without an interest arbitration award or fact-finding recommendation.	95%	90%	95%	90%	95%
1.	Percentage of labor relations decisions and drafts issued in compliance with time guidelines. ¹	89%	90%	80%	90%	100%
1.	Percentage of grievance awards issued in compliance with time guidelines.	91%	90%	91%	90%	92%
1.	Percentage of personnel appeals and drafts issued in compliance with time guidelines	89%	85%	89%	85%	95%

¹ Individual staff members may prepare drafts of decisions for the commission, and, in those cases, the staff member's timeliness guideline for the draft is separate from the commission's timeliness guideline for its decision. The agency would like to track its performance more completely by including drafts in those cases as well as decisions.