LRBb0237

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: **05/10/2001**

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Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Mason**

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Topic:

Staff support for collective bargaining training activities

Instructions:

See Attached.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	champra 05/10/2001	wjackson 05/11/2001	martykr 05/11/2001	_____ _____	lrb_docadmin 05/11/2001		

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/1	champra	/1 WLj 5/11	Km 5/11	ch 5/11 Km 5/11			

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Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 2, 2001 | Joint Committee on Finance | Paper #426

Staff Support for Collective Bargaining Training Activities (Employment Relations Commission)

CURRENT LAW

Public and private employers and labor unions may request the Wisconsin Employment Relations Commission (WERC) to assemble a list ("panel") of arbitrators who are not employees or members of the Commission to arbitrate contract grievances. The WERC is required to provide training programs on a regular basis to prepare individuals to serve as outside arbitrators.

The WERC also offers periodic sessions to train employers and employees in consensus bargaining techniques and labor/management cooperation programs. Modest fees are charged to participants in all of these programs and are credited to an annual program revenue account that supports collective bargaining training activities. The base level expenditure authority for this appropriation is $12,000 PR annually.

GOVERNOR

Continue base level expenditure authority of $12,000 PR annually for collective bargaining training expenses.

DISCUSSION POINTS

1. The following table summarizes the number of collective bargaining training sessions offered by WERC staff and the total amount of fee revenues collected from the session participants since the 1997-98 fiscal year.

Fiscal Year	Number of Training Sessions	Revenues Collected
1997-98	13	$23,700
1998-99	21	33,200
1999-00	17	21,000
2000-01*	14	16,500

*Data through March 31, 2001.

2. Most of the sessions offered by the WERC during the last several years have been either the consensus bargaining training program or the labor/management cooperation program. The former program emphasizes the development and use of problem-solving techniques (such as interest-based bargaining and "win-win" bargaining approaches) that can be used effectively during actual contract negotiations. The latter program emphasizes consensus decision-making and problem solving approaches that may be used in resolving disputes and grievances that arise once a collective bargaining agreement is already in place.

3. The training programs are often structured to address issues of concern to management and labor interests in a specific unit of government (such as a municipality or a school district) and may be offered by the Commission in a variety of half-day, one-day, one and one-half day and two-day formats to meet participants' needs. The training consists of face-to-face lectures delivered by qualified WERC staff and group exercises to be completed by the trainees. Fees charged to individuals involved in one-day (or less) formats are $70 per participant. For individuals involved on training programs lasting more than one day, the fee charged is $110 per participant.

4. Frequently, in an effort to encourage participant follow-through in applying the approaches covered in earlier, formal training sessions, the Commission will allow recent trainees to sit in on subsequent "refresher" training sessions at no additional cost to the participant.

5. These training sessions are typically coordinated and conducted by a Commission staff member who functions as director of labor/management cooperation programs. Additional assistance is generally provided, as needed, by one or more Commission attorneys and by one of the Commissioners, who has a strong interest in consensus building collective bargaining techniques. All of these agency positions are currently entirely GPR-funded.

6. On March 31, 2001, there was an unappropriated revenue balance of $65,300 PR in the collective bargaining training appropriation account. In addition, based on the last three full fiscal years (1997-98 through 1999-00), program receipts credited to this appropriation account have averaged $26,000 PR-REV annually. The collective bargaining training revenue stream appears to be reasonably reliable; furthermore, the opportunity would appear to exist for the Commission to generate yet additional revenues if it began to charge a fee for post-training course "refresher" sessions or promoted additional basic training sessions.

7. Based on the current unappropriated balance in the collective bargaining training appropriation account and likely future revenues into this account, an argument can be advanced

that there are sufficient funds available to convert a portion of the position that functions as director of labor/management cooperation programs from GPR funding to PR funding.

8. However, insufficient revenues are available to convert 1.0 FTE position entirely from GPR to PR funding. The portion of the position that could be converted will depend on what additional expenditures the Committee authorizes to be funded from this appropriation.

9. Base level supplies and services funding of $12,000 PR annually associated with offering the current program of training sessions is budgeted to this appropriation. These expenditures support the purchase of training equipment and instructional materials and some limited travel-related expenses. These costs appear reasonable, and the level of funding provided appears to be consistent with actual program needs. In the 1999-00 fiscal year, less than $1,000 PR in supplies and services expenditure authority remained unused by the end of the year.

10. Allowing for a continuation of $12,000 PR annually of base level supplies and services funding, the collective bargaining training appropriation could additionally support the conversion of 0.3 FTE and $29,700 annually associated with the mediator position at the WERC engaged in directing labor/management cooperative programs from GPR to PR funding.

11. However, on April 13, 2001, this Committee approved a s. 16.515 request from the WERC to provide increased expenditure authority of $20,200 PR in 2000-01 under the collective bargaining training appropriation. The purpose of the increased expenditure authority is to permit the WERC to contract with the Department of Employment Relations (DER) to continue to deliver labor/management cooperative training to supervisors and union members in state agencies and to offer such training to interested local governments. While the Committee's action to provide $20,200 PR in 2000-01 will have the effect of reducing the current unappropriated balance under collective bargaining training account by an equivalent amount, this adjustment has already been taken into account in developing the above 0.3 FTE funding conversion proposal.

12. The WERC originally sought $50,000 PR under its s. 16.515 request, with $20,200 PR provided in the 2000-01 fiscal year and the remaining $29,800 PR provided in the 2001-02 fiscal year. The total proposed budget would have supported: (a) DER meeting and administrative costs to design the program's expansion and the associated development of training modules ($23,400 PR); (b) workshops and training forums ($18,900 PR); (c) website development ($3,500 PR); and (d) newsletter production and distribution ($4,200 PR).

13. In approving the WERC request for 2000-01 only, the Committee advised the agency that the question of providing additional expenditure authority of $29,800 PR in 2001-02 under the collective bargaining training appropriation would be addressed as part of this body's biennial budget deliberations.

14. DER has developed a consensus bargaining approach as part of biennial contract negotiations between the Wisconsin State Employees Union (WSEU) and the state as employer. DER was initially successful in securing a $90,000 grant in 1997-98 from the Federal Mediation and Conciliation Service to create a Joint Labor/Management Committee to identify, communicate and replicate "best practices" in labor/management cooperation. The initial federal grant was used

to prepare "best practice" documents and presentations and to offer several regional training forums.

15. The initial federal grant has now been fully expended. The proposal to have WERC fund a contract extension with DER into 2001-02 would permit the latter agency to continue the development of appropriate labor/management cooperation practices for state agencies.

16. Arguments in favor of providing additional expenditure authority of $29,800 PR in 2001-02 would include the following:

- The best practice teams organized in a number of state agencies arguably have had a tangible benefit for the state by directly reducing state agency costs associated with grievance and discharge arbitrations. DER believes that the agency staff involvement costs foregone in 1999-00 as a result of the reduced number of arbitrations in that year compared to historic caseload patterns amounted to $303,800 (all funds) on grievance arbitrations and $152,500 (all funds) on discharge arbitrations. However, it should be noted that these amounts were not lapsed from agency budgets. Staff time and base funding were simply freed for other activities.

- DER could continue to develop and evaluate training interventions and processes that facilitate team-building relationships.

- DER could involve new teams and state agency work sites in learning "best practices" approaches thereby making it more likely that additional grievance related costs could be avoided.

- DER could continue follow-up training for past participants in the program.

- Continuation of the contract would help maximize an additional $25,000 grant from AFSCME International to its local Council 24 to help continue these "best practice" approaches in state government agencies.

17. Arguments against providing additional expenditure authority of $29,800 PR in 2001-02 would include the following:

- The additional amounts provided for a contract with DER would have the effect of reducing the portion of the WERC mediator position that could be converted from GPR funding to PR funding. No more than 0.25 FTE position and $24,800 annually could be converted from GPR to PR funding, if the DER contract continuation amounts of $29,800 PR in 2001-02 are also funded at this time by the Committee.

- There does not appear to be any reason why WERC staff could not offer some of this type of training to state agency personnel and also charge fees that would help support Commission activities supported by the collective bargaining training appropriation.

- The $20,200 PR already provided for 2000-01 should be sufficient to support most of DER's costs associated with the actual design of the program's expansion and the development of training modules. DER could explore other funding options, such as charging additional participant fees to fund the additional raining sessions.

18. If the Committee chooses to convert a portion of the WERC staff function associated with the supervision of the agency's labor/management cooperative training program and not provide any additional funding to permit the WERC to contract with DER in 2000-01 to deliver similar training to supervisors and union members primarily in state agencies, then it could convert 0.3 FTE position and $29,700 annually from GPR to PR funding.

19. Alternatively, if the Committee chooses to convert a portion of the WERC staff function associated with the supervision of the agency's labor/management cooperative training program and also provide $29,800 PR in 2001-02 to the agency's collective bargaining training appropriation to permit the WERC to contract with DER in 2000-01 to deliver similar training to supervisors and union members primarily in state agencies, then it could convert 0.25 FTE position and $24,800 annually from GPR to PR funding.

ALTERNATIVES TO BASE

1. Convert 0.3 FTE position and $29,700 annually associated with the supervision of the WERC's labor/management cooperative training program from GPR to PR funding, to be supported from collective bargaining training fees.

Alternative 1	GPR	PR	TOTAL
2001-03 FUNDING (Change to Base)	- $59,400	$59,400	$0
[Change to Bill	*- $59,400*	*59,400*	*$0]*
2002-03 POSITIONS (Change to Base)	- 0.30	0.30	0.00
[Change to Bill	*- 0.30*	*0.30*	*0.00]*

2. Convert 0.25 FTE position and $24,800 annually associated with the supervision of the WERC's labor/management cooperative training program from GPR to PR funding, to be supported from collective bargaining training fees, and provide $29,800 PR in 2001-02 to the collective bargaining training appropriation to permit the WERC to contract with the Department of Employment Relations to deliver labor/management cooperative training to supervisors and union members primarily in state agencies.

Alternative 1	GPR	PR	TOTAL
2001-03 FUNDING (Change to Base)	- $49,600	$79,400	$0
[Change to Bill	*- $49,600*	*79,400*	*0]*
2002-03 POSITIONS (Change to Base)	- 0.25	0.25	0.00
[Change to Bill	*- 0.25*	*0.25*	*0.00]*

Per Tony: add word "specify" to s. 20.425(1)(h) appropriation to ensure that appropriation has necessary purpose

3. Maintain current law.

Prepared by: Tony Mason

Some WERC question as to whether it does.

State of Wisconsin
2001 – 2002 LEGISLATURE

LRBb0237/1
RAC:/:....
WLJ

Scan

LFB:.....Mason – Staff support for collective bargaining training activities

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

At the locations indicated, amend the bill as follows:

1. Page 530, line 23: after that line insert:

"**SECTION 687m.** 20.425 (1) (h) of the statutes is amended to read:

20.425 **(1)** (h) *Collective bargaining training.* The amounts in the schedule for the cost of operating training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3). All moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, shall be credited to this appropriation account.".

History: 1981 c. 20; 1983 a. 27; 1985 a. 29, 318; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1999 a. 9.

(END)

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