

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ASHLAND COUNTY LAW ENFORCEMENT LOCAL
UNION 216-I, WCCME, AFSCME, AFL-CIO,

Complainant,

vs.

ASHLAND COUNTY PUBLIC PROPERTY AND
LAW ENFORCEMENT COMMITTEE AND ASHLAND
COUNTY EXECUTIVE COMMITTEE,

Respondent.

Case. X
No. 20283 MP-599
Decision No. 14461-A

ORDER DENYING MOTION TO INTERVENE

Complaint of prohibited practices having been filed with the Wisconsin Employment Relations Commission in the above entitled matter and the Commission having appointed Stephen Schoenfeld, a member of the Commission's staff, to act as Hearing Officer; and the Hearing Officer having set the complaint for hearing for April 21, 1976 at Ashland, Wisconsin; and Mr. William B. O'Connell, an Ashland County Deputy Sheriff, by his counsel, having, on March 27, 1976, filed with the Commission a motion to intervene in said hearing on specified grounds; and the Commission having considered said motion and arguments, and being fully advised in the premises makes and issues the following

ORDER

That the motion to intervene in the above scheduled matter be, and the same hereby is, denied.

Given under our hands and seal at the
City of Madison, Wisconsin this 1st
day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO INTERVENE

On March 27, 1976, Mr. William B. O'Connell, by his counsel, Mr. Dale R. Clark, filed a motion to intervene in the above-entitled matter. In support thereof, Mr. Clark states the following:

"We represent Mr. William B. O'Connell, an Ashland County Deputy Sheriff whose salary is paid principally by the Federal program known as C.E.T.A. Mr. O'Connell is also the recipient of numerous other benefits afforded by the Federal government under that program.

We have been furnished with a copy of the Notice of Hearing dated the 23rd day of March, 1976 in the above matter. We have also been furnished a copy of the complaint filed by Richard C. Erickson upon which the Notice of Hearing is based. Mr. Erickson is the representative of Ashland County Law Enforcement Employees Local. In the complaint Ashland County is charged with refusing to cover C.E.T.A. employees.

Should Mr. Erickson be successful in his contention, the Federal government would quite likely terminate the C.E.T.A. program as it affects Mr. O'Connell. The County conceivably will contend at the hearing that it does not have the resources to continue to employ Mr. O'Connell. Hence, Mr. O'Connell's job is placed in jeopardy and he is adversely affected by the complaint of Mr. Erickson. Because his rights are materially and adversely affected, Mr. O'Connell requests that he be allowed to intervene and that he be made a party to the captioned proceeding pursuant to Section 111.70(4)(d), Wisconsin Statutes. His interests are not represented by Mr. Erickson or the Local. To the contrary, the present action of the Local is detrimental to Mr. O'Connell. At no time has he been consulted and his views have not been sought by Mr. Erickson or the Local's officers. He therefore asks for the right to speak for himself at any and all hearings or meetings which threaten his income."

In complaint cases, Section 111.07(2)(a), Wisconsin Statutes, provides, inter alia that "Any other person claiming interest in the dispute or controversy, as an employer, an employee, or their representative, shall be made a party upon application", the Commission finds that the applicant's claim of interest must relate to the issues in controversy before a motion to intervene will be granted. The gravamen of the instant complaint concerns whether the Respondent refused to execute a

collective bargaining agreement previously agreed upon. The collateral issues raised by Mr. O'Connell do not relate to the issue raised in the complaint. Since the issues raised by Mr. O'Connell are not relevant to the issue raised in the complaint, 1/ Mr. O'Connell's request to intervene in this matter is denied.

Dated at Madison, Wisconsin this 1st day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

1/ There is nothing in the pertinent statutory provisions involved, nor in the rules of the Commission, which prevent either the Complainant or Respondent from calling O'Connell as a witness, if his testimony is material to the issues raised in the pleadings.