

1 **SECTION 136.** 49.47 (5) (intro.) of the statutes is amended to read:

2 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make
3 additional investigation of eligibility at any of the following times:

4 **SECTION 137.** 49.47 (5) (a) of the statutes is amended to read:

5 49.47 (5) (a) When there is reasonable ground for belief that an applicant may
6 not be eligible or that the beneficiary may have received benefits to which the
7 beneficiary is not entitled; ~~or,~~

8 **SECTION 138.** 49.47 (5) (c) of the statutes is created to read:

9 49.47 (5) (c) Any time determined by the department by rule promulgated
10 under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility,
11 except that if federal law allows a reevaluation of eligibility more frequently than
12 every 12 months and if there is no conflicting provision of state law, the department
13 is not required to promulgate a rule to reevaluate eligibility under this section.

14 **SECTION 139.** 49.47 (6) (a) (intro.) of the statutes is amended to read:

15 49.47 (6) (a) (intro.) The Unless otherwise provided by the department by rule
16 promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to
17 certified providers for medical assistance on behalf of the following:

18 **SECTION 140.** 49.471 (13) of the statutes is created to read:

19 49.471 (13) APPLICABILITY. If the department promulgates a rule under s. 49.45
20 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those
21 subsections conflict with the rule.

22 **SECTION 141.** 49.472 (3) (intro.) of the statutes is amended to read:

23 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless
24 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),

1 an individual is eligible for and shall receive medical assistance under this section
2 if all of the following conditions are met:

3 **SECTION 142.** 49.472 (4) (b) (intro.) of the statutes is amended to read:

4 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
5 calculated to be below \$10 per month. ~~The~~ Unless otherwise provided by the
6 department by rule promulgated under s. 49.45 (2m) (c), the department may not
7 assess a monthly premium for any individual whose income level, after adding the
8 individual's earned income and unearned income, is below 150% of the poverty line.

9 **SECTION 143.** 49.473 (2) (intro.) of the statutes is amended to read:

10 49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
11 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as
12 provided under sub. (5) if, after applying to the department or a county department,
13 the department or a county department determines that she meets all of the
14 following requirements:

15 **SECTION 144.** 49.473 (5) of the statutes is amended to read:

16 49.473 (5) The department shall audit and pay, from the appropriation
17 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
18 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
19 meets the requirements under sub. (2) for all benefits and services specified under
20 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under
21 s. 49.45 (2m) (c).

22 **SECTION 145.** 49.825 (3) (b) 4. of the statutes is repealed.

23 **SECTION 146.** 49.826 (3) (b) 4. of the statutes is repealed.

24 **SECTION 147.** Chapter 52 of the statutes is repealed.

25 **SECTION 148.** 59.875 of the statutes is created to read:

1 **59.875 Payment of contributions in an employee retirement system of**
2 **populous counties.** (1) In this section, "county" means any county having a
3 population of 500,000 or more.

4 (2) Beginning on the effective date of this subsection [LRB inserts date], in
5 any employee retirement system of a county, except as otherwise provided in a
6 collective bargaining agreement entered into under subch. IV of ch. 111, employees
7 shall pay half of all actuarially required contributions for funding benefits under the
8 retirement system. The employer may not pay on behalf of an employee any of the
9 employee's share of the actuarially required contributions.

10 **SECTION 149.** 62.623 of the statutes is created to read:

11 **62.623 Payment of contributions in an employee retirement system of**
12 **a 1st class city.** Beginning on the effective date of this section [LRB inserts date],
13 in any employee retirement system of a 1st class city, except as otherwise provided
14 in a collective bargaining agreement entered into under subch. IV of ch. 111,
15 employees shall pay half of all actuarially required contributions for funding benefits
16 under the retirement system. The employer may not pay on behalf of an employee
17 any of the employee's share of the actuarially required contributions.

18 **SECTION 150.** 66.0506 of the statutes is created to read:

19 **66.0506 Referendum; increase in employee wages.** (1) In this section,
20 "local governmental unit" means any city, village, town, county, metropolitan
21 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
22 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
23 subdivision of the state, or instrumentality of one or more political subdivisions of
24 the state.

1 **(2)** If any local governmental unit wishes to increase the total base wages of
2 its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that
3 exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local
4 governmental unit shall adopt a resolution to that effect. The resolution shall specify
5 the amount by which the proposed total base wages increase will exceed the limit
6 under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved
7 in a referendum called for that purpose. The referendum shall occur in November
8 for collective bargaining agreements that begin the following January 1. The results
9 of a referendum apply to the total base wages only in the next collective bargaining
10 agreement.

11 **(3)** The referendum question shall be substantially as follows: "Shall the
12 [general municipal employees] in the [local governmental unit] receive a total
13 increase in wages from \$....[current total base wages] to \$....[proposed total base
14 wages], which is a percentage wage increase that is [x] percent higher than the
15 percent of the consumer price index increase, for a total percentage increase in wages
16 of [x]?"

17 **SECTION 151.** 66.0508 of the statutes is created to read:

18 **66.0508 Collective bargaining.** (1) In this section, "local governmental
19 unit" has the meaning given in s. 66.0506 (1).

20 **(1m)** Except as provided under subch. IV of ch. 111, no local governmental unit
21 may collectively bargain with its employees.

22 **(2)** If a local governmental unit has in effect on the effective date of this
23 subsection [LRB inserts date], an ordinance or resolution that is inconsistent with
24 sub. (1m), the ordinance or resolution does not apply and may not be enforced.

BILL

SECTION 151

1 **(3)** Each local governmental unit that is collectively bargaining with its
2 employees shall determine the maximum total base wages expenditure that is
3 subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer
4 price index change using the same method the department of revenue uses under s.
5 73.03 (68).

6 **SECTION 152.** 66.0518 of the statutes is created to read:

7 **66.0518 Defined benefit pension plans.** A local governmental unit, as
8 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its
9 employees unless the plan requires the employees to pay half of all actuarially
10 required contributions for funding benefits under the plan and prohibits the local
11 governmental unit from paying on behalf of an employee any of the employee's share
12 of the actuarially required contributions.

13 **SECTION 153.** 66.1104 (1) (a) of the statutes is amended to read:

14 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
15 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. ~~52~~, 231, 232,
16 233, 234, 235, 237, or 279.

17 **SECTION 154.** 70.11 (41s) of the statutes is repealed.

18 **SECTION 155.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
21 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
22 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River
23 Navigational System Authority, of the Wisconsin Economic Development
24 Corporation, and of the Wisconsin Aerospace Authority.

25 **SECTION 156.** 73.03 (68) of the statutes is created to read:

1 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
2 as provided under s. 111.91 (3q), to determine the average annual percentage change
3 in the U.S. consumer price index for all urban consumers, U.S. city average, as
4 determined by the federal department of labor, for the 12 months immediately
5 preceding the request from the Wisconsin Employment Relations Commission.

6 **SECTION 157.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act
7 (January 2011 Special Session Senate Bill 6), is amended to read:

8 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
11 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
12 Navigational System Authority.

13 **SECTION 158.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
14 (January 2011 Special Session Senate Bill 6), is amended to read:

15 100.45 (1) (dm) "State agency" means any office, department, agency,
16 institution of higher education, association, society or other body in state
17 government created or authorized to be created by the constitution or any law which
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
20 Center Sports and Entertainment Corporation, the University of Wisconsin
21 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
22 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
23 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
24 Navigational System Authority.

1 **SECTION 159.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 101.177 (1) (d) "State agency" means any office, department, agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
8 Center Sports and Entertainment Corporation, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
10 ~~Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation,
11 and the Wisconsin Health and Educational Facilities Authority, but excluding the
12 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
13 Remediation Authority.

14 **SECTION 160.** 109.03 (1) (b) of the statutes is amended to read:

15 109.03 (1) (b) School district and private school employees who voluntarily
16 request payment over a 12-month period for personal services performed during the
17 school year, unless ~~such,~~ with respect to private school employees, the employees are
18 covered under a valid collective bargaining agreement which precludes this method
19 of payment.

20 **SECTION 161.** 111.02 (1) of the statutes is amended to read:

21 111.02 (1) ~~The term "all-union~~ "All-union agreement" shall mean means an
22 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
23 ~~and Clinics Authority~~ and the representative of the employer's employees in a
24 collective bargaining unit whereby all or any of the employees in such unit are
25 required to be members of a single labor organization.

1 **SECTION 162.** 111.02 (2) of the statutes is amended to read:

2 111.02 (2) "Collective bargaining" ~~is the negotiating~~ means the negotiation by
3 an employer and a majority of the employer's employees in a collective bargaining
4 unit, or their representatives, concerning representation or terms and conditions of
5 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~
6 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject
7 under negotiation.

8 **SECTION 163.** 111.02 (3) of the statutes is amended to read:

9 111.02 (3) "Collective bargaining unit" means all of the employees of one
10 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
11 ~~except that where a majority of the employees engaged in a single craft, division,~~
12 ~~department or plant have voted by secret ballot as provided in s. 111.05 (2) to~~
13 ~~constitute such group a separate bargaining unit they shall be so considered, but, in~~
14 ~~appropriate cases, and to aid in the more efficient administration of ss. 111.01 to~~
15 ~~111.19, the commission may find, where agreeable to all parties affected in any way~~
16 ~~thereby, an industry, trade or business comprising more than one employer in an~~
17 ~~association in any geographical area to be a "collective bargaining unit". A collective~~
18 ~~bargaining unit thus established by the commission shall be subject to all rights by~~
19 ~~termination or modification given by ss. 111.01 to 111.19 in reference to collective~~
20 ~~bargaining units otherwise established under ss. 111.01 to 111.19. Two or more~~
21 ~~collective bargaining units may bargain collectively through the same~~
22 ~~representative where a majority of the employees in each separate unit have voted~~
23 ~~by secret ballot as provided in s. 111.05 (2) so to do.~~

24 **SECTION 164.** 111.02 (6) (am) of the statutes is repealed.

1 **SECTION 165.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
2 renumbered 111.02 (7) (a) and amended to read:

3 111.02 (7) (a) "Employer" means a person who engages the services of an
4 employee, and includes ~~all of the following: 1. A~~ a person acting on behalf of an
5 employer within the scope of his or her authority, express or implied.

6 **SECTION 166.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

7 **SECTION 167.** 111.02 (7) (b) 1. of the statutes is amended to read:

8 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
9 subdivision thereof.

10 **SECTION 168.** 111.02 (7m) of the statutes is repealed.

11 **SECTION 169.** 111.02 (9m) of the statutes is repealed.

12 **SECTION 170.** 111.02 (10m) of the statutes is repealed.

13 **SECTION 171.** 111.05 (2) of the statutes is amended to read:

14 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
15 question arises concerning the determination of a collective bargaining unit ~~as~~
16 ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,
17 upon request, shall cause the ballot to be taken in such manner as to show separately
18 the wishes of the employees in any craft, division, department or plant as to the
19 determination of the collective bargaining unit.

20 **SECTION 172.** 111.05 (3g) of the statutes is repealed.

21 **SECTION 173.** 111.05 (5) of the statutes is repealed.

22 **SECTION 174.** 111.05 (6) of the statutes is repealed.

23 **SECTION 175.** 111.05 (7) of the statutes is repealed.

24 **SECTION 176.** 111.06 (1) (c) 1. of the statutes is amended to read:

1 111.06 (1) (c) 1. To encourage or discourage membership in any labor
2 organization, employee agency, committee, association or representation plan by
3 discrimination in regard to hiring, tenure or other terms or conditions of employment
4 except in a collective bargaining unit where an all-union, fair-share or maintenance
5 of membership agreement is in effect. An employer is not prohibited from entering
6 into an all-union agreement with the voluntarily recognized representative of the
7 employees in a collective bargaining unit, where at least a majority of such employees
8 voting have voted affirmatively, by secret ballot, in favor of such all-union agreement
9 in a referendum conducted by the commission, except that where the bargaining
10 representative has been certified by either the commission or the national labor
11 relations board as the result of a representation election, no referendum is required
12 to authorize the entry into such an all-union agreement. Such authorization of an
13 all-union agreement shall be deemed to continue thereafter, subject to the right of
14 either party to the all-union agreement to petition the commission to conduct a new
15 referendum on the subject. Upon receipt of such petition, the commission shall
16 determine whether there is reasonable ground to believe that the employees
17 concerned have changed their attitude toward the all-union agreement and upon so
18 finding the commission shall conduct a referendum. If the continuance of the
19 all-union agreement is supported on any such referendum by a vote at least equal
20 to that provided in this subdivision for its initial authorization, it may be continued
21 in force thereafter, subject to the right to petition for a further vote by the procedure
22 set forth in this subdivision. If the continuance of the all-union agreement is not
23 thus supported on any such referendum, it is deemed terminated at the termination
24 of the contract of which it is then a part or at the end of one year from the date of the
25 announcement by the commission of the result of the referendum, whichever is

1 ~~earlier. The commission shall declare any all-union agreement terminated~~
2 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
3 ~~receive as a member any employee of such employer, and each such all-union~~
4 ~~agreement shall be made subject to this duty of the commission. Any person~~
5 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
6 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~
7 ~~made in accordance with the law in effect at the time it is made is valid.~~

8 **SECTION 177.** 111.06 (1) (d) of the statutes is amended to read:

9 111.06 (1) (d) To refuse to bargain collectively with the representative of a
10 majority of the employer's employees in any collective bargaining unit with respect
11 to representation or terms and conditions of employment, ~~except as provided under~~
12 ~~ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with
13 the commission a petition requesting a determination as to majority representation,
14 the employer shall not be deemed to have refused to bargain until an election has
15 been held and the result thereof has been certified to the employer by the
16 commission.

17 **SECTION 178.** 111.06 (1) (i) of the statutes is amended to read:

18 111.06 (1) (i) To deduct labor organization dues or assessments from an
19 employee's earnings, unless the employer has been presented with an individual
20 order therefor, signed by the employee personally, and terminable at the end of any
21 year of its life by the employee giving at least thirty days' written notice of such
22 termination unless there is an all-union, ~~fair-share or maintenance of membership~~
23 agreement in effect. The employer shall give notice to the labor organization of
24 receipt of such notice of termination.

25 **SECTION 179.** 111.06 (1) (m) of the statutes is repealed.

1 **SECTION 180.** 111.06 (2) (i) of the statutes is amended to read:

2 111.06 **(2)** (i) To fail to give the notice of intention to engage in a strike provided
3 in s. 111.115 ~~(2)~~ **or** (3).

4 **SECTION 181.** 111.075 of the statutes is repealed.

5 **SECTION 182.** 111.115 (title) of the statutes is amended to read:

6 **111.115 (title) Notice of certain proposed lockouts or strikes.**

7 **SECTION 183.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
8 renumbered 111.115 (1) and amended to read:

9 111.115 **(1)** In this subsection: ~~(b)~~ “Strike” section, “strike” includes any
10 concerted stoppage of work by employees, and any concerted slowdown or other
11 concerted interruption of operations or services by employees, or any concerted
12 refusal of employees to work or perform their usual duties as employees, for the
13 purpose of enforcing demands upon an employer.

14 **SECTION 184.** 111.115 (1) (a) of the statutes is repealed.

15 **SECTION 185.** 111.115 (2) of the statutes is repealed.

16 **SECTION 186.** 111.17 (intro.) and (1) of the statutes are consolidated,
17 renumbered 111.17 and amended to read:

18 **111.17 Conflict of provisions; effect.** Wherever the application of the
19 provisions of other statutes or laws conflict with the application of the provisions of
20 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ In in any situation
21 where the provisions of this subchapter cannot be validly enforced the provisions of
22 such other statutes or laws shall apply.

23 **SECTION 187.** 111.17 (2) of the statutes is repealed.

24 **SECTION 188.** 111.70 (1) (a) of the statutes is amended to read:

1 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
2 obligation of a municipal employer, through its officers and agents, and the
3 representative of its municipal employees in a collective bargaining unit, to meet and
4 confer at reasonable times, in good faith, with the intention of reaching an
5 agreement, or to resolve questions arising under such an agreement, with respect to
6 wages, hours, and conditions of employment for public safety employees and with
7 respect to wages for general municipal employees, and with respect to a requirement
8 of the municipal employer for a municipal employee to perform law enforcement and
9 fire fighting services under s. 61.66 ~~and for a school district with respect to any~~
10 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~
11 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~
12 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
13 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~
14 any public safety employees under ch. 164. Collective bargaining includes the
15 reduction of any agreement reached to a written and signed document.

16 (3) (d) The duty to bargain, ~~however,~~ does not compel either party to agree to
17 a proposal or require the making of a concession. ~~Collective bargaining includes the~~
18 ~~reduction of any agreement reached to a written and signed document. The~~

19 (4) (p) Permissive subjects of collective bargaining: public safety employees. A
20 municipal employer shall is not be required to bargain with public safety employees
21 on subjects reserved to management and direction of the governmental unit except
22 insofar as the manner of exercise of such functions affects the wages, hours, and
23 conditions of employment of the municipal public safety employees in a collective
24 bargaining unit. In creating this subchapter the legislature recognizes that the
25 municipal employer must exercise its powers and responsibilities to act for the

1 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~
2 ~~and the health, safety, and welfare of the public to assure orderly operations and~~
3 ~~functions within its jurisdiction, subject to those rights secured to municipal~~
4 ~~employees by the constitutions of this state and of the United States and by this~~
5 ~~subchapter.~~

6 **SECTION 189.** 111.70 (1) (b) of the statutes is amended to read:

7 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
8 employees ~~who are school district employees or of municipal employees who are not~~
9 ~~school district employees that is determined by the commission under sub. (4) (d) 2.~~
10 ~~a.~~ to be appropriate for the purpose of collective bargaining.

11 **SECTION 190.** 111.70 (1) (cm) of the statutes is created to read:

12 111.70 (1) (cm) "Consumer price index change" means the average annual
13 percentage change in the consumer price index for all urban consumers, U.S. city
14 average, as determined by the federal department of labor, for the 12 months
15 immediately preceding the current date.

16 **SECTION 191.** 111.70 (1) (f) of the statutes is amended to read:

17 111.70 (1) (f) "Fair-share agreement" means an agreement between a
18 municipal employer and a labor organization that represents public safety
19 employees under which all or any of the public safety employees in the collective
20 bargaining unit are required to pay their proportionate share of the cost of the
21 collective bargaining process and contract administration measured by the amount
22 of dues uniformly required of all members. ~~Such an agreement shall contain a~~
23 ~~provision requiring the employer to deduct the amount of dues as certified by the~~
24 ~~labor organization from the earnings of the employees affected by said agreement~~
25 ~~and to pay the amount so deducted to the labor organization.~~

BILL

SECTION 192

1 **SECTION 192.** 111.70 (1) (fm) of the statutes is created to read:

2 111.70 (1) (fm) "General municipal employee" means a municipal employee
3 who is not a public safety employee.

4 **SECTION 193.** 111.70 (1) (j) of the statutes is amended to read:

5 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
6 metropolitan sewerage district, school district, long-term care district, transit
7 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under
8 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
9 of one or more political subdivisions of the state, that engages the services of an
10 employee and includes any person acting on behalf of a municipal employer within
11 the scope of the person's authority, express or implied, ~~but specifically does not~~
12 ~~include a local cultural arts district created under subch. V of ch. 229.~~

13 **SECTION 194.** 111.70 (1) (mm) of the statutes is created to read:

14 111.70 (1) (mm) "Public safety employee" means any municipal employee who
15 is employed in a position that, on the effective date of this paragraph [LRB inserts
16 date], is classified as a protective occupation participant under any of the following:

- 17 1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.
18 2. A provision that is comparable to a provision under subd. 1. that is in a county
19 or city retirement system.

20 **SECTION 195.** 111.70 (1) (n) of the statutes is amended to read:

21 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
22 in which public safety employees in a collective bargaining unit may cast a secret
23 ballot on the question of authorizing a labor organization and the employer to
24 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~
25 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~

1 ~~of the collective bargaining agreement deemed null and void that covers public safety~~
2 ~~employees.~~

3 **SECTION 196.** 111.70 (1) (nm) of the statutes is amended to read:

4 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
5 by municipal employees, and any concerted slowdown or other concerted
6 interruption of operations or services by municipal employees, or any concerted
7 refusal to work or perform their usual duties as municipal employees, for the purpose
8 of enforcing demands upon a municipal employer. ~~Such conduct by municipal~~
9 ~~employees which is not authorized or condoned by a labor organization constitutes~~
10 ~~a "strike", but does not subject such labor organization to the penalties under this~~
11 ~~subchapter. This paragraph does not apply to collective bargaining units composed~~
12 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
13 ~~functions.~~

14 **SECTION 197.** 111.70 (2) of the statutes is amended to read:

15 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
16 right of self-organization, and the right to form, join, or assist labor organizations,
17 to bargain collectively through representatives of their own choosing, and to engage
18 in lawful, concerted activities for the purpose of collective bargaining or other mutual
19 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to
20 refrain from any and all such activities except that employees. A general municipal
21 employee has the right to refrain from paying dues while remaining a member of a
22 collective bargaining unit. A public safety employee, however, maybe required to pay
23 dues in the manner provided in a fair-share agreement. Such; a fair-share
24 agreement covering a public safety employee must contain a provision requiring the
25 municipal employer to deduct the amount of dues as certified by the labor

1 organization from the earnings of the public safety employee affected by the
2 fair-share agreement and to pay the amount deducted to the labor organization. A
3 fair-share agreement shall be covering a public safety employee is subject to the
4 right of the municipal employer or a labor organization to petition the commission
5 to conduct a referendum. Such petition must be supported by proof that at least 30%
6 of the public safety employees in the collective bargaining unit desire that the
7 fair-share agreement be terminated. Upon so finding, the commission shall conduct
8 a referendum. If the continuation of the agreement is not supported by at least the
9 majority of the eligible public safety employees, it shall ~~be deemed terminated~~
10 terminate. The commission shall declare any fair-share agreement suspended upon
11 such conditions and for such time as the commission decides whenever it finds that
12 the labor organization involved has refused on the basis of race, color, sexual
13 orientation, creed, or sex to receive as a member any public safety employee of the
14 municipal employer in the bargaining unit involved, and such agreement ~~shall be~~
15 made is subject to this duty of the commission. Any of the parties to such agreement
16 or any ~~municipal~~ public safety employee covered ~~thereby~~ by the agreement may come
17 before the commission, as provided in s. 111.07, and ask the performance of this duty.

18 **SECTION 198.** 111.70 (3) (a) 3. of the statutes is amended to read:

19 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
20 organization by discrimination in regard to hiring, tenure, or other terms or
21 conditions of employment; but the prohibition shall not apply to a fair-share
22 agreement that covers public safety employees.

23 **SECTION 199.** 111.70 (3) (a) 4. of the statutes is amended to read:

24 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
25 majority of its employees in an appropriate collective bargaining unit. Such refusal

1 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
2 including those provided for by statute, with individuals in the collective bargaining
3 unit while collective bargaining, mediation, or fact-finding concerning the terms and
4 conditions of a new collective bargaining agreement is in progress, unless such
5 individual contracts contain express language providing that the contract is subject
6 to amendment by a subsequent collective bargaining agreement. Where the
7 employer has a good faith doubt as to whether a labor organization claiming the
8 support of a majority of its employees in an appropriate bargaining unit does in fact
9 have that support, it may file with the commission a petition requesting an election
10 to that claim. An employer shall not be deemed to have refused to bargain until an
11 election has been held and the results thereof certified to the employer by the
12 commission. The violation shall include, though not be limited thereby, to the refusal
13 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~
14 ~~any collective bargaining agreement covering municipal employees who are not~~
15 ~~school district employees shall not exceed 3 years, and the term of any collective~~
16 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

17 **SECTION 200.** 111.70 (3) (a) 5. of the statutes is amended to read:

18 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
19 agreed upon by the parties with respect to wages, hours and conditions of
20 employment affecting municipal public safety employees, including an agreement to
21 arbitrate questions arising as to the meaning or application of the terms of a
22 collective bargaining agreement or to accept the terms of such arbitration award,
23 where previously the parties have agreed to accept such award as final and binding
24 upon them or to violate any collective bargaining agreement affecting general

1 municipal employees, that was previously agreed upon by the parties with respect
2 to wages.

3 **SECTION 201.** 111.70 (3) (a) 6. of the statutes is amended to read:

4 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~
5 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer
6 has been presented with an individual order therefor, signed by the municipal public
7 safety employee personally, and terminable by at least the end of any year of its life
8 or earlier by the ~~municipal-public safety~~ employee giving at least 30 days' written
9 notice of such termination to the municipal employer and to the representative
10 organization, except ~~where there is~~ when a fair-share agreement is in effect.

11 **SECTION 202.** 111.70 (3) (a) 7. of the statutes is repealed.

12 **SECTION 203.** 111.70 (3) (a) 9. of the statutes is amended to read:

13 111.70 (3) (a) 9. ~~After~~ If the collective bargaining unit contains a public safety
14 employee, after a collective bargaining agreement expires and before another
15 collective bargaining agreement takes effect, to fail to follow any fair-share
16 agreement in the expired collective bargaining agreement.

17 **SECTION 204.** 111.70 (3) (b) 6. of the statutes is repealed.

18 **SECTION 205.** 111.70 (3g) of the statutes is created to read:

19 111.70 (3g) **WAGE DEDUCTION PROHIBITION.** A municipal employer may not
20 deduct labor organization dues from the earnings of a general municipal employee
21 or supervisor.

22 **SECTION 206.** 111.70 (3m) of the statutes is repealed.

23 **SECTION 207.** 111.70 (3p) of the statutes is repealed.

24 **SECTION 208.** 111.70 (4) (intro.) of the statutes is amended to read:

1 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
2 any election under this subsection by secret ballot and shall be governed by adhere
3 to the following provisions relating to bargaining in municipal employment in
4 addition to other powers and duties provided in this subchapter:

5 **SECTION 209.** 111.70 (4) (c) (title) of the statutes is amended to read:

6 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
7 *and fire fighting personnel public safety employees.*

8 **SECTION 210.** 111.70 (4) (c) 1. of the statutes is amended to read:

9 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
10 labor disputes involving a collective bargaining unit containing a public safety
11 employee. Such mediation may be carried on by a person designated to act by the
12 commission upon request of one or both of the parties or upon initiation of the
13 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
14 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

15 **SECTION 211.** 111.70 (4) (c) 2. of the statutes is amended to read:

16 111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning
17 or application of the terms of a written collective bargaining agreement involving a
18 collective bargaining unit containing a public safety employee may agree in writing
19 to have the commission or any other appropriate agency serve as arbitrator or may
20 designate any other competent, impartial and disinterested person to so serve.

21 b. A collective bargaining agreement involving a collective bargaining unit
22 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
23 dispute resolution procedures, including arbitration, that address the suspension,
24 reduction in rank, suspension and reduction in rank, or removal of such personnel.
25 If the procedures include arbitration, the arbitration hearing shall be public and the

1 decision of the arbitrator shall be issued within 180 days of the conclusion of the
2 hearing.

3 **SECTION 212.** 111.70 (4) (c) 3. of the statutes is amended to read:

4 111.70 (4) (c) 3. 'Fact-finding.' ~~If Unless s. 111.77 applies, if a dispute involving~~
5 ~~a collective bargaining unit containing a public safety employee has not been settled~~
6 after a reasonable period of negotiation and after the settlement procedures, if any,
7 established by the parties have been exhausted, and the parties are deadlocked with
8 respect to any dispute between them arising in the collective bargaining process,
9 either party, or the parties jointly, may petition the commission, in writing, to initiate
10 fact-finding, ~~as provided hereafter~~, and to make recommendations to resolve the
11 deadlock, as follows:

12 a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall
13 make an investigation with or without a formal hearing, to determine whether a
14 deadlock in fact exists. After its investigation the commission shall certify the
15 results thereof. If the commission decides that fact-finding should be initiated, it
16 shall appoint a qualified, disinterested person or 3-member panel, when jointly
17 requested by the parties, to function as a fact finder.

18 b. The fact finder appointed under subd. 3. a. may establish dates and place of
19 hearings which shall be where feasible, and shall conduct the hearings pursuant to
20 rules established by the commission. Upon request, the commission shall issue
21 subpoenas for hearings conducted by the fact finder. The fact finder may administer
22 oaths. Upon completion of the hearing, the fact finder shall make written findings
23 of fact and recommendations for solution of the dispute and shall cause the same to
24 be served on the parties and the commission. Cost of fact-finding proceedings shall
25 be divided equally between the parties. At the time the fact finder submits a

1 statement of his or her costs to the parties, the fact finder shall submit a copy thereof
2 of the statement to the commission at its Madison office.

3 c. Nothing ~~herein shall be construed as prohibiting in this subdivision prohibits~~
4 any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute,
5 in which the fact finder is involved, at any time prior to the issuance of the fact
6 finder's recommendations.

7 d. Within 30 days of the receipt of the fact finder's recommendations under
8 subd. 3. b., or within the time period mutually agreed upon by the parties, each party
9 shall advise give notice to the other party, in writing as to its acceptance or rejection,
10 in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~
11 transmit a copy of ~~such~~ the notice to the commission at its Madison office.

12 **SECTION 213.** 111.70 (4) (c) 4. of the statutes is repealed.

13 **SECTION 214.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
14 to read:

15 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other*
16 *personnel general municipal employees.* 1. 'Notice of commencement of contract
17 negotiations.' For the purpose of advising the commission of the commencement of
18 contract negotiations involving a collective bargaining unit containing general
19 municipal employees, whenever either party requests the other to reopen
20 negotiations under a binding collective bargaining agreement, or the parties
21 otherwise commence negotiations if no such agreement exists, the party requesting
22 negotiations shall immediately notify the commission in writing. Upon failure of the
23 requesting party to provide such notice, the other party may so notify the
24 commission. The notice shall specify the expiration date of the existing collective

BILL

SECTION 214

1 bargaining agreement, if any, and shall set forth any additional information the
2 commission may require on a form provided by the commission.

3 2. 'Presentation of initial proposals; open meetings.' The meetings between
4 parties to a collective bargaining agreement or proposed collective bargaining
5 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
6 containing a general municipal employee and that are held for the purpose of
7 presenting initial bargaining proposals, along with supporting rationale, shall be
8 open to the public. Each party shall submit its initial bargaining proposals to the
9 other party in writing. Failure to comply with this subdivision is not cause to
10 invalidate a collective bargaining agreement under this subchapter.

11 3. 'Mediation.' The commission or its designee shall function as mediator in
12 labor disputes involving general municipal employees upon request of one or both of
13 the parties, or upon initiation of the commission. The function of the mediator shall
14 be to encourage voluntary settlement by the parties. No mediator has the power of
15 compulsion.

16 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
17 application of the terms of a written collective bargaining agreement involving a
18 collective bargaining unit containing a general municipal employee may agree in
19 writing to have the commission or any other appropriate agency serve as arbitrator
20 or may designate any other competent, impartial and disinterested person to so
21 serve.

22 **SECTION 215.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

23 **SECTION 216.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

24 111.70 (4) (cm) 8m. "Term of agreement; reopening of negotiations.' Except for
25 the initial collective bargaining agreement between the parties and except as the

1 parties otherwise agree, every collective bargaining agreement covering general
2 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, but in
3 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
4 ~~consisting of municipal employees subject to this paragraph other than school~~
5 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
6 ~~agreement for any collective bargaining unit consisting of school district employees~~
7 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
8 extended. No arbitration award may contain a provision for reopening of
9 negotiations during the term of a collective bargaining agreement, covering general
10 municipal employees may be reopened for negotiations unless both parties agree to
11 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
12 agreement by both parties does not apply to a provision for reopening of negotiations
13 with respect to any portion of an agreement that is declared invalid by a court or
14 administrative agency or rendered invalid by the enactment of a law or promulgation
15 of a federal regulation.

16 **SECTION 217.** 111.70 (4) (cm) 9. of the statutes is repealed.

17 **SECTION 218.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

18 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
19 bargaining unit for the purpose of collective bargaining and shall whenever possible,
20 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
21 maintaining as few collective bargaining units as practicable in keeping with the size
22 of the total municipal workforce. ~~In making such a determination, the~~ The
23 commission may decide whether, in a particular case, the municipal employees in the
24 same or several departments, divisions, institutions, crafts, professions, or other
25 occupational groupings constitute a collective bargaining unit. Before making its

1 determination, the commission may provide an opportunity for the municipal
2 employees concerned to determine, by secret ballot, whether they desire to be
3 established as a separate collective bargaining unit. The commission ~~shall~~ may not
4 decide, however, that any group of municipal employees constitutes an appropriate
5 collective bargaining unit if the group includes both professional employees and
6 nonprofessional employees, unless a majority of the professional employees vote for
7 inclusion in the unit. The commission may not decide that any group of municipal
8 employees constitutes an appropriate collective bargaining unit if the group includes
9 both school district employees and general municipal employees who are not school
10 district employees. The commission may not decide that any group of municipal
11 employees constitutes an appropriate collective bargaining unit if the group includes
12 both public safety employees and general municipal employees. The commission
13 ~~shall~~ may not decide that any group of municipal employees constitutes an
14 appropriate collective bargaining unit if the group includes both craft employees and
15 noncraft employees unless a majority of the craft employees vote for inclusion in the
16 unit. The commission shall place the professional employees who are assigned to
17 perform any services at a charter school, as defined in s. 115.001 (1), in a separate
18 collective bargaining unit from a unit that includes any other professional employees
19 whenever at least 30% of those professional employees request an election to be held
20 to determine that issue and a majority of the professional employees at the charter
21 school who cast votes in the election decide to be represented in a separate collective
22 bargaining unit. Upon the expiration of any collective bargaining agreement in
23 force, the commission shall combine into a single collective bargaining unit 2 or more
24 collective bargaining units consisting of school district employees if a majority of the

1 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
2 ~~under this subsection shall be by secret ballot.~~

3 **SECTION 219.** 111.70 (4) (d) 3. of the statutes is amended to read:

4 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
5 representation or appropriate unit, calling for a vote, the commission shall certify the
6 results in writing to the municipal employer and the labor organization involved and
7 to any other interested parties.

8 c. Any ballot used in a representation proceeding under this subdivision shall
9 include the names of all persons having an interest in representing or the results.
10 The ballot should be so designed as to permit a vote against representation by any
11 candidate named on the ballot. The findings of the commission, on which a
12 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

13 **SECTION 220.** 111.70 (4) (d) 3. b. of the statutes is created to read:

14 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
15 the representative of the collective bargaining unit that contains a general municipal
16 employee. The election shall occur no later than December 1 for a collective
17 bargaining unit containing school district employees and no later than May 1 for a
18 collective bargaining unit containing general municipal employees who are not
19 school district employees. The commission shall certify any representative that
20 receives at least 51 percent of the votes of all of the general municipal employees in
21 the collective bargaining unit. If no representative receives at least 51 percent of the
22 votes of all of the general municipal employees in the collective bargaining unit, at
23 the expiration of the collective bargaining agreement, the commission shall decertify
24 the current representative and the general municipal employees shall be
25 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under

BILL

SECTION 220

1 this subd. 3. b., the affected general municipal employees may not be included in a
2 substantially similar collective bargaining unit for 12 months from the date of
3 decertification. The commission shall assess and collect a certification fee for each
4 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
5 be credited to the appropriation account under s. 20.425 (1) (i).

6 **SECTION 221.** 111.70 (4) (L) of the statutes is amended to read:

7 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~
8 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right
9 to strike by any municipal employee or labor organization, and such strikes are
10 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~
11 ~~injunction has been issued against such strike under sub. (7m).~~

12 **SECTION 222.** 111.70 (4) (m) of the statutes is repealed.

13 **SECTION 223.** 111.70 (4) (mb) of the statutes is created to read:

14 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*
15 The municipal employer is prohibited from bargaining collectively with a collective
16 bargaining unit containing a general municipal employee with respect to any of the
17 following:

18 1. Any factor or condition of employment except wages, which includes only
19 total base wages and excludes any other compensation, which includes, but is not
20 limited to, overtime, premium pay, merit pay, performance pay, supplemental
21 compensation, pay schedules, and automatic pay progressions.

22 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any
23 proposal that does any of the following:

24 a. If there is an increase in the consumer price index change, provides for total
25 base wages for authorized positions in the proposed collective bargaining agreement

1 that exceeds the total base wages for authorized positions 180 days before the
2 expiration of the previous collective bargaining agreement by a greater percentage
3 than the consumer price index change.

4 b. If there is a decrease in the consumer price index change, provides for total
5 base wages for authorized positions in the proposed collective bargaining agreement
6 that exceeds the total base wages for authorized positions 180 days before the
7 expiration of the previous collective bargaining agreement decreased by a
8 percentage of that expenditure that is equal to the decrease in the consumer price
9 index change.

10 **SECTION 224.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

11 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*
12 (intro.) The municipal employer is prohibited from bargaining collectively with a
13 collective bargaining unit containing a public safety employee with respect to any of
14 the following:

15 **SECTION 225.** 111.70 (4) (mc) 4. of the statutes is repealed.

16 **SECTION 226.** 111.70 (4) (n) and (o) of the statutes are repealed.

17 **SECTION 227.** 111.70 (6) of the statutes is repealed.

18 **SECTION 228.** 111.70 (7) of the statutes is repealed.

19 **SECTION 229.** 111.70 (7m) (b) of the statutes is repealed.

20 **SECTION 230.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

21 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
22 employees which violates sub. (4) (L) shall be penalized by the suspension of may not
23 collect any dues check-off under a collective bargaining agreement and or under a
24 fair-share agreement between the municipal employer and such labor organization
25 from any public safety employee covered by either agreement for a period of one year.

BILL

SECTION 230

1 At the end of the period of suspension, any such agreement shall be reinstated unless
2 the labor organization is no longer authorized to represent the municipal public
3 safety employees covered by ~~such dues check-off~~ the collective bargaining
4 agreement or fair-share agreement or the agreement is no longer in effect.

5 **SECTION 231.** 111.70 (7m) (c) 3. of the statutes is repealed.

6 **SECTION 232.** 111.70 (7m) (e) and (f) of the statutes are repealed.

7 **SECTION 233.** 111.70 (8) (a) of the statutes is amended to read:

8 111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cm) and (7m)~~, applies
9 to law enforcement supervisors employed by a 1st class city. This section, except
10 ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m)~~, applies to law enforcement supervisors
11 employed by a county having a population of 500,000 or more. For purposes of such
12 application, the ~~term~~ terms "municipal employee" ~~includes and~~ "public safety
13 employee" include such a supervisor.

14 **SECTION 234.** 111.71 (2) of the statutes is amended to read:

15 111.71 (2) The commission shall assess and collect a filing fee for filing a
16 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
17 The commission shall assess and collect a filing fee for filing a request that the
18 commission act as an arbitrator to resolve a dispute involving the interpretation or
19 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
20 The commission shall assess and collect a filing fee for filing a request that the
21 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
22 assess and collect a filing fee for filing a request that the commission act as a
23 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
24 a filing fee for filing a request that the commission initiate compulsory, final and
25 binding arbitration under s. 111.70 (4) ~~(cm) 6. or~~ (jm) or 111.77 (3). For the

1 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
2 4. ~~and 6.~~, and (jm) and 111.77 (3), the commission shall require that the parties to the
3 dispute equally share in the payment of the fee and, for the performance of
4 commission actions involving a complaint alleging that a prohibited practice has
5 been committed under s. 111.70 (3), the commission shall require that the party filing
6 the complaint pay the entire fee. If any party has paid a filing fee requesting the
7 commission to act as a mediator for a labor dispute and the parties do not enter into
8 a voluntary settlement of the dispute, the commission may not subsequently assess
9 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
10 dispute. If any request for the performance of commission actions concerns issues
11 arising as a result of more than one unrelated event or occurrence, each such
12 separate event or occurrence shall be treated as a separate request. The commission
13 shall promulgate rules establishing a schedule of filing fees to be paid under this
14 subsection. Fees required to be paid under this subsection shall be paid at the time
15 of filing the complaint or the request for fact-finding, mediation or arbitration. A
16 complaint or request for fact-finding, mediation or arbitration is not filed until the
17 date such fee or fees are paid, except that the failure of the respondent party to pay
18 the filing fee for having the commission initiate compulsory, final and binding
19 arbitration under s. 111.70 (4) ~~(cm) 6. or~~ (jm) or 111.77 (3) ~~shall~~ may not prohibit the
20 commission from initiating such arbitration. The commission may initiate collection
21 proceedings against the respondent party for the payment of the filing fee. Fees
22 collected under this subsection shall be credited to the appropriation account under
23 s. 20.425 (1) (i).

24 **SECTION 235.** 111.71 (4) of the statutes is repealed.

25 **SECTION 236.** 111.71 (5) of the statutes is repealed.

1 **SECTION 237.** 111.77 (intro.) of the statutes is amended to read:

2 **111.77 Settlement of disputes in ~~collective bargaining units composed~~**
3 **~~of law enforcement personnel and fire fighters.~~** (intro.) In fire departments
4 ~~and city and county law enforcement agencies municipal~~ Municipal employers and
5 ~~employees public safety employees, as provided in sub. (8),~~ have the duty to bargain
6 collectively in good faith including the duty to refrain from strikes or lockouts and
7 to comply with the ~~procedures set forth below~~ following:

8 **SECTION 238.** 111.77 (8) (a) of the statutes is amended to read:

9 **111.77 (8) (a)** This section applies to ~~law enforcement~~ public safety employees
10 who are supervisors employed by a county having a population of 500,000 or more.
11 For purposes of such application, the term “municipal employee” includes such a
12 supervisor.

13 **SECTION 239.** 111.80 of the statutes is repealed.

14 **SECTION 240.** 111.81 (1) of the statutes is amended to read:

15 **111.81 (1)** “Collective bargaining” means the performance of the mutual
16 obligation of the state as an employer, by its officers and agents, and the
17 representatives of its employees, to meet and confer at reasonable times, in good
18 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
19 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),
20 with respect to general employees, with the intention of reaching an agreement, or
21 to resolve questions arising under such an agreement. The duty to bargain, however,
22 does not compel either party to agree to a proposal or require the making of a
23 concession. Collective bargaining includes the reduction of any agreement reached
24 to a written and signed document.

25 **SECTION 241.** 111.81 (3h) of the statutes is repealed.

1 **SECTION 242.** 111.81 (3n) of the statutes is created to read:

2 111.81 (3n) "Consumer price index change" means the average annual
3 percentage change in the consumer price index for all urban consumers, U.S. city
4 average, as determined by the federal department of labor, for the 12 months
5 immediately preceding the current date.

6 **SECTION 243.** 111.81 (7) (g) of the statutes is repealed.

7 **SECTION 244.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

8 111.81 (7) (gm) Research assistants of the University of Wisconsin-Madison
9 and University of Wisconsin-Extension.

10 (h) Research assistants of the University of Wisconsin-Milwaukee.

11 (i) Research assistants of the Universities of Wisconsin-Eau Claire, Green Bay,
12 La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout,
13 Superior, and Whitewater.

14 **SECTION 245.** 111.81 (9) of the statutes is amended to read:

15 111.81 (9) "Fair-share agreement" means an agreement between the employer
16 and a labor organization representing public safety employees ~~or supervisors~~
17 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~
18 ~~supervisors~~ in a collective bargaining unit are required to pay their proportionate
19 share of the cost of the collective bargaining process and contract administration
20 measured by the amount of dues uniformly required of all members.

21 **SECTION 246.** 111.81 (9g) of the statutes is created to read:

22 111.81 (9g) "General employee" means an employee who is not a public safety
23 employee.

24 **SECTION 247.** 111.81 (9k) of the statutes is repealed.

25 **SECTION 248.** 111.81 (12) (intro.) of the statutes is amended to read:

1 111.81 (12) (intro.) "Labor organization" means any employee organization
2 whose purpose is to represent employees in collective bargaining with the employer,
3 or its agents, on matters ~~pertaining to terms and conditions of employment that are~~
4 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but
5 the term shall not include any organization:

6 **SECTION 249.** 111.81 (12m) of the statutes is amended to read:

7 111.81 (12m) "Maintenance of membership agreement" means an agreement
8 between the employer and a labor organization representing public safety employees
9 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
10 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.
11 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
12 have dues deducted for the duration of the agreement, and that dues shall be
13 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
14 hired on or after the effective date of the agreement.

15 **SECTION 250.** 111.81 (15r) of the statutes is created to read:

16 111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)
17 (am) 7. or 8.

18 **SECTION 251.** 111.81 (16) of the statutes is amended to read:

19 111.81 (16) "Referendum" means a proceeding conducted by the commission in
20 which public safety employees, ~~or supervisors specified in s. 111.825 (5)~~, in a
21 collective bargaining unit may cast a secret ballot on the question of directing the
22 labor organization and the employer to enter into a fair-share or maintenance of
23 membership agreement or to terminate such an agreement.

24 **SECTION 252.** 111.815 (1) of the statutes is amended to read:

1 111.815 (1) In the furtherance of this subchapter, the state shall be considered
2 as a single employer and employment relations policies and practices throughout the
3 state service shall be as consistent as practicable. The office shall negotiate and
4 administer collective bargaining agreements ~~except that the department of health~~
5 ~~services, subject to the approval of the federal centers for medicare and medicaid~~
6 ~~services to use collective bargaining as the method of setting rates for~~
7 ~~reimbursement of home care providers, shall negotiate and administer collective~~
8 ~~bargaining agreements entered into with the collective bargaining unit specified in~~
9 ~~s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,~~
10 ~~the office, or the department of health services with regard to collective bargaining~~
11 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~
12 ~~(2g), shall maintain close liaison with the legislature relative to the negotiation of~~
13 ~~agreements and the fiscal ramifications of those agreements. Except with respect~~
14 ~~to the collective bargaining units unit specified in s. 111.825 (1m), (2) (f), and (2g),~~
15 ~~the office is responsible for the employer functions of the executive branch under this~~
16 ~~subchapter, and shall coordinate its collective bargaining activities with operating~~
17 ~~state agencies on matters of agency concern. The legislative branch shall act upon~~
18 ~~those portions of tentative agreements negotiated by the office that require~~
19 ~~legislative action. With respect to the collective bargaining units specified in s.~~
20 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~
21 ~~for the employer functions under this subchapter. With respect to the collective~~
22 ~~bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter~~
23 ~~school established by contract under s. 118.40 (2r) (cm) is responsible for the~~
24 ~~employer functions under this subchapter. With respect to the collective bargaining~~

1 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~
2 ~~the employer functions of the executive branch under this subchapter.~~

3 **SECTION 253.** 111.815 (2) of the statutes is amended to read:

4 111.815 (2) ~~In the furtherance of the policy under s. 111.80 (4), the~~ The director
5 of the office shall, together with the appointing authorities or their representatives,
6 represent the state in its responsibility as an employer under this subchapter except
7 with respect to negotiations in the collective bargaining ~~units~~ unit specified in s.
8 111.825 ~~(1m), (2) (f), and (2g)~~. The director of the office shall establish and maintain,
9 wherever practicable, consistent employment relations policies and practices
10 throughout the state service.

11 **SECTION 254.** 111.82 of the statutes is amended to read:

12 **111.82 Rights of employees.** Employees shall have the right of
13 self-organization and the right to form, join, or assist labor organizations, to bargain
14 collectively through representatives of their own choosing under this subchapter,
15 and to engage in lawful, concerted activities for the purpose of collective bargaining
16 or other mutual aid or protection. Employees shall also have the right to refrain from
17 any or all of such activities. A general employee has the right to refrain from paying
18 dues while remaining a member of a collective bargaining unit.

19 **SECTION 255.** 111.825 (1) (intro.) of the statutes is amended to read:

20 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
21 collective bargaining, units must be structured in such a way as to avoid excessive
22 fragmentation whenever possible. In accordance with this policy, collective
23 bargaining units for employees in the classified service of the state, ~~except employees~~
24 ~~in the collective bargaining units specified in sub. (1m)~~, are structured on a statewide

1 basis with one collective bargaining unit for each of the following occupational
2 groups:

3 **SECTION 256.** 111.825 (1) (g) of the statutes is created to read:

4 111.825 (1) (g) Public safety employees.

5 **SECTION 257.** 111.825 (1m) of the statutes is repealed.

6 **SECTION 258.** 111.825 (2g) of the statutes is repealed.

7 **SECTION 259.** 111.825 (3) of the statutes is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and (2g)~~.

10 **SECTION 260.** 111.825 (4) of the statutes is amended to read:

11 111.825 (4) Any labor organization may petition for recognition as the exclusive
12 representative of a collective bargaining unit specified in sub. (1), ~~(1m)~~, or (2), ~~or (2g)~~
13 in accordance with the election procedures set forth in s. 111.83, provided the petition
14 is accompanied by a 30% showing of interest in the form of signed authorization
15 cards. Each additional labor organization seeking to appear on the ballot shall file
16 petitions within 60 days of the date of filing of the original petition and prove,
17 through signed authorization cards, that at least 10% of the employees in the
18 collective bargaining unit want it to be their representative.

19 **SECTION 261.** 111.825 (4m) of the statutes is repealed.

20 **SECTION 262.** 111.825 (5) of the statutes is amended to read:

21 111.825 (5) Although supervisors are not considered employees for purposes
22 of this subchapter, the commission may consider a petition for a statewide collective
23 bargaining unit of professional supervisors or a statewide unit of nonprofessional
24 supervisors in the classified service, but the representative of supervisors may not
25 be affiliated with any labor organization representing employees. For purposes of

1 this subsection, affiliation does not include membership in a national, state, county
2 or municipal federation of national or international labor organizations. The
3 certified representative of supervisors who are not public safety employees may not
4 bargain collectively with respect to any matter other than wages and fringe benefits
5 as provided in s. 111.91 (3), and the certified representative of supervisors who are
6 public safety employees may not bargain collectively with respect to any matter other
7 than wages and fringe benefits as provided in s. 111.91 (1).

8 **SECTION 263.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

9 **SECTION 264.** 111.825 (6) (b) of the statutes is created to read:

10 111.825 (6) (b) The commission may assign only a public safety employee to the
11 collective bargaining unit under sub. (1) (g).

12 **SECTION 265.** 111.83 (1) of the statutes is amended to read:

13 111.83 (1) Except as provided in subs. sub. (5) and (5m), a representative
14 chosen for the purposes of collective bargaining by a majority of the employees voting
15 in a collective bargaining unit shall be the exclusive representative of all of the
16 employees in such unit for the purposes of collective bargaining. Any individual
17 employee, or any minority group of employees in any collective bargaining unit, may
18 present grievances to the employer in person, or through representatives of their own
19 choosing, and the employer shall confer with said employee or group of employees in
20 relation thereto if the majority representative has been afforded the opportunity to
21 be present at the conference. Any adjustment resulting from such a conference may
22 not be inconsistent with the conditions of employment established by the majority
23 representative and the employer.

24 **SECTION 266.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

25 **SECTION 267.** 111.83 (3) (b) of the statutes is created to read:

1 111.83 (3) (b) Annually, no later than December 1, the commission shall
2 conduct an election to certify the representative of a collective bargaining unit that
3 contains a general employee. There shall be included on the ballot the names of all
4 labor organizations having an interest in representing the general employees
5 participating in the election. The commission may exclude from the ballot one who,
6 at the time of the election, stands deprived of his or her rights under this subchapter
7 by reason of a prior adjudication of his or her having engaged in an unfair labor
8 practice. The commission shall certify any representative that receives at least 51
9 percent of the votes of all of the general employees in the collective bargaining unit.
10 If no representative receives at least 51 percent of the votes of all of the general
11 employees in the collective bargaining unit, at the expiration of the collective
12 bargaining agreement, the commission shall decertify the current representative
13 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
14 a representative is decertified under this paragraph, the affected general employees
15 may not be included in a substantially similar collective bargaining unit for 12
16 months from the date of decertification. The commission's certification of the results
17 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
18 commission shall assess and collect a certification fee for each election conducted
19 under this paragraph. Fees collected under this paragraph shall be credited to the
20 appropriation account under s. 20.425 (1) (i).

21 **SECTION 268.** 111.83 (4) of the statutes is amended to read:

22 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
23 the name of more than one proposed representative appears on the ballot and results
24 in no conclusion, the commission may, if requested by any party to the proceeding
25 within 30 days from the date of the certification of the results of the election, conduct

1 a runoff election. In that runoff election, the commission shall drop from the ballot
2 the name of the representative who received the least number of votes at the original
3 election. The commission shall drop from the ballot the privilege of voting against
4 any representative if the least number of votes cast at the first election was against
5 representation by any named representative.

6 **SECTION 269.** 111.83 (5m) of the statutes is repealed.

7 **SECTION 270.** 111.83 (7) of the statutes is repealed.

8 **SECTION 271.** 111.84 (1) (b) of the statutes is amended to read:

9 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
10 create, dominate or interfere with the formation or administration of any labor or
11 employee organization or contribute financial support to it. Except as provided in
12 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
13 retirement system under ch. 40 and no action by the employer that is authorized by
14 such a law constitutes a violation of this paragraph unless an applicable collective
15 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
16 specifically prohibits the change or action. No such change or action affects the
17 continuing duty to bargain collectively with a collective bargaining unit under s.
18 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
19 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
20 reimburse an employee at his or her prevailing wage rate for the time spent during
21 the employee's regularly scheduled hours conferring with the employer's officers or
22 agents and for attendance at commission or court hearings necessary for the
23 administration of this subchapter. Professional supervisory or craft personnel may
24 maintain membership in professional or craft organizations; however, as members

1 of such organizations they shall be prohibited from those activities related to
2 collective bargaining in which the organizations may engage.

3 **SECTION 272.** 111.84 (1) (d) of the statutes is amended to read:

4 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
5 (1) or (3), whichever is appropriate, with a representative of a majority of its
6 employees in an appropriate collective bargaining unit. Where the employer has a
7 good faith doubt as to whether a labor organization claiming the support of a majority
8 of its employees in appropriate collective bargaining unit does in fact have that
9 support, it may file with the commission a petition requesting an election as to that
10 claim. It is not deemed to have refused to bargain until an election has been held and
11 the results thereof certified to it by the commission. A violation of this paragraph
12 includes, but is not limited to, the refusal to execute a collective bargaining
13 agreement previously orally agreed upon.

14 **SECTION 273.** 111.84 (1) (f) of the statutes is amended to read:

15 111.84 (1) (f) To deduct labor organization dues from ~~an employee's~~ the
16 earnings of a public safety employee, unless the employer has been presented with
17 an individual order therefor, signed by the public safety employee personally, and
18 terminable by at least the end of any year of its life or earlier by the public safety
19 employee giving at least 30 but not more than 120 days' written notice of such
20 termination to the employer and to the representative labor organization, except if
21 there is a fair-share or maintenance of membership agreement in effect. The
22 employer shall give notice to the labor organization of receipt of such notice of
23 termination.

24 **SECTION 274.** 111.84 (2) (c) of the statutes is amended to read:

1 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
2 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the
3 employer which is the recognized or certified exclusive collective bargaining
4 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
5 bargaining unit or with the certified exclusive collective bargaining representative
6 of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective
7 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
8 refusal to execute a collective bargaining agreement previously orally agreed upon.

9 **SECTION 275.** 111.84 (3) of the statutes is amended to read:

10 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
11 on behalf of or in the interest of employers or employees, or in connection with or to
12 influence the outcome of any controversy as to employment relations, any act
13 prohibited by ~~subs. sub.~~ sub. (1) ~~and or~~ (2).

14 **SECTION 276.** 111.845 of the statutes is created to read:

15 **111.845 Wage deduction prohibition.** The employer may not deduct labor
16 organization dues from a general employee's earnings.

17 **SECTION 277.** 111.85 (1), (2) and (4) of the statutes are amended to read:

18 111.85 (1) (a) No fair-share or maintenance of membership agreement
19 covering public safety employees may become effective unless authorized by a
20 referendum. The commission shall order a referendum whenever it receives a
21 petition supported by proof that at least 30% of the public safety employees ~~or~~
22 ~~supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a
23 fair-share or maintenance of membership agreement be entered into between the
24 employer and a labor organization. A petition may specify that a referendum is

1 requested on a maintenance of membership agreement only, in which case the ballot
2 shall be limited to that question.

3 (b) For a fair-share agreement to be authorized, at least two-thirds of the
4 eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in
5 favor of the agreement. For a maintenance of membership agreement to be
6 authorized, at least a majority of the eligible public safety employees ~~or supervisors~~
7 voting in a referendum shall vote in favor of the agreement. In a referendum on a
8 fair-share agreement, if less than two-thirds but more than one-half of the eligible
9 public safety employees ~~or supervisors~~ vote in favor of the agreement, a maintenance
10 of membership agreement is authorized.

11 (c) If a fair-share or maintenance of membership agreement is authorized in
12 a referendum, the employer shall enter into such an agreement with the labor
13 organization named on the ballot in the referendum. Each fair-share or
14 maintenance of membership agreement shall contain a provision requiring the
15 employer to deduct the amount of dues as certified by the labor organization from the
16 earnings of the public safety employees ~~or supervisors~~ affected by the agreement and
17 to pay the amount so deducted to the labor organization. Unless the parties agree
18 to an earlier date, the agreement shall take effect 60 days after certification by the
19 commission that the referendum vote authorized the agreement. The employer shall
20 be held harmless against any claims, demands, suits and other forms of liability
21 made by public safety employees ~~or supervisors~~ or local labor organizations which
22 may arise for actions taken by the employer in compliance with this section. All such
23 lawful claims, demands, suits and other forms of liability are the responsibility of the
24 labor organization entering into the agreement.

1 (d) Under each fair-share or maintenance of membership agreement, ~~an a~~
2 public safety employee ~~or supervisor~~ who has religious convictions against dues
3 payments to a labor organization based on teachings or tenets of a church or religious
4 body of which he or she is a member shall, on request to the labor organization, have
5 his or her dues paid to a charity mutually agreed upon by the public safety employee
6 ~~or supervisor~~ and the labor organization. Any dispute concerning this paragraph
7 may be submitted to the commission for adjudication.

8 (2) (a) Once authorized, a fair-share or maintenance of membership
9 agreement covering public safety employees shall continue in effect, subject to the
10 right of the employer or labor organization concerned to petition the commission to
11 conduct a new referendum. Such petition must be supported by proof that at least
12 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit
13 desire that the fair-share or maintenance of membership agreement be
14 discontinued. Upon so finding, the commission shall conduct a new referendum. If
15 the continuance of the fair-share or maintenance of membership agreement is
16 approved in the referendum by at least the percentage of eligible voting public safety
17 employees ~~or supervisors~~ required for its initial authorization, it shall be continued
18 in effect, subject to the right of the employer or labor organization to later initiate a
19 further vote following the procedure prescribed in this subsection. If the
20 continuation of the agreement is not supported in any referendum, it is deemed
21 terminated at the termination of the collective bargaining agreement, or one year
22 from the date of the certification of the result of the referendum, whichever is earlier.

23 (b) The commission shall declare any fair-share or maintenance of
24 membership agreement suspended upon such conditions and for such time as the
25 commission decides whenever it finds that the labor organization involved has

1 refused on the basis of race, color, sexual orientation or creed to receive as a member
2 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,
3 and the agreement shall be made subject to the findings and orders of the
4 commission. Any of the parties to the agreement, or any public safety employee ~~or~~
5 ~~supervisor~~ covered thereby, may come before the commission, as provided in s.
6 111.07, and petition the commission to make such a finding.

7 (4) The commission may, under rules adopted for that purpose, appoint as its
8 agent an official of a state agency whose public safety employees are entitled to vote
9 in a referendum to conduct a referendum provided for herein.

10 **SECTION 278.** 111.85 (5) of the statutes is repealed.

11 **SECTION 279.** 111.90 (2) of the statutes is amended to read:

12 111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state
13 agency; hire, promote, transfer, assign or retain employees in positions within the
14 agency; and in that regard establish reasonable work rules.

15 **SECTION 280.** 111.905 of the statutes is repealed.

16 **SECTION 281.** 111.91 (1) (a) of the statutes is amended to read:

17 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective
18 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to
19 the point of impasse are wage rates, consistent with sub. (2), the assignment and
20 reassignment of classifications to pay ranges, determination of an incumbent's pay
21 status resulting from position reallocation or reclassification, and pay adjustments
22 upon temporary assignment of classified public safety employees to duties of a higher
23 classification or downward reallocations of a classified public safety employee's
24 position; fringe benefits consistent with sub. (2); hours and conditions of
25 employment.