

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**OZAUKEE COUNTY HIGHWAY
EMPLOYEES ASSOCIATION**, Complainant,

vs.

OZAUKEE COUNTY, Respondent.

Case 59
No. 61967
MP-3886

Decision No. 30543

**OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL
UNION, LOCAL 35, AFL-CIO**, Complainant,

vs.

OZAUKEE COUNTY, Respondent.

Case 60
No. 61974
MP-3889

Decision No. 30544

Appearances:

Michael, Best & Friedrich, by **Attorney Eric H. Rumbaugh**, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, Wisconsin 53202-4108, appearing on behalf of Ozaukee County.

Murphy, Gillick, Wicht & Prachthauser, by **Attorney George F. Graf**, 300 North Corporate Drive, Suite 260, Brookfield, Wisconsin 53045, appearing on behalf of Office and Professional Employees International Union, Local 35, AFL-CIO.

Shneidman, Hawks & Ehlke, S.C., by Attorney **Jeffrey P. Sweetland**, 700 West Michigan, Suite 500, P. O. Box 442, Milwaukee, Wisconsin 53201-0442, appearing on behalf of Ozaukee County Highway Employees Association.

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ORDER CONSOLIDATING COMPLAINTS FOR HEARING

On December 27, 2002, Ozaukee County Highway Employees Association filed a complaint with the Wisconsin Employment Relations Commission alleging that Ozaukee County had committed prohibited practices within the meaning of Secs. 111.70(3)(a)1 and 4, Stats., by unilaterally implementing the County's proposed changes to an existing health insurance plan effective January 1, 2003.

On January 2, 2003, Office and Professional Employees International Union, Local 35, AFL-CIO filed a complaint with the Wisconsin Employment Relations Commission alleging that Ozaukee County had committed prohibited practices within the meaning of Secs. 111.70(3)(a)4 and 5, Stats., by unilaterally implementing the County's proposed changes to an existing health insurance plan effective January 1, 2003.

To maximize the ability of the parties we serve to utilize the Internet and computer software to research decisions and arbitration awards issued by the Commission and its staff, footnote text is found in the body of this decision.

On January 14, 2003, the Highway Employees Association filed a request that the two complaints be consolidated because "Both cases involve the same alleged prohibited practice, Ozaukee County's unilateral implementation of its health insurance proposals effective January 1, 2003."

By letter dated January 14, 2003, the Commission advised Local 35 and the County that their responses to the request for consolidation should be filed on or before January 24, 2003.

By letter dated January 23, 2003, the County advised the Commission that it opposed the consolidation because "The factual issues regarding the two different bargaining units are disparate; and no showing has been made, or offered, regarding the advisability of joining the hearings."

Local 35 did not file a response.

We have interpreted ERC 10.07 1/ as allowing for the consolidation of complaints where there is a sufficient interrelationship between facts and witnesses. MILWAUKEE COUNTY, DEC. NOS. 30298, 30299 (WERC, 3/02); CITY OF LACROSSE, DEC. NOS. 28081,

28082 (WERC, 6/94). From our review of the complaints, we are satisfied that there is such a sufficient interrelationship to warrant consolidating the complaints for hearing. We leave to the Examiner's discretion whether the complaints should also be consolidated for decision.

1/ *ERC 10.07 provides:*

ERC 10.07 Transfer, consolidation and severance of proceedings. Whenever the commission deems it necessary, in order to effectuate the purposes of s. 111.70, Stats., or to avoid unnecessary costs or delay, it may remove or transfer any proceeding before a single commission member or examiner. Proceedings under several subsections of s. 111.70, Stats., may be combined or severed.

NOW, THEREFORE, it is

ORDERED

The complaints are consolidated for hearing pursuant to ERC 10.07.

Given under our hands and seal at the City of Madison, Wisconsin, this 4th day of February, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

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