

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**WISCONSIN STATE EMPLOYEES UNION,  
AFSCME, COUNCIL 24, AFL-CIO, Complainant,**

vs.

**STATE OF WISCONSIN, and  
OFFICE OF STATE EMPLOYMENT RELATIONS, Respondents.**

Case 865  
No. 71851  
PP(S)-429

**Decision No. 34029-A**

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**Appearances:**

**Sally A. Stix**, Stix Law Offices, 700 Rayovac Drive, Suite 117, Madison, Wisconsin, 53711, appearing on behalf of the Wisconsin Association of Correctional Law Enforcement and Jason Dogs.

**Peggy A. Lautenschlager**, Bauer & Bach, LLC, 123 East Main Street, Suite 300, Madison, Wisconsin 53703, appearing on behalf of the Wisconsin State Employees Union, AFSCME, Council 24, AFL-CIO.

**William H. Ramsey**, Chief Legal Counsel, Office of State Employment Relations, 101 East Wilson Street, 4<sup>th</sup> Floor, Madison, Wisconsin 53707, appearing on behalf of the State of Wisconsin.

**ORDER DENYING MOTION TO INTERVENE**

On November 19, 2012, Wisconsin State Employees Union, AFSCME, Council 24, AFL-CIO (WSEU) filed a complaint with the Wisconsin Employment Relations Commission alleging that the State of Wisconsin had committed unfair labor practices within the meaning of the State Employment Labor Relations Act.

On December 11, 2012, the Wisconsin Association of Correctional Law Enforcement (WACLE) and Jason Dogs (Dogs) moved to intervene. On December 13, 2012, the State advised that it took no position on the motion. On December 17, 2012, WSEU filed a statement in opposition to the motion.

No. 34029-A

Having considered the matter, I make and issue the following

**ORDER**

The motion to intervene is denied.

Dated at Madison, Wisconsin, this 4th day of January, 2013.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis /s/

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Peter G. Davis, Examiner

**STATE OF WISCONSIN, and**  
**OFFICE OF STATE EMPLOYMENT RELATIONS**

**MEMORANDUM ACCOMPANYING ORDER**  
**DENYING MOTION TO INTERVENE**

Pursuant the ERC 12.04(2)(a), which is applicable to this proceeding by virtue of ERC 22.04, WACLE/Dogs moved to intervene as a party in the unfair labor practice proceedings brought by WSEU against the State. As to WACLE's/Dogs' interest in the matter, WACLE/Dogs assert that the WSEU complaint alleges possible wrongdoing/collusion between the State and WACLE and that the outcome of the complaint may affect the election sought by WACLE as to employees in the Security and Public Safety bargaining unit.

When opposing the motion, WSEU disclaimed any assertion of WACLE wrongdoing/collusion and argued that WACLE's interest in the outcome of the WSEU complaint case is not sufficient to warrant granting the motion to intervene.

The Commission treats a motion to intervene in a complaint case as an application for "party in interest" status under Secs. 111.07(2)(a) and 111.84(4), Stats. State of Wisconsin, Dec. No. 28938-E (WERC, 12/99). Relying in large part on Chauffeurs, Teamsters & Helpers General Union v WERC, 51 Wis.2d 391 (1971), the Commission has held that the statutory meaning of "interest" is "something more than to be affected by or interested in the outcome." Milwaukee Board of School Directors, Dec. No. 16635-B (WERC, 1/83). Clearly, WACLE is interested in and potentially affected the outcome of the WSEU complaint case. However existing "party in interest" precedent requires more than that and, particularly given the WSEU disclaimer noted above, I am satisfied that WACLE is not entitled to intervene as a party in interest in the WSEU complaint proceedings. Thus, I have denied the WACLE motion.<sup>1</sup>

Dated at Madison, Wisconsin, this 4th day of January, 2013.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis /s/

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Peter G. Davis, Examiner

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<sup>1</sup> A complaint hearing is open to the public and thus WACLE is welcome to observe the proceedings to the extent it wishes to do so. In addition, I will reconsider my ruling should the WSEU disclaimer not be maintained.