

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JAMES S. THIEL, Appellant,

v.

Secretary, **WISCONSIN DEPARTMENT OF TRANSPORTATION**, Respondent.

Case 663
No. 64379
PA(dmrs)-5

Decision No. 31725-B

JAMES S. THIEL, Appellant,

v.

Secretary, **WISCONSIN DEPARTMENT OF TRANSPORTATION**, Respondent.

Case 18
No. 65169
PA(sel)-25

Decision No. 31726-B

ORDER GRANTING REQUEST TO FILE AMICUS BRIEF

By letter dated June 30, 2008, the Association of Career Employees (ACE) sought permission from the Wisconsin Employment Relations Commission to file an amicus brief in the above matter. ACE therein asserted that such a brief would provide relevant and helpful information from ACE's perspective as a professional association that promotes the interests of non-represented classified state employees and monitors Wisconsin's civil service system.

In response to the ACE request, Appellant Thiel advised the Commission on July 3, 2008 that he had no objection thereto. Respondent Department of Transportation (DOT) filed a objection to the request on September 4, 2008 stating that there has been no showing why a brief from ACE would be anything but an opportunity to buttress arguments already made by Appellant and that there are no policy issues that could be elucidated by an amicus brief. ACE filed a response to the DOT objection on September 11, 2008.

Dec. No. 31725-B
Dec. No. 31726-B

We normally only grant a request to file an amicus brief if: (1) a party is not represented competently or is not represented at all; (2) the amicus has an interest in some other case that may be affected by the present case; or (3) the amicus has unique information or a unique perspective that can help the decision-maker. UNIVERSITY OF WISCONSIN HOSPITAL AND CLINICS BOARD, DEC. NO. 29784-D (WERC, 11/00). Because we are satisfied that ACE meets criterion (3) above by virtue of its status as a professional association that promotes the interests of non-represented classified state employees and monitors Wisconsin's civil service system, we hereby grant the ACE request. The ACE brief should be filed on or before October 3, 2008.

Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of September, 2008.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner