

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DANIEL WADLE, Complainant,

vs.

BROWN COUNTY UNITED WAY INC.

and

GREATER GREEN BAY LABOR COUNCIL, AFL-CIO

Respondents.

Case ID: 650.0000
Case Type: COMP_CE

DECISION NO. 40241-B

Appearances:

Daniel Wadle, 1124 South Clay Street, Green Bay, Wisconsin, appearing on his own behalf.

Daniel D. Barker, Attorney, Jackson Lewis, P.C., 1 South Pinckney Street, Suite 930, Madison, Wisconsin, appearing on behalf of Brown County United Way, Inc.

Steve McFarlane, President, Greater Green Bay Labor Council, 1570 Elizabeth Street, Green Bay, Wisconsin, appearing on behalf of Greater Green Bay Labor Council, AFL-CIO.

DECISION ON PETITION FOR REVIEW

On May 11, 2023, Daniel Wadle filed a complaint with the Wisconsin Employment Relations Commission alleging that the Brown County United Way, Inc. and the Greater Green Bay Labor Council, AFL-CIO, herein Respondents, committed certain unfair labor practices within the meaning of the Wisconsin Employment Peace Act. Respondents subsequently filed motions to dismiss. On September 15, 2023, Wadle filed an amended complaint. The parties subsequently filed written argument – the last of which was received September 29, 2023.

On January 19, 2024, Commission Examiner Peter G. Davis was appointed as examiner in this matter. On January 23, 2024, Examiner Davis issued an Order Dismissing the Complaint concluding that any Commission jurisdiction over the complaint allegations is preempted by the

National Labor Relations Act, is barred by the statute of limitations, or fails to state a claim that falls within the scope of Wis. Stat. § 111.06(1)(L).

On February 12, 2024, the Complainant filed a Petition for Review; on March 4, 2024, Respondent filed a Brief in Response to Complainant's Petition for Review; and on March 24, 2024, Complainant filed a Brief in Support of his Petition for Review.

The Commission has considered the matter and concludes that the January 23, 2024, dismissal order does not contain any errors of law. As such, Examiner Davis' reasoning is sound.

NOW, THEREFORE, it is:

ORDERED

The Examiner's Order Dismissing Complaint is affirmed.

Issued at the City of Madison, Wisconsin, this 26th day of April 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman