

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
SERVICE EMPLOYEES INTERNATIONAL UNION WISCONSIN
Involving Certain Employees of
UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY

Case ID: 640.0004

Case Type: E_ME

DECISION NO. 40376

Appearances:

Tamara B. Packard and Will N. Kramer, Attorneys, Pines Bach LLP, 122 W. Washington Ave., Suite 900, Madison, Wisconsin, and Robert J. Shore and Jesse Tripathi, Attorneys, Service Employees International Union, 1800 Massachusetts Ave., NW, Washington, DC, appearing on behalf of Service Employees International Union Wisconsin.

James Goldschmidt, Kristin Foster, Nathan Oesch and Hannah Schwartz, Attorneys, Quarles & Brady LLP, 411 E. Wisconsin Ave., Suite 2400, Milwaukee, Wisconsin and Matthew Splitek, Attorney, Quarles & Brady LLP, 33 E. Main St., Suite 900, Madison, Wisconsin, appearing on behalf of the University of Wisconsin Hospitals and Clinics Authority.

ORDER HOLDING PETITION IN ABEYANCE

On March 25, 2024, Service Employees International Union Wisconsin (SEIU) filed a petition with the Wisconsin Employment Relations Commission seeking an election to determine if certain employees of the University of Wisconsin Hospitals and Clinics Authority (UWHCA) wish to be represented by SEIU for the purposes of collective bargaining under the Municipal Employment Relations Act.

The parties subsequently disagreed on a variety of issues including whether the Commission should proceed to process said petition given the SEIU appeal pending before the Wisconsin Court of Appeals, District I, wherein SEIU contends that the UWHCA is an employer within the meaning of the Wisconsin Employment Peace Act. The parties thereafter filed written argument by May 17, 2024.

Having considered the matter, the Commission concludes that the March 25, 2024, petition shall be held in abeyance pending final disposition of litigation in which SEIU contends that UWHCA is an employer within the meaning of the Wisconsin Employment Peace Act.

NOW, THEREFORE, it is:

ORDERED

The March 25, 2024, petition shall be held in abeyance.

Issued at the City of Madison, Wisconsin, this 3rd day of June 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

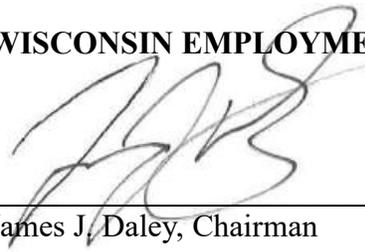
MEMORANDUM ACCOMPANYING ORDER HOLDING PETITION IN ABEYANCE

As reflected in the prelude to the Commission's Order, SEIU is currently contending that the Commission has jurisdiction over the UWHCA under either the Wisconsin Employment Peace Act or the Municipal Employment Relations Act.

In *UWHCA*, Dec. No. 39765 (WERC, 11/22), the Commission concluded that the UWHCA was not an employer within the meaning of the Wisconsin Employment Peace Act. That decision was affirmed by the Dane County Circuit Court (2022CV003199) in March of 2024 and SEIU subsequently sought review in the Court of Appeals. Should it ultimately be concluded that the Commission does have jurisdiction over the UWHCA under the Peace Act, such a result would conflict with any Commission assertion of jurisdiction under the Municipal Employment Relations Act. Given that potential conflict of results, the Commission concludes it is appropriate to hold the March 25, 2024, petition in abeyance pending final disposition of litigation in which SEIU contends that UWHCA is an employer within the meaning of the Wisconsin Employment Peace Act.

Issued at the City of Madison, Wisconsin, this 3rd day of June 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION



James J. Daley, Chairman