

425-EMPLOYMENT RELATIONS COMMISSION

Dept # 1425I Department Name EMPLOYMENT RELATIONS COMMISSION

RDA # RDA Title Retention Disposition PII

00002000. **INTEREST ARBITRATION CASE FILES (NON-POLICE AND FIRE FIGHTERS)** **EVT+1** **DEST** **N**

Interest arbitration case files created pursuant to Wis. Stat. §§ 111.70(4)(cm) and 111.70(4)(jm) and Wis. Admin. Code ch. Erc 31 and 32 are utilized by the Commission in maintaining a legal record of non-police and fire fighting municipal bargaining units interest arbitration cases and Milwaukee Police interest arbitration cases. Any awards are kept by the Commission (see RDA #00024). Also, the docket sheet for each case containing all important case file information which may or may not appear in the award is kept by the Commission (see RDA #00016).

If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files.

RETENTION: EVENT (Date closed) + 1 year and destroy

00003000. **MUNICIPAL INTEREST ARBITRATION CASE FILES (POLICE AND FIRE FIGHTERS)** **EVT+1** **DEST** **N**

Municipal interest arbitration case files created pursuant to Wis. Stat. § 111.77 and Wis. Admin. Code ch. Erc 30 are utilized by the Commission in maintaining a legal record of public safety bargaining units interest arbitration cases. Any awards are kept by the Commission (see RDA #00024). Also, the docket sheet for each case containing all important case file information which may or may not appear in the award is kept by the Commission (see RDA #00016).

If the file was created after July 1, 2014, it is in electronic form. the Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files.

RETENTION: EVENT (Date closed) + 1 year and destroy

00004000. **GRIEVANCE ARBITRATION CASE FILES** **EVT+1** **DEST** **N**

Grievance arbitration case files created pursuant to Wis. stat. § 111.10, 111.70(4)(c)2 and 111.86 and Wis. Admin. Code ch. Erc 5, 16 and 23, are utilized by the Commission in maintaining a legal record of grievance arbitration cases. Any awards are kept by the Commission (see RDA # 00036). Also, the docket sheet for each case containing all important case file information which may or may not appear in the award is kept by the Commission (see RDA #00016).

If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files.

RETENTION: EVENT (Date closed) + 1 year and destroy

00006000. **DECLARATORY RULING CASE FILES - DECISIONS ISSUED** **EVT+5** **DEST** **N**

Declaratory ruling case files created pursuant to Wis. Stat. §§ 111.70(4)(b) and 227.41 and Wis Admin. Code ch. Erc 9, 18, 19, and 28 are utilized by the Commission in maintaining a legal record of declaratory ruling cases. Any decisions are kept by the Commission (see RDA #00037). Also, the docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see RDA #00016)

If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files.

RETENTION: EVENT (Date closed) + 5 years and destroy

00006A00. **DECLARATORY RULING CASE FILES - NO COMMISSION ACTION** **EVT+1** **DEST** **N**

Commission declaratory ruling case files created pursuant to Wis. Stat. §§ 111.70(4)(b) and 227.41 and Wis. Admin Code ch. Erc 9, 18, 19 and 28 are utilized by the Commission in the maintaining a legal record of declaratory ruling cases. A docket sheet for each case containing all important case file information is kept by the Commission (see RDA #00016)

If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. ch. Adm 12 for the electronic version of all case files.

RETENTION: EVENT (Date closed) + 1 year and destroy

00007000. **CIRCUIT COURT CASE FILES** **EVT+10** **SHSW** **N**

Court case files are utilized by the Commission in maintaining a legal record of cases where the Commission's decision was appealed to circuit court (and potentially to the Court of Appeals and Wisconsin Supreme Court). These case files were previously opened as various types of Commission cases; however, once they find their way into court, the Commission keeps them separate from their original case type and this RDA should be followed. The decision is kept by the Commission according to the respective RDA. Also, the

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docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see RDA #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 10 years and transfer to State Archives (WHS)					
<u>00008000.</u>	<u>COMPLAINT CASE FILES - DECISIONS ISSUED</u>		<u>EVT+5</u>	<u>DEST</u>	<u>N</u>
Complaint case files created pursuant to Wis. Stat. §§ 111.70, 111.70(3) and 111.84 and Wis. Admin. Code ch. Erc 2, 12 and 22 are utilized by the Commission in maintaining a legal record of complaint cases. Any decisions are kept by the Commission (see RDA # 00013). Also, the docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see #00016). If the case file was created after July 1, 2014 it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 5 years and destroy					
<u>00008A00.</u>	<u>COMPLAINT CASE FILES - NO COMMISSION ACTION</u>		<u>EVT+1</u>	<u>DEST</u>	<u>N</u>
Complaint case files created pursuant to Wis. Stat. §§ 111.70, 111.70(3) and 111.84 and Wis. Admin. Code ch. Erc 2, 12 and 22 are utilized by the Commission in maintaining a legal record of complaint cases. The docket sheet for each case containing all important case file information is kept by the Commission (see #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting th requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 1 year and destroy					
<u>00009000.</u>	<u>ELECTION / UNIT CLARIFICATION CASE FILES - ELECTION HELD</u>		<u>EVT+5</u>	<u>DEST</u>	<u>N</u>
Election and unit clarification case files created pursuant to Wis. Stat. §§ 111.05, 111.70(4)(d) and 111.83 and Wis. Admin. Code ch. Erc 3, 7, 11, 17, 21 and 27 are utilized by the Commission in maintaining a legal record of election and unit clarification cases. Any decisions are kept by the Commission (see #00022). Also, the docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see RDA #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 5 years and destroy					
<u>00009A00.</u>	<u>ELECTION / UNIT CLARIFICATION CASE FILES - NO COMMISSION ACTION</u>		<u>EVT+1</u>	<u>DEST</u>	<u>N</u>
Election and unit clarification case files created pursuant to Wis. Stat. §§ 111.05, 111.70(4)(d) and 111.83 and Wis. Admin. Code ch. Erc 3, 7, 11, 17, 21 and 27 are utilized by the Commission in maintaining a legal record of election and unit clarification cases. The docket sheet for each case containing all important case file information is kept by the Commission (see RDA #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 1 year and destroy					
<u>00010000.</u>	<u>MEDIATION CASE FILES</u>		<u>EVT+1</u>	<u>DEST</u>	<u>N</u>
Mediation case files created pursuant to Wis. Stat §§ 111.11, 111.70(4)(c)1 and (4)(cg)3 and 111.87 and Wis. Admin. Code ch. Erc 6, 13 and 24 are utilized by the Commission in maintaining a legal record of mediation cases. The docket sheet for each case containing all important case file information is kept by the Commission (see RDA #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 1 year and destroy					
<u>00012000.</u>	<u>GRIEVANCE ARBITRATION AD HOC PANEL REQUESTS</u>		<u>FIS+1</u>	<u>DEST</u>	<u>N</u>
Pursuant to Wis. Stat. §§ 111.10, 111.70(4)(c)2 and (4)(cg)4, 111.86 and Wis. Admin. Code ch. Erc 40, the Commission receives request to supply panels of ad hoc grievance arbitrators. If the case file was created before July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis Admin. Code ch. Adm 12 for the electronic version of all case files.					

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RETENTION: EVENT (Fiscal) + 1 year and destroy					
<u>00013000.</u>	<u>COMPLAINT DECISIONS AND INDEX</u>		<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
Commission complaint decisions derived from case files created pursuant to Wis. Stat. §§ 111.70, 111.70(3) and 111.84 and Wis. Admin. Code ch. Erc 2, 12 and 22 are the original formal record. Decisions contain formal orders relating to prohibited and unfair labor practices under the Wisconsin Employment Peace Act (Subchapter I), the Municipal Employment Relations Act (Subchapter IV), and the State Employment Labor Relations Act (Subchapter V) of the Wisconsin Statutes. The Commission maintains the original decisions and an index. The index provides specific information related to each decision. If the case file in which the decision was derived from was created after July 1, 2014, the decision is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of decisions RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00015000.</u>	<u>DISPUTE NOTICES</u>		<u>FIS+4</u>	<u>DEST</u>	<u>N</u>
Federal law requires that the state mediation agency (Wisconsin Employment Relations Commission) receive a copy of a notice from a Wisconsin private sector employer or union indicating that it intends to modify or terminate an existing bargaining agreement. State law (Wis. Stat. §§ 111.70(4)(cg)1 and cm(1)) requires that a public sector employer of transit or general employees or the union representing such employees notify the Commission when it has asked the other party to begin negotiations. Sections 111.77(1)(c) and (2) of the Wisconsin Statutes, require that a municipal employer of public safety employees (except the City of Milwaukee Police) or the union representing such employees notify the Commission of a bargaining dispute. RETENTION: EVENT (Fiscal) + 4 years and destroy					
<u>00016000.</u>	<u>DOCKET SHEETS</u>		<u>P</u>	<u>PERM</u>	<u>N</u>
Each case processed by the Commission is opened by employer name and case type (i. e., annual certification election, regular election/unit clarification, arbitration, complaint, declaratory ruling, fact finding, impartial hearing officer, interest arbitration, labor management cooperation, mediation, and personnel appeal) and a docket sheet is created providing pertinent information relative to each case. From 1939 to approximately 1996 all docket sheets were paper. Beginning in 1996 the Commission converted the docketing sheets to an electronic system. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of the docket sheets Retention Justification: Once a case file is destroyed or sent to the State Record Center or Wisconsin Historical Society, the docket sheet is the only permanent record of a case and becomes the main research tool for Commission staff, employers, labor organizations, and the public. Therefore, for research and historical purposes, the docket sheets are kept forever at the Commission offices. RETENTION: Permanent					
<u>00017000.</u>	<u>PERSONNEL APPEAL CASE FILES - DECISION ISSUED</u>		<u>EVT+5</u>	<u>DEST</u>	<u>N</u>
Commission personnel appeal case files are created pursuant to Wis. Stat. §§ 230.44(1) and 230.45(1)(a), (c), (d) and (e). Case files include letters of appeal, correspondence, audiotape's and disks, deposition transcripts, hearing exhibits, hearing transcripts, final decisions and orders, and other related material.. Small parts of these records are confidential under Wis. Stat. §§ 230.13 and 230.16. Any decisions are kept by the Commission (see RDA #00025). Also, the docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see RDA #00016). If the case file was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 5 years and destroy confidential					
<u>00017B00.</u>	<u>PERSONNEL APPEAL CASE FILES - NO COMMISSION ACTION</u>		<u>EVT+1</u>	<u>DEST</u>	<u>N</u>
Commission personnel appeal case files are created pursuant to Wis. Stat. §§ 230.44(1) and 230.45(1)(a), (c), (d) and (e). Case files include letters of appeal, correspondence, audiotapes and disks, deposition transcripts, hearing exhibits, hearing transcripts, final decisions and orders, and other related material. Small parts of these records are confidential under Wis. Stat. §§ 230.13 and 230.16. The docket sheet for each case containing all important case file information which may or may not appear in the case file is kept by the Commission (see RDA #00016).					

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If the case file is created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch Adm 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 1 year and destroy confidential					
<u>00021000.</u>	<u>AD HOC ARBITRATOR FILES</u>		<u>EVT+5</u>	<u>SHSW</u>	<u>Y</u>
Pursuant to Wis. Stat. §§ 111.10, 111.70(4)(c)2, (4)(c)3, (4)(cg)3, (4)(cm)6; 111.77 and 111.86 and Wis. Admin Code ch. Erc 40, the Commission utilizes the service of individual arbitrators for use with interest arbitration, fact finding, and ad hoc panel request and creates individual files for each arbitrator. (Selection is made from a panel submitted by the Commission (see RDA #00012)). These files may include documentation related to the arbitrators' application process, copies of arbitration awards issued by the arbitrators, historical records of fees charged by the arbitrators, and the terms served as a Commission ad hoc arbitrator. RETENTION: EVENT (Arbitrator resignation) + 5 years and transfer to State Archives (WHS)					
<u>00022000.</u>	<u>ELECTION / UNIT CLARIFICATIONS DECISIONS AND INDEX</u>		<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
Election decisions derived from case files created pursuant to Wis. Stat. §§ 111.05, 111.70(4)(m) and 11.83 and Wis. Admin. Code ch. Erc 3, 7, 11, 17, 21 and 27 are the original formal record. Decisions contain information relating to the bargaining unit creation and clarification and are related to the Wisconsin Employment Peace Act, the Municipal Employment Relations Act, and the State Employment Relations Act of the Wisconsin Statutes. The Commission maintains the original decisions and an index. The index provides specific information related to each decision. If the case file in which the decision is derived from was created after July 1, 2014, the decision is in electronic form. The Commission is committed to meeting the requirements of Wis Admin. Code ch. Adm 12 for the electronic version of all decisions. RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00024000.</u>	<u>INTEREST ARBITRATION AWARDS AND INDEX</u>		<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
Interest arbitration awards are received by the Commission from arbitrators selected by the parties and appointed by the Commission to hear and decide a case pursuant to Wis. Stat. §§ 111.70(4)(cm)6, 111.70(4)(jm) and 111.77. Commission maintains the original awards and an index. The index provides specific information related to each award. If the case file in which the award was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all awards. RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00025000.</u>	<u>PERSONNEL APPEAL DECISIONS AND INDEX</u>		<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
Personnel appeal decisions derived from case files created pursuant to Wis. Stat. §§ 230.44(1) and 230.45(1)(a), (c), (d) and (e) are the original formal record of the former Personnel Commission (prior to 2003) and the Commission. Decisions contain formal orders of the Commission relative to the outcome of State employee's appeals of employment actions. The Commission maintains the original decisions and an index. The index provides specific information related to each decision. If the case file in which the decision was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all decisions. RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00026000.</u>	<u>ANNUAL CERTIFICATION ELECTION CASE FILES - ELECTION HELD</u>		<u>EVT+5</u>	<u>DEST</u>	<u>N</u>
Annual certification election case files created pursuant to Wis. Stat. §§ 111.83(3)(b) or 111.70(4)(d)3.b. are utilized by the Commission in maintaining a legal record of bargaining units and representatives which information is used by the Commission and other interested parties. Any decisions are kept by the Commission (see RDA #00033). Also, the docket sheet for each case containing all important case file information which may or may not appear in the decision is kept by the Commission (see RDA #00016). If the case file is created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all case files. RETENTION: EVENT (Date closed) + 5 years and destroy					
<u>00026A00.</u>	<u>ANNUAL CERTIFICATION ELECTION CASE FILES - NO COMMISSION ACTION</u>		<u>EVT+1</u>	<u>DEST</u>	<u>N</u>
Annual certification election case files created pursuant to Wis. Stat. §§ 111.83(3)(b) or 111.70(4)(d)3.b. are utilized by the Commission and other interested parties. The docket sheet for each case containing all important case file information is kept by the Commission and other interested parties. The docket sheet for each case containing all important case file information is kept by the Commission (see RDA #00016). If the case file is created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all case files.					

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RETENTION: EVENT (Date closed) + 1 year and destroy					
<u>00028000.</u>	<u>IMPARTIAL HEARING OFFICER CASE FILES</u>	<u>EVT+1</u>	<u>DEST</u>	<u>N</u>	
Impartial hearing officer case files are created pursuant to Wis. Stat. §§ 36.115(4)(b) and 66.0509 and utilized by the Commission in maintaining a legal record of impartial hearing officer cases. Any decisions are kept by the Commission (see RDA #00034). Also, the docket sheet for each case containing all important case files information which may or may not appear in the decision is kept by the Commission (see RDA #00016).					
If the case file is created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all case files.					
RETENTION: EVENT (Date closed) + 1 year and destroy					
<u>00030000.</u>	<u>NOTICES OF CONSEQUENCE</u>	<u>EVT+2</u>	<u>DEST</u>	<u>N</u>	
Notices of consequences created pursuant to Wis. Admin. Code ch. Erc 70.03, 71.03, and 80.03 are utilized by the Commission in maintaining a legal record of requests for documentation of the consequences of not participating in an annual certification election.					
If the notice was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all case files.					
RETENTION: EVENT (Date of issuance) + 2 years and destroy					
<u>00031000.</u>	<u>10-DAY NOTICE OF INTENT TO STRIKE</u>	<u>EVT+2</u>	<u>DEST</u>	<u>N</u>	
Ten-day notices of intent to strike are sent to the Commission pursuant to Wis. Stat. § 111.115 to inform the Commission of certain potential union strikes concerning a private sector employer.					
RETENTION: EVENT (Date received) + 2 years and destroy					
<u>00033000.</u>	<u>ANNUAL CERTIFICATION ELECTION ORIGINAL DECISIONS AND INDEX</u>	<u>EVT+5</u>	<u>SHSW</u>	<u>N</u>	
Pursuant to Wis. Stat. §§ 111.83(3)(b) or 111.70(4)(d)3.b., during an annual certification election case the Commission issues Directions of Election, Certifications of Election Results and decisions on motions and/or election objections. These decisions are the original formal record. The Commission maintains the original decisions and an index. The index provides specific information related to each decision.					
If the case file in which the decision was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. Adm 12 for the electronic version of all decisions.					
RETENTION: EVENT (Date of issuance) + 5 years and transfer to State Archives (WHS)					
<u>00034000.</u>	<u>IMPARTIAL HEARING OFFICER CASE ORIGINAL DECISIONS AND INDEX</u>	<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>	
The Commission and its staff are available, upon request, to serve as Impartial Hearing Officers as part of statutorily required grievance procedures. The Commission maintains the original decisions and an index. The index provides specific information related to each decision.					
If the case file in which the decision was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all decisions.					
RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00036000.</u>	<u>GRIEVANCE ARBITRATION CASE ORIGINAL AWARDS AND INDEX</u>	<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>	
Sections 111.10, 111.70(4)(c)2, (cg)4, and 111.86 of the Wisconsin Statutes authorize the Commission staff to issue grievance arbitration awards interpreting collective bargaining agreements. These awards are the original formal record. The Commission maintains the original awards and an index. The index provides specific information related to each award.					
If the case file in which the award was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all awards.					
RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)					
<u>00037000.</u>	<u>DECLARATORY RULING CASE ORIGINAL DECISIONS AND INDEX</u>	<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>	
Sections 111.70(4)(b) and 227.41 of the Wisconsin Statutes authorize the Commission to issue declaratory ruling decisions interpreting the laws the Commission administers. These decisions are the original formal record. The Commission maintains the original decisions and an index. The index provides specific information related to each decision.					
If the case file in which the decision was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all decisions.					

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RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)

<u>00038000.</u>	<u>REFERENDUM CASE ORIGINAL DECISIONS AND INDEX</u>	<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
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Section 111.06(1)(c) - until repealed by 2015 Act 1 - and Sections 111.70(2) and 111.85 of the Wisconsin Statutes authorize the Commission to conduct referenda to determine whether a union security agreement can be created or should continue. During this process the Commission issues Directions, Certifications of Results and decisions on motions and/or objections. The index provides specific information related to each decision.

If the case file in which the decision was derived from was created after July 1, 2014, it is in electronic form. The Commission is committed to meeting the requirements of Wis. Admin. Code ch. ADM 12 for the electronic version of all decisions.

RETENTION: EVENT (Date of issuance) + 10 years and transfer to State Archives (WHS)