

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the matter of a Petition for Declaratory Ruling of:
St. Croix County

Case ID: 624.0004
Case Type: DR

Decision No. 41536

ORDER DENYING MOTION TO DISMISS

On May 1, 2026, St. Croix County filed a Petition for Declaratory Ruling pursuant to Section 111.70(4)(b) of the Municipal Employment Relations Act seeking a decision as to whether a Wellness Incentive Program agreement between the County and the Wisconsin Professional Police Association/Law Enforcement Employee Relations Division (WPPA) is a prohibited subject of bargaining. On May 15, 2026, WPPA filed an Answer and Motion to Dismiss the Petition, and on June 18, 2026, the County filed a response.

Having considered the matter, the Commission is persuaded that the Motion to Dismiss should be denied. The County correctly argues that if the Wellness Incentive Program is a prohibited subject of bargaining, it is an illegal and unenforceable agreement. WPPA aptly asserts that there should be some consequence for the County entering into the agreement and then subsequently asserting its illegality. The Commission is open to entertaining further argument in that regard should it be determined that the agreement is illegal and thus unenforceable. However, any such consequence is not sufficient to block the County's right to obtain a decision as to the illegality of the agreement.

NOW, THEREFORE, it is

ORDERED

The motion to dismiss is denied.

Issued at Madison, Wisconsin, this 12th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman