2007 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB40)

Received: **06/15/2007**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3953**

By/Representing: **Zimmerman**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Local Gov't - misc**
Employ Pub - collective bargain

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Zimmerman -

Topic:

Law enforcement officers, fire fighters; disciplinary action, arbitration

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Instructions:

See Attached. Adapt LRB -2799/P1 as an amendment, and delete current provisions related to fire fighters and arbitration from the sub.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers 06/15/2007 chanaman 06/18/2007	kfollett 06/18/2007		_____ _____ _____ _____			
/1			nnatzke 06/18/2007	_____ _____	cduerst 06/18/2007		

FE Sent For:

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers	/1 kjf 6/18	nwn 6/18	nwn/cs 6/18			
/1 MES 6/15/07							

FE Sent For:

<END>

State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0404/1
MES&CMH.....

LFB:.....Zimmerman - Law enforcement officers, fire fighters; disciplinary action, arbitration

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

At the locations indicated, amend the substitute amendment as follows:

1. Page 829, line 14: delete lines 14 to 25.

2. Page 830, line 1: delete lines 1 to 15 and substitute:

(END)

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

AN ACT ***to renumber*** 111.70 (4) (c) 2.; ***to amend*** 62.13 (5) (i) and 111.70 (4) (m) (title); and ***to create*** 111.70 (4) (c) 2. b. and 111.70 (4) (mc) of the statutes; **relating to:** allowing police officers and fire fighters to appeal disciplinary action to arbitration.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 62.13 (5) (i) of the statutes is amended to read:

" 62.13 **(5)** (i) Any person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including

all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (em), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. ~~If the order of the board is sustained it shall be final and conclusive.~~ //.

H. page 1278, line 17: after that line insert:

SECTION 2. 111.70 (4) (c) 2. of the statutes is renumbered 111.70 (4) (c) 2. a.

2666e

SECTION 3. 111.70 (4) (c) 2. b. of the statutes is created to read:

2666f

111.70 **(4)** (c) 2. b. A collective bargaining agreement entered into between law enforcement and fire fighting personnel and a municipal employer may, notwithstanding s. 62.13 (5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

2679g

SECTION 4. 111.70 (4) (m) (title) of the statutes is amended to read:

111.70 **(4)** (m) (title) *Prohibited subjects of bargaining; school district municipal employers.*

2679i

SECTION 5. 111.70 (4) (mc) of the statutes is created to read:

111.70 **(4)** (mc) *Prohibited subjects of bargaining; fire fighting and law enforcement personnel.* In a bargaining unit containing fire fighting or law enforcement personnel, the municipal employer is prohibited from bargaining collectively with respect to:

1. The prohibition of access to arbitration as an alternative to the procedures in s. 62.13 (5).

2. The reduction of standards in s. 62.13 (5) (em) 1. to 7.

3. The payment of compensation in a way that is inconsistent with s. 62.13 (5) (h). ".

(END)

#. Page 1667, line 10: after "FIGHTERS" insert (CS) ", LAW ENFORCEMENT OFFICERS".

page 1667, line 11: delete "fire fighter" and substitute "person".

(END)

Page 1656, line 8: after that line insert (CS) DISPUTE RESOLUTION; FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS. "(1f) The treatment of section 111.70 (4)(c) 2. b. and (mc) of the statutes first applies to fire fighters and law enforcement personnel who are affected by a collective bargaining agreement that contains provisions that are inconsistent with that treatment on the day on which the agreement expires, is extended, modified, or renewed, whichever occurs first."

initial appl

State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0404/1
MES&CMH:kjf&wlj:nwn

LFB:.....Zimmerman - Law enforcement officers, fire fighters; disciplinary action, arbitration

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

At the locations indicated, amend the substitute amendment as follows:

1. Page 829, line 14: delete lines 14 to 25.

2. Page 830, line 1: delete lines 1 to 15 and substitute:

"62.13 **(5)** (i) Any person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court,

which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (em), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. ~~If the order of the board is sustained it shall be final and conclusive.~~".

3. Page 1228, line 17: after that line insert:

"**SECTION 2666e.** 111.70 (4) (c) 2. of the statutes is renumbered 111.70 (4) (c) 2. a.

SECTION 2666f. 111.70 (4) (c) 2. b. of the statutes is created to read:

111.70 **(4)** (c) 2. b. A collective bargaining agreement entered into between law enforcement and fire fighting personnel and a municipal employer may, notwithstanding s. 62.13 (5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

SECTION 2679g. 111.70 (4) (m) (title) of the statutes is amended to read:

111.70 **(4)** (m) (title) *Prohibited subjects of bargaining; school district municipal employers.*

1 **SECTION 2679i.** 111.70 (4) (mc) of the statutes is created to read:

2 111.70 **(4)** (mc) *Prohibited subjects of bargaining; fire fighting and law*
3 *enforcement personnel.* In a bargaining unit containing fire fighting or law
4 enforcement personnel, the municipal employer is prohibited from bargaining
5 collectively with respect to:

6 1. The prohibition of access to arbitration as an alternative to the procedures
7 in s. 62.13 (5).

8 2. The reduction of standards in s. 62.13 (5) (em) 1. to 7.

9 3. The payment of compensation in a way that is inconsistent with s. 62.13 (5)
10 (h).".

11 **4.** Page 1656, line 8: after that line insert:

12 "(1f) DISPUTE RESOLUTION; FIRE FIGHTERS AND LAW ENFORCEMENT OFFICERS. The
13 treatment of section 111.70 (4) (c) 2. b. and (mc) of the statutes first applies to fire
14 fighters and law enforcement personnel who are affected by a collective bargaining
15 agreement that contains provisions that are inconsistent with that treatment on the
16 day on which the agreement expires, or is extended, modified, or renewed, whichever
17 occurs first.".

18 **5.** Page 1667, line 10: after "FIGHTERS" insert ", LAW ENFORCEMENT OFFICERS".

19 **6.** Page 1667, line 11: delete "fire fighter" and substitute "person".

20 **(END)**