

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

AFSCME COUNCIL 32, LOCAL 116,
and JOSEPH MILLER, Complainants

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent

Case ID: 2.0181
Case Type: COMP_PPS

DECISION NO. 41480-A

Appearances:

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

William Ramsey, Deputy Legal Counsel, 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 Health Services.

ORDER DENYING PETITIONS FOR REHEARING

On June 5, 2026, the Wisconsin Employment Relations Commission issued Findings of Fact, Conclusions of Law and Order in the above captioned matter concluding that the Respondent State of Wisconsin Department of Health Services had committed an unfair labor practice within the meaning of Section 111.84(1)(a) of the State Employment Labor Relations Act. The Commission ordered Respondent to cease and desist from committing the unfair labor practice and to distribute a Notice to all Department employees.

On June 22, 2026, Respondent filed what was determined to be a Petition for Rehearing asserting that the Commission made an error of law by too broadly ordering distribution of the Notice to all Department employees. That same day, Complainants filed what was determined to be a Petition for Rehearing contending that the Commission made an error of law by too narrowly wording the language in the Notice. Both parties subsequently filed argument – the last of which was received July 9, 2026.

Having considered the matter, the Commission has determined that it did not commit an error of law as to either the scope of the distribution of the Notice or the content of the Notice itself. Because the policy that formed the basis for the unfair labor practice was a Department-wide policy, it was appropriate to advise all Department employees of the statutory employee right

that the policy violated. Because the unfair labor practice found to exist was limited to Section 111.84(1)(a) of the State Employment Labor Relations Act, it is not appropriate to expand the scope of the Notice to other statutory rights that were not litigated.

NOW THEREFORE, it is

ORDERED

The Petitions for Rehearing are denied.

Issued at Madison, Wisconsin, this 22nd day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

Peter G. Davis, Chairman