

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

COUNCIL 24, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, WISCONSIN STATE EMPLOYEES UNION, and TOM CORCORAN, Complainants,

vs.

STATE OF WISCONSIN, DEPARTMENT OF CORRECTIONS, and WILLIAM GROSSHANS, Respondents.

Case 525
No. 61126
PP(S)-326

Decision No. 30340-C

Appearances:

Kurt C. Kobelt, Lawton & Cates, S.C., Attorneys at Law, Ten East Doty Street, Suite 400, P.O. Box 2965, Madison, Wisconsin 53701-2965, appeared on behalf of the Complainants WSEU and Tom Corcoran.

David J. Vergeront, Chief Legal Counsel, Office of State Employment Relations, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of the Respondents State of Wisconsin, Department of Corrections and William Grosshans.

ORDER

On July 20, 2004, the Wisconsin Employment Relations Commission issued an Order on Review of Examiner's Decision which among other matters affirmed the Examiner's Order that Respondent State of Wisconsin post Notices addressed to "ALL DIVISION OF COMMUNITY CORRECTIONS EMPLOYEES" in the "Oshkosh, Beaver Dam and Madison offices where employees are employed "

On November 15, 2004, Complainant Council 24 advised the Commission that while Respondent had posted the Notice in the Beaver Dam and Oshkosh offices, Respondent only posted the notice in one of eight Madison Department of Corrections(DOC) offices. Council 24 further asserted that posting at all eight Madison DOC offices was required by the Commission's Order and asked that Respondent be directed to so comply.

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On November 17, 2004, Respondent confirmed the extent of the posting and asserted that it had thereby complied with the Commission Order.

On November 18, 2004, the parties agreed that there were no factual disputes between them as to the extent of the posting and that the dispute was ripe for Commission resolution.

Resolution of this dispute over the scope of our Order is governed by the terms of the Notice and Order themselves. The Notice is addressed to all Division of Community Corrections employees. The Order specifies that the Notice is to be posted "in the Oshkosh, Beaver Dam and Madison offices where employees are employed" By the terms of the Notice and Order, therefore, the Notice is to be posted in those Oshkosh, Beaver Dam, and Madison offices at which employees of the Division of Community Corrections work. Thus, if Division of Community Corrections employees work out of DOC Madison offices other than the one office where the Notice has already been posted, Respondent must post the Notice in those additional Madison offices to be in compliance with our Order.

Given the foregoing, we therefore make and issue the following

ORDER

To the extent it has not already done so, Respondent shall post the requisite notice in any Madison Department of Corrections office that houses Division of Community Corrections employees.

Within 20 days of the date of this Order, Respondent shall advise the Commission and Complainant of steps it has taken to comply with this Order.

Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of January, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

