

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

AFSCME COUNCIL 32, AFSCME, AFL-CIO and its Affiliated  
LOCAL 163, TIMOTHY BENIKE, and CHAD BIRKHOLZ, Complainants

vs.

WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0609  
Case Type: COMP\_PPS  
Decision No. 40699-B

---

Appearances:

Robert Lindsay, Attorney, Sweet and Associates LLC, 2510 E. Capitol Drive, Milwaukee, Wisconsin, appearing on behalf of the Complainants.

Nicole Porter, Attorney, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin appearing on behalf of the State of Wisconsin Department of Corrections.

**NOTICE OF COMMISSION'S ORDER PURSUANT TO § 111.07(5), STATS.**

On November 21, 2024, Examiner Peter G. Davis issued Findings of Fact, Conclusions of Law and Order with accompanying memorandum in the above-captioned matter determining that the State's asserted conduct interfered with the employees right under Section 111.82 of the State Employment Labor Relations Act and thus constituted an unfair labor practice within the meaning of Section 111.84(1)(a) of that Act; and required Respondent to cease and desist and to post/distribute the Notice that was part of his decision.

Within the 20-day statutory period set forth in § 111.07(5), Stats., no petition for review of said Order was filed and no intervening order by the Examiner or the Commission was issued.

NOW, THEREFORE, the Commission issues the following:

**NOTICE**

By operation of § 111.07(5), Stats., Examiner Davis' Order in the above-captioned matter became the Commission's Order on December 12, 2024.

Within ten days of the date of this Notice, Respondent shall advise the Commission and the Complainants in writing what steps it has taken to comply with the Commission's Order.

Issued at Madison, Wisconsin, this 16<sup>th</sup> day of December 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Commissioner