

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-C

Appearances:

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

Daniel D. Barker, Attorney, Jackson Lewis, P.C., 22 E. Mifflin Street, Suite 800, Madison, Wisconsin, appearing on behalf of Brown County United Way, Inc.

Mark A. Sweet, Attorney, Sweet and Associates LLC, 2510 E. Capitol Drive, Milwaukee, Wisconsin, appearing on behalf of Greater Green Bay Labor Council, AFL-CIO.

DECISION ON PETITION FOR REHEARING

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. On April 26, 2024, the Commission issued a Decision on Petition for Review affirming the January 23, 2024, dismissal order.

On May 15, 2024, the Complainant filed a Petition for Rehearing; On May 29, 2024, both Respondents filed a Response in Opposition to the Petition for Rehearing. The Complainant filed an email Reply on May 29, 2024.

Having considered the matter, the Commission concludes it did not make a material error of law or fact when it affirmed the Examiner's dismissal order in this matter.

NOW, THEREFORE, it is:

ORDERED

The Petition for Rehearing is denied.

Issued at the City of Madison, Wisconsin, this 5th day of June 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman