### STATE OF WISCONSIN

#### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

|                                      | - |                    |
|--------------------------------------|---|--------------------|
| In the Matter of the Petition of     | : |                    |
|                                      | : |                    |
| WISCONSIN STATE EMPLOYEES UNION      | : |                    |
| (WSEU), COUNCIL 24, AFSCME, AFL-CIO, | : | •                  |
| and its appropriately affiliated     | : |                    |
| LOCAL #55                            | : | Case CLI           |
|                                      | : | No. 26535 DR(S)-12 |
| Requesting a Declaratory Ruling      | : | Decision No. 18695 |
| Pursuant to Section 227.06,          | : |                    |
| Wis. Stats., Involving a Dispute     | : |                    |
| Between Said Petitioner and          | : |                    |
|                                      | : |                    |
| STATE OF WISCONSIN                   | : |                    |
|                                      | : |                    |
|                                      |   |                    |
|                                      |   |                    |

Appearances

Lawton & Cates, Attorneys at Law, Tenney Building, 110 East Main Street, Madison, Wisconsin 53703, by <u>Mr. Richard V. Graylow</u>, appearing on behalf of the Petitioner.

Department of Employment Relations, Division of Collective Bargaining, 149 East Wilson Street, Madison, Wisconsin 53702, by <u>Mr. Sanford N. Cogas</u>, Attorney at Law, appearing on behalf of the Respondent.

## ORDER DISMISSING PETITION FOR DECLARATORY RULING

Wisconsin State Employees Union (WSEU), Council 24, AFSCME, AFL-CIO, and its appropriately affiliated Local #55 having, on July 17, 1980, included a request for declaratory ruling in a complaint of unfair labor practices filed with the Wisconsin Employment Relations Commission, wherein it requested the Commission in a declaratory ruling to determine whether the State Personnel Board, or any other State agency, other than the Wisconsin Employment Relations Commission, has the authority to determine the confidential status of employes, and whether said employes should be included or excluded from any existing collective bargaining unit of State employes; and hearing on the complaint and the declaratory ruling petition having been held on October 8, 1980, at Madison, Wisconsin, Chairman Morris Slavney and Commissioner Gary Covelli being present; and thereafter Counsel for the parties having filed briefs in the matter; and the Commission having today issued its decision with respect to the complaint proceeding, wherein the issue involved in the petition for declaratory ruling has been determined; and the Commission, therefore, being satisfied that the petition filed herein be dismissed;

NOW, THEREFORE, it is

#### ORDERED

That the petition filed herein be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin this 18th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

. By Morri S Slavney Chairman Herman Torosian, Commissioner Covelli, Commissioner Garv

No. 18695

## STATE OF WISCONSIN, CLI, Decision No. 18695

# MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION FOR DECLARATORY RULING

The Union initiated the instant declaratory ruling proceeding by filing a pleading wherin it jointly requested a declaratory ruling, and wherein it also alleged that the State had committed unfair labor practices within the meaning of the State Employment Labor Relations Act with respect to obtaining a determination by the State Personnel Board, which resulted in the State removing two employes from a unit consisting of security and public safety employes, as a result of a reclassification of said employes from Trooper 3 to Trooper 3 Confidential. The Union specifically seeks a ruling as to whether any State agency other than the Commission has jurisdiction to make such a determination.

The identical issue was involved in the complaint proceeding, and said issue was determined therein. We therefore reference the parties to said decision which has been issued today, 1/ and we find no compelling reason to issue a separate declaratory ruling in this matter.

Dated at Madison, Wisconsin this 18th day of May, 1981.

WISCONGIN EMPLOYMENT RELATIONS COMMISSION Ву Slavney Morrás Ghairman no Torosian, Commissioner Herman Ener 11 Covelli, Commissioner Gary V.

1/ State of Wisconsin, Case CLIII, Decision No. 18696.