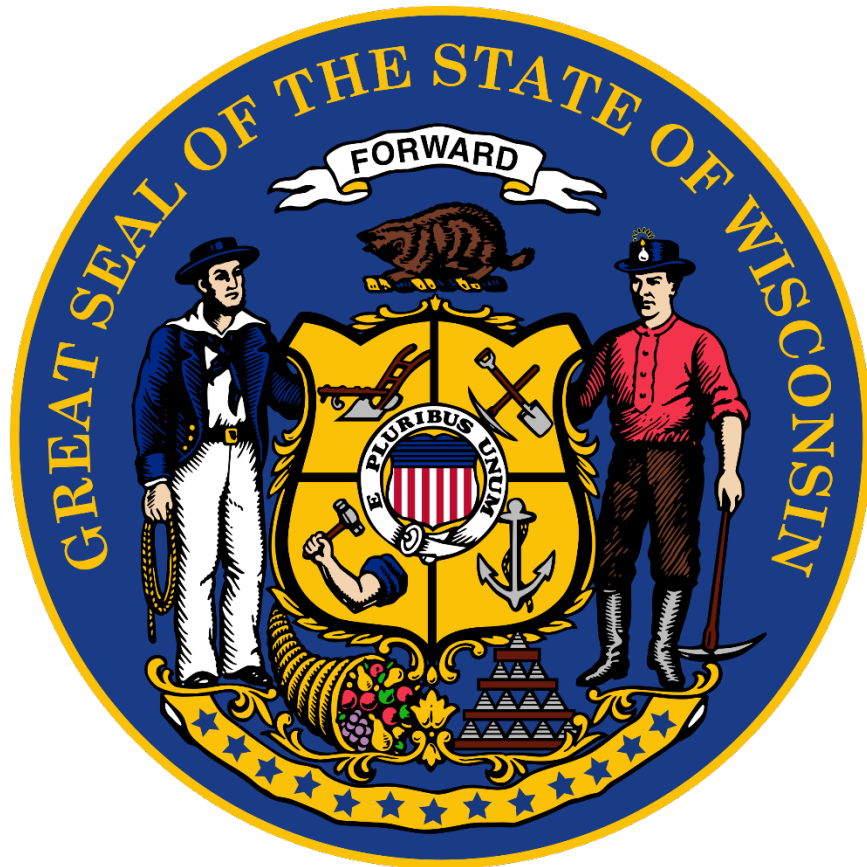
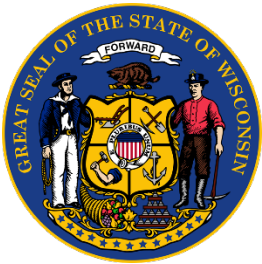


STATE OF WISCONSIN
EMPLOYMENT RELATIONS COMMISSION



BIENNIAL REPORT

JULY 1, 2021
JUNE 30, 2023



STATE OF WISCONSIN

Employment Relations Commission

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James J. Daley
Chairman

October 16, 2023

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

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

Dear Governor Evers and Legislators:

The following is the Biennial Report of the Wisconsin Employment Relations Commission for the 2021-2023 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', written over a faint, larger version of the signature.

James J. Daley
Chairman

JJD/eml
Enclosure

INTRODUCTION

The Wisconsin Employment Relations Commission is pleased to submit its annual report to the Governor and the chief clerk of each house of the legislature, in accordance with WIS. STAT. §§ 15.04(1)(d) – biennial report

This report provides information on the performance and operations of the Commission and projects, goals, and objectives as developed for the agency budget.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Program 1: Labor Relations

Goal: Promptly, competently and fairly address and resolve the parties' disputes in grievance arbitration, civil service, labor law complaints and election cases.

Objective/Activity: Work toward 100 percent timeline compliance for all decisions and awards.

Goal: Delivery of effective mediation services to municipal, state and private sectors.

Objective/Activity: Provide timely and effective mediation services.

AGENCY FUNCTIONS AND ORGANIZATION

Functions

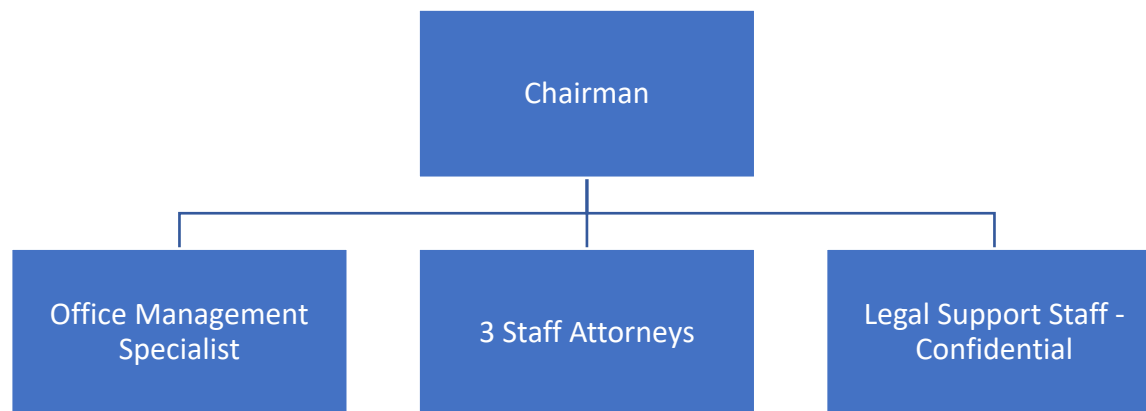
The mission of the Wisconsin Employment Relations Commission (WERC) is to promote peaceful labor relations and collective bargaining throughout the State of Wisconsin and to serve as a neutral decision-maker regarding State employee civil service appeals. To accomplish that mission, the WERC has jurisdiction 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 has historically provided 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 2021-2023 biennium the WERC consisted of the Chairman appointed by the Governor, with the consent of 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

Technology development continues to be a goal of the agency. The WERC has encouraged its personnel and its customers to make use of electronic communications 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. We transitioned our exhibit submissions from hard copy to electronic to alleviate workload and timeliness for applicable parties.

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. New website decisions and agency updates are posted continuously in a timely manner. This has allowed the website to be a legal resource for the community.

The Commission uses a case management software package that streamlines the tracking of WERC cases, manages a contact database, and mobile access for our employees. The software allows the annual certification election process to be conducted entirely electronically for the thousands of voters the process serves.

Since 2020, the WERC moved most Hearings to teleconference and Zoom to allow for greater safety, accessibility, and convenience for all participants.

Flexible Time Work Schedules

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 as well as meeting the needs of our customers throughout normal operating hours as expected of state agencies.

Biennial Caseload Summary

During the 2021-2023 biennium, 1,115 new cases were filed with the WERC. The Commission and its professional staff issued 216 civil service appeal decisions, 194 labor relations decisions and 12 contractual grievance arbitration awards.

During the 2021-2023 biennium, 61 petitions for recognition elections and 653 annual recertification election requests were received at the WERC. The recognition elections are conducted by mail and ballots were sent to approximately 2,800 eligible voters. The annual recertification elections are conducted by telephone and online using the American Arbitration Association and included approximately 120,000 eligible voters.

**APPENDIX A
PERFORMANCE MEASURES**

FY2021 ACTUALS AND FY2022 AND FY2023 GOALS AND ACTUALS¹

Prog. No.	Performance Measure	Actual 2021	Goal 2022	Actual 2022	Goal 2023	Actual 2023
1.	Percentage of mediation-type cases closed without interest arbitration award or fact-finding recommendation.	89%	90%	93%	90%	96%
2.	Percentage of labor relations decisions and drafts issued by attorney-mediator staff, commissioners or commission in compliance with time guidelines.	100%	90%	33%	90%	78%
3.	Percentage of grievance awards issued by attorney-mediator staff and commissioners in compliance with time guidelines.	100%	85%	71%	85%	100%
4.	Percentage of personnel appeals and drafts issued by attorney-mediator staff, commissioners or commission in compliance with time guidelines.	89%	90%	100%	90%	97%
5.	Percentage of cases with internal non-statutory timelines. Case types include grievance arbitration, impartial hearing officer, and draft/proposed decisions in elections and stat civil service appeals.	87%	100%	83%	100%	81%
6.	Percentage of cases with a statutory timeline. Case types include stat civil service appeals and statutory labor relations cases.	97%	100%	95%	100%	95%

¹ The Performance Measures can be affected by multiple items outside of the Commission's control, such as availability of the parties, timeliness of party submissions, scheduling conflicts, and additional procedural delays. In such instances the Commission often requires a showing of good cause for such delay. While the Commission maintains its best efforts to meet and exceed the Goals that have been established, the nature of a particular case sometimes leaves this beyond the Commission's control to enforce. The Commission does, when available, create efficiencies in process to meet our timeliness goals, though this is usually reflected more accurately in compliance with statutory guidelines.