

2013 DRAFTING REQUEST

Bill

Received: 12/5/2013 Received By: chanaman
 Wanted: As time permits Same as LRB: -3900
 For: Chris Taylor (608) 266-5342 By/Representing: Grace Colas
 May Contact: Drafter: chanaman
 Subject: Employ Pub - collective bargain Addl. Drafters: rchampag

Extra Copies:

Submit via email: YES
 Requester's email: Rep.Taylor@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Reinstate collective bargaining provisions eliminated in Act 10, except for health and retirement contributions

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 12/6/2013	wjackson 12/18/2013		_____			
/1			jmurphy 12/18/2013	_____	srose 12/18/2013	mbarman 1/28/2014	State S&L

FE Sent For:

→ At Intro.

<END>

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/?	chanaman	1 WJ 12/18					
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*Just SE
12/18*

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-170972
CMH&RAC:wlj:fm

STAYS
3 774/1

2013 BILL

Wed. /
12-18 please

reyn cat

1 AN ACT *to repeal* 40.51 (7) (b), 59.875 (2) (b), 62.623 (2), 66.0506, 66.0508,
2 66.0509 (1m), 73.03 (68), 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70
3 (1) (p), 111.70 (3) (a) 7m., 111.70 (3) (b) 6m., 111.70 (3g), 111.70 (4) (bm), 111.70
4 (4) (cg), 111.70 (4) (d) 3. b., 111.70 (4) (mb), 111.70 (4) (mbb), 111.70 (4) (mc) 5.
5 and 6., 111.71 (4m), 111.71 (5m), 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825
6 (1) (g), 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (2) (fm), 111.91 (3), 111.91
7 (3q), 111.92 (3) (b), 111.93 (3) (b), 118.223, 118.245 and 120.12 (4m); *to*
8 *renumber* 111.70 (7m) (a), 111.825 (6) (a) and 111.83 (3) (a); *to renumber and*
9 *amend* 40.51 (7) (a), 59.875 (2) (a), 62.623 (1), 111.02 (7) (a), 111.115 (1), 111.17,
10 111.70 (4) (c) 1., 111.70 (4) (cm) 1., 111.70 (4) (mc) (intro.), 111.815 (1) and 111.92
11 (3) (a); *to consolidate, renumber and amend* 111.70 (4) (d) 3. a. and c. and
12 111.93 (3) (intro.) and (a); *to amend* 7.33 (1) (c), 7.33 (4), 13.111 (2), 13.172 (1),
13 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95 (intro.), 16.002 (2), 16.004 (4),
14 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15 (1) (ab), 16.41 (4), 16.417 (1) (b),

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1 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.70 (2), 16.765
2 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7)
3 (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a),
4 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1) (ci), 20.865 (1) (ic), 20.865
5 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.), 36.09
6 (1) (j), 40.02 (25) (b) 8., 40.05 (4) (ag) (intro.), 40.05 (4) (b), 40.05 (4) (bw), 40.05
7 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 40.80 (3),
8 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 71.26 (1) (be), 77.54 (9a) (a), 100.45
9 (1) (dm), 109.03 (1) (b), 111.02 (1), 111.02 (2), 111.02 (3), 111.02 (7) (b) 1., 111.05
10 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i), 111.06 (2) (i), 111.115 (title),
11 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70 (2), 111.70 (3) (a)
12 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4) (c) (title), 111.70
13 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 111.70 (4) (cm) 2., 3. and
14 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (p), 111.70
15 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8) (a), 111.77 (9),
16 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (2),
17 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.84 (1) (b),
18 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1), (2) and (4), 111.91
19 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1) (d), 111.91 (2)
20 (intro.), 111.91 (2) (gu), 111.92 (1) (a) 1., 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4.,
21 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046
22 (10) (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e),
23 230.35 (3) (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.), 281.75
24 (4) (b) 3., 285.59 (1) (b), 704.31 (3), 851.71 (4), 904.085 (2) (a) and 978.12 (1) (c);
25 **to repeal and recreate** 40.05 (1) (b); **to create** 16.705 (3), 19.42 (10) (s), 19.42

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1 (13) (o), 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4.,
 2 chapter 52, 70.11 (41s), subchapter VI of chapter 111, 111.02 (6) (am), 111.02 (7)
 3 (a) 2., 3. and 4., 111.02 (7m), (9m) and (10m), 111.05 (5), 111.05 (6), 111.05 (7),
 4 111.06 (1) (m), 111.075, 111.115 (1) (a), 111.115 (2), 111.17 (2), 111.70 (1g), 111.70
 5 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p), 111.70 (4) (c) 1g., 111.70 (4)
 6 (cm) 1g., 111.70 (4) (cm) 5., 111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm)
 7 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm) 8., 111.70 (4) (m), 111.70 (4) (n), 111.70
 8 (7), 111.70 (7m) (ag), 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m) (e), 111.71
 9 (4), 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81 (9k), 111.815 (1) (b) 5.,
 10 111.825 (2g), 111.83 (5m), 111.905, 111.91 (1) (cg), 111.91 (1) (e), 111.91 (2c),
 11 111.92 (2m), 118.22 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and **to**
 12 **affect** 2011 Wisconsin Act 10, section 9132 and 2011 Wisconsin Act 10, section
 13 9155; **relating to:** collective bargaining for public employees, granting
 14 rule-making authority, and making appropriations. INS REL

Analysis by the Legislative Reference Bureau

Under current law, certain protective occupation participants under the Wisconsin Retirement System (public safety employees) and certain municipal transit employees may collectively bargain over wages, hours, and conditions of employment. State government and municipal government employees who are not public safety employees or municipal transit employees (general employees) may collectively bargain over a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Current law also prohibits municipal employers from collectively bargaining with municipal general employees in matters that are not permitted under the Municipal Employment Relations Act (MERA). Under this bill, all municipal employees may collectively bargain over wages, hours, and conditions of employment under MERA, and all state employees may collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). In addition, this bill permits University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers to collectively bargain over wages, hours, and conditions of employment.

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Currently, the term for a collective bargaining agreement covering a general employee may not exceed one year and may not be extended. This bill generally limits the term to two years and eliminates the prohibition on agreement extensions.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
3 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
4 or 237.

5 **SECTION 2.** 7.33 (4) of the statutes is amended to read:

6 7.33 (4) Except as otherwise provided in this subsection, each local
7 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
8 proper application under sub. (3), permit each of its employees to serve as an election
9 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
10 scheduled working hours during the period specified in sub. (3), without loss of pay
11 for scheduled working hours during the period specified in sub. (3) except as provided
12 in sub. (5), and without any other penalty. For employees who are included in a
13 collective bargaining unit for which a representative is recognized or certified under
14 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
15 collective bargaining agreement.

16 **SECTION 3.** 13.111 (2) of the statutes is amended to read:

17 13.111 (2) **DUTIES.** The joint committee on employment relations shall perform
18 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
19 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923, and 40.05 (1) (b).

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1 **SECTION 4.** 13.172 (1) of the statutes is amended to read:

2 13.172 (1) In this section, "agency" means an office, department, agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
7 ch. 52, 231, 233, 234, 238, or 279.

8 **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

9 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure, or
10 facility that is constructed for the benefit of or use of the state, any state agency,
11 board, commission, or department, the University of Wisconsin Hospitals and
12 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
13 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
14 or any local professional baseball park district created under subch. III of ch. 229 if
15 the construction is undertaken by the department of administration on behalf of the
16 district, shall be in compliance with all applicable state laws, rules, codes, and
17 regulations but the construction is not subject to the ordinances or regulations of the
18 municipality in which the construction takes place except zoning, including without
19 limitation because of enumeration ordinances or regulations relating to materials
20 used, permits, supervision of construction or installation, payment of permit fees, or
21 other restrictions.

22 **SECTION 6.** 13.62 (2) of the statutes is amended to read:

23 13.62 (2) "Agency" means any board, commission, department, office, society,
24 institution of higher education, council, or committee in the state government, or any
25 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,

BILL**SECTION 6**

1 233, 234, 237, 238, or 279, except that the term does not include a council or
2 committee of the legislature.

3 **SECTION 7.** 13.94 (4) (a) 1. of the statutes is amended to read:

4 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
5 credentialing board, commission, independent agency, council, or office in the
6 executive branch of state government; all bodies created by the legislature in the
7 legislative or judicial branch of state government; any public body corporate and
8 politic created by the legislature including specifically the Wisconsin Quality Home
9 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
10 Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
11 Economic Development Corporation, a professional baseball park district, a local
12 professional football stadium district, a local cultural arts district, and a long-term
13 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
14 49; every provider of medical assistance under subch. IV of ch. 49; technical college
15 district boards; every county department under s. 51.42 or 51.437; every nonprofit
16 corporation or cooperative or unincorporated cooperative association to which
17 moneys are specifically appropriated by state law; and every corporation, institution,
18 association, or other organization which receives more than 50% 50 percent of its
19 annual budget from appropriations made by state law, including subgrantee or
20 subcontractor recipients of such funds. *W S F*

21 **SECTION 8.** 13.95 (intro.) of the statutes ^{is} amended to read:

22 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
23 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
24 shall be strictly nonpartisan and shall at all times observe the confidential nature
25 of the research requests received by it; however, with the prior approval of the

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1 requester in each instance, the bureau may duplicate the results of its research for
 2 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
 3 designated employees shall at all times, with or without notice, have access to all
 4 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
 5 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
 6 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
 7 Authority, the Wisconsin Economic Development Corporation, and the Fox River
 8 Navigational System Authority, and to any books, records, or other documents
 9 maintained by such agencies or authorities and relating to their expenditures,
 10 revenues, operations, and structure.

11 **SECTION 9.** 16.002 (2) of the statutes ^{INS F ✓} is amended to read:

12 16.002 (2) "Departments" means constitutional offices, departments, and
 13 independent agencies and includes all societies, associations, and other agencies of
 14 state government for which appropriations are made by law, but not including
 15 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
 16 233, 234, 237, 238, or 279.

17 **SECTION 10.** 16.004 (4) of the statutes ^{INS F ✓} is amended to read:

18 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
 19 department as the secretary designates may enter into the offices of state agencies
 20 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
 21 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
 22 and any other matter that in the secretary's judgment should be examined and may
 23 interrogate the agency's employees publicly or privately relative thereto.

24 **SECTION 11.** 16.004 (5) of the statutes ^{INS F ✓} is amended to read:

INS F ✓

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SECTION 11

1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
 2 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
 3 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
 4 with the secretary and shall comply with every request of the secretary relating to
 5 his or her functions.

INS F ✓

6 **SECTION 12.** 16.004 (12) (a) of the statutes is amended to read:

7 16.004 (12) (a) In this subsection, “state agency” means an association,
 8 authority, board, department, commission, independent agency, institution, office,
 9 society, or other body in state government created or authorized to be created by the
 10 constitution or any law, including the legislature, the office of the governor, and the
 11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
 12 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
 13 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
 14 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
 15 River Navigational System Authority.

INS F ✓

16 **SECTION 13.** 16.045 (1) (a) of the statutes is amended to read:

17 16.045 (1) (a) “Agency” means an office, department, independent agency,
 18 institution of higher education, association, society, or other body in state
 19 government created or authorized to be created by the constitution or any law, that
 20 is entitled to expend moneys appropriated by law, including the legislature and the
 21 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
 22 ch. 149 or in ch. 52, 231, 232, 233, 234, 237, 238, or 279.

INS F ✓

23 **SECTION 14.** 16.15 (1) (ab) of the statutes is amended to read:

24 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
 25 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox

plain

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1 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
2 Wisconsin Economic Development Corporation, and the Health Insurance
3 Risk-Sharing Plan Authority

and

4 SECTION 15. 16.41 (4) of the statutes is amended to read:

INS F J

5 16.41 (4) In this section, "authority" means a body created under subch. II of
6 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

7 SECTION 16. 16.417 (1) (b) of the statutes is amended to read:

8 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or
9 ch. 52, 231, 232, 233, 234, 237, 238, or 279.

10 SECTION 17. 16.50 (3) (e) of the statutes is amended to read:

11 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
12 the pay ranges prescribed in the compensation plan or as provided in a collective
13 bargaining agreement under subch. V or VI of ch. 111.

14 SECTION 18. 16.52 (7) of the statutes is amended to read:

INS F J

15 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
16 that is authorized to maintain a contingent fund under s. 20.920 may establish a
17 petty cash account from its contingent fund. The procedure for operation and
18 maintenance of petty cash accounts and the character of expenditures therefrom
19 shall be prescribed by the secretary. In this subsection, "agency" means an office,
20 department, independent agency, institution of higher education, association,
21 society, or other body in state government created or authorized to be created by the
22 constitution or any law, that is entitled to expend moneys appropriated by law,
23 including the legislature and the courts, but not including an authority created in
24 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

25 SECTION 19. 16.528 (1) (a) of the statutes is amended to read:

INS F J

BILL**SECTION 19**

1 16.528 (1) (a) "Agency" means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

7 **SECTION 20.** 16.53 (2) of the statutes ^{INS F ✓} is amended to read:

8 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
9 invoice, the agency shall notify the sender of the invoice within 10 working days after
10 it receives the invoice of the reason it is improperly completed. In this subsection,
11 "agency" means an office, department, independent agency, institution of higher
12 education, association, society, or other body in state government created or
13 authorized to be created by the constitution or any law, that is entitled to expend
14 moneys appropriated by law, including the legislature and the courts, but not
15 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
16 52, 231, 233, 234, 237, 238, or 279.

17 **SECTION 21.** 16.54 (9) (a) 1. of the statutes ^{INS F ✓} is amended to read:

18 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
19 institution of higher education, association, society, or other body in state
20 government created or authorized to be created by the constitution or any law, which
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
23 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

24 **SECTION 22.** 16.70 (2) of the statutes ^{INS F ✓} is amended to read:

BILL

1 16.70 (2) "Authority" means a body created under subch. II of ch. 114 ^{or subch.}
 2 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 237, or 279.

3 **SECTION 23.** 16.705 (3) of the statutes is created to read:

4 16.705 (3) The director of the office of state employment relations, prior to
 5 award, under conditions established by rule of the department, shall review
 6 contracts for contractual services in order to ensure that all agencies, except the
 7 University of Wisconsin System, do all of the following:

8 (a) Properly utilize the services of state employees.

9 (b) Evaluate the feasibility of using limited term appointments prior to
 10 entering into a contract for contractual services.

11 (c) Do not enter into any contract for contractual services in conflict with any
 12 collective bargaining agreement under subch. V or VI of ch. 111.

13 **SECTION 24.** 16.765 (1) of the statutes ^{INS F ✓} is amended to read:

14 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
 15 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
 16 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
 17 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
 18 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
 19 Entertainment Corporation shall include in all contracts executed by them a
 20 provision obligating the contractor not to discriminate against any employee or
 21 applicant for employment because of age, race, religion, color, handicap, sex, physical
 22 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
 23 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
 24 orientation, obligating the contractor to take affirmative action to ensure equal
 25 employment opportunities.

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SECTION 25

1 **SECTION 25.** 16.765 (2) of the statutes^{INS} is amended to read:

2 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
3 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
4 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
5 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
6 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
7 Entertainment Corporation shall include the following provision in every contract
8 executed by them: "In connection with the performance of work under this contract,
9 the contractor agrees not to discriminate against any employee or applicant for
10 employment because of age, race, religion, color, handicap, sex, physical condition,
11 developmental disability as defined in s. 51.01 (5), sexual orientation or national
12 origin. This provision shall include, but not be limited to, the following: employment,
13 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
14 termination; rates of pay or other forms of compensation; and selection for training,
15 including apprenticeship. Except with respect to sexual orientation, the contractor
16 further agrees to take affirmative action to ensure equal employment opportunities.
17 The contractor agrees to post in conspicuous places, available for employees and
18 applicants for employment, notices to be provided by the contracting officer setting
19 forth the provisions of the nondiscrimination clause^{INS}."

20 **SECTION 26.** 16.765 (4) of the statutes^{INS} is amended to read:

21 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and

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1 the Bradley Center Sports and Entertainment Corporation shall take appropriate
2 action to revise the standard government contract forms under this section.

3 **SECTION 27.** 16.765 (5) of the statutes ^{INS P} is amended to read:

4 16.765 (5) The head of each contracting agency and the boards of directors of
5 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
6 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
7 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
8 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
9 Development Corporation, and the Bradley Center Sports and Entertainment
10 Corporation shall be primarily responsible for obtaining compliance by any
11 contractor with the nondiscrimination and affirmative action provisions prescribed
12 by this section, according to procedures recommended by the department. The
13 department shall make recommendations to the contracting agencies and the boards
14 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
15 River Navigational System Authority, the Wisconsin Aerospace Authority, the
16 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
17 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
18 Development Corporation, and the Bradley Center Sports and Entertainment
19 Corporation for improving and making more effective the nondiscrimination and
20 affirmative action provisions of contracts. The department shall promulgate such
21 rules as may be necessary for the performance of its functions under this section.

22 **SECTION 28.** 16.765 (6) of the statutes ^{INS P} is amended to read:

23 16.765 (6) The department may receive complaints of alleged violations of the
24 nondiscrimination provisions of such contracts. The department shall investigate
25 and determine whether a violation of this section has occurred. The department may

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1 delegate this authority to the contracting agency, the University of Wisconsin
 2 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
 3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
 4 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
 5 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
 6 Sports and Entertainment Corporation for processing in accordance with the
 7 department's procedures.

8 **SECTION 29.** 16.765 (7) (intro.) of the statutes ^{INS P ✓} is amended to read:

9 16.765 (7) (intro.) When a violation of this section has been determined by the
 10 department, the contracting agency, the University of Wisconsin Hospitals and
 11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
 12 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
 13 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
 14 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
 15 Entertainment Corporation, the contracting agency, the University of Wisconsin
 16 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
 17 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
 18 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
 19 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
 20 Sports and Entertainment Corporation shall:

21 **SECTION 30.** 16.765 (7) (d) of the statutes ^{INS P ✓} is amended to read:

22 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
 23 further violations of this section and to report its corrective action to the contracting
 24 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
 25 Navigational System Authority, the Wisconsin Aerospace Authority, the Health

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1 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
2 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
3 Development Corporation, or the Bradley Center Sports and Entertainment
4 Corporation.

5 **SECTION 31.** 16.765 (8) of the statutes ^{INS ✓} is amended to read:

6 16.765 (8) If further violations of this section are committed during the term
7 of the contract, the contracting agency, the Fox River Navigational System Authority,
8 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
9 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
10 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
11 Center Sports and Entertainment Corporation may permit the violating party to
12 complete the contract, after complying with this section, but thereafter the
13 contracting agency, the Fox River Navigational System Authority, the Wisconsin
14 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
15 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
16 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
17 Entertainment Corporation shall request the department to place the name of the
18 party on the ineligible list for state contracts, or the contracting agency, the Fox River
19 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
20 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
21 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
22 Development Corporation, or the Bradley Center Sports and Entertainment
23 Corporation may terminate the contract without liability for the uncompleted
24 portion or any materials or services purchased or paid for by the contracting party
25 for use in completing the contract.

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1 **SECTION 32.** 16.85 (2) of the statutes^{INS ✓} is amended to read:

2 16.85 (2) To furnish engineering, architectural, project management, and other
3 building construction services whenever requisitions therefor are presented to the
4 department by any agency. The department may deposit moneys received from the
5 provision of these services in the account under s. 20.505 (1) (kc) or in the general
6 fund as general purpose revenue — earned. In this subsection, “agency” means an
7 office, department, independent agency, institution of higher education, association,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, which is entitled to expend moneys appropriated by law,
10 including the legislature and the courts, but not including an authority created in
11 subch. II of ch. 114 (or subch. III of ch. 149) or in ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 33.** 16.865 (8) of the statutes^{INS ✓} is amended to read:

13 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
14 proportionate share of the estimated costs attributable to programs administered by
15 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
16 may charge premiums to agencies to finance costs under this subsection and pay the
17 costs from the appropriation on an actual basis. The department shall deposit all
18 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
19 Costs assessed under this subsection may include judgments, investigative and
20 adjustment fees, data processing and staff support costs, program administration
21 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
22 subsection, “agency” means an office, department, independent agency, institution
23 of higher education, association, society, or other body in state government created
24 or authorized to be created by the constitution or any law, that is entitled to expend
25 moneys appropriated by law, including the legislature and the courts, but not

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1 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
2 52, 231, 232, 233, 234, 237, 238, or 279.

3 **SECTION 34.** 19.42 (10) (s) of the statutes is created to read:

4 19.42 (10) (s) The executive director and members of the board of directors of
5 the Wisconsin Quality Home Care Authority.

6 **SECTION 35.** 19.42 (13) (o) of the statutes is created to read:

7 19.42 (13) (o) The executive director and members of the board of directors of
8 the Wisconsin Quality Home Care Authority.

9 **SECTION 36.** 19.82 (1) of the statutes is amended to read:

10 19.82 (1) "Governmental body" means a state or local agency, board,
11 commission, committee, council, department or public body corporate and politic
12 created by constitution, statute, ordinance, rule or order; a governmental or
13 quasi-governmental corporation except for the Bradley center sports and
14 entertainment corporation; a local exposition district under subch. II of ch. 229; a
15 long-term care district under s. 46.2895; or a formally constituted subunit of any of
16 the foregoing, but excludes any such body or committee or subunit of such body which
17 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
18 ~~or V,~~ or VI of ch. 111.

19 **SECTION 37.** 19.85 (3) of the statutes is amended to read:

20 19.85 (3) Nothing in this subchapter shall be construed to authorize a
21 governmental body to consider at a meeting in closed session the final ratification or
22 approval of a collective bargaining agreement under subch. I, IV, ~~or V,~~ or VI of ch. 111
23 which has been negotiated by such body or on its behalf.

24 **SECTION 38.** 19.86 of the statutes is amended to read:

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1 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
2 19.82 (1), where notice has been given by either party to a collective bargaining
3 agreement under subch. I, IV, ~~or V~~, or VI of ch. 111 to reopen such agreement at its
4 expiration date, the employer shall give notice of such contract reopening as provided
5 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
6 by the employer's chief officer or such person's designee.

7 **SECTION 39.** 20.425 (1) (a) of the statutes is amended to read:

8 20.425 (1) (a) *General program operations.* The amounts in the schedule for
9 the purposes provided in subchs. I, IV, ~~and V~~, and VI of ch. 111 and s. 230.45 (1).

10 **SECTION 40.** 20.425 (1) (i) of the statutes is amended to read:

11 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
12 The amounts in the schedule for the performance of fact-finding, mediation,
13 certification, and arbitration functions, for the provision of copies of transcripts, for
14 the cost of operating training programs under ss. 111.09 (3), 111.71 (5) and (5m), and
15 111.94 (3), for the preparation of publications, transcripts, reports, and other copied
16 material, and for costs related to conducting appeals under s. 230.45. All moneys
17 received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.~~, 111.71 (1) and (2), ~~111.83 (3)~~
18 ~~(b)~~, 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators
19 and arbitration panel members, and individuals who are interested in serving in
20 such positions, and from individuals and organizations who participate in other
21 collective bargaining training programs conducted by the commission, and all
22 moneys received from the sale of publications, transcripts, reports, and other copied
23 material shall be credited to this appropriation account.

24 **SECTION 41.** 20.545 (1) (k) of the statutes is amended to read:

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1 for which a representative is certified under subch. V or VI of ch. 111, as determined
2 under s. 20.928, other than adjustments funded under par. (cj).

3 **SECTION 44.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
4 32, is amended to read:

5 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
6 *academic pay adjustments.* From the appropriate program revenue and program
7 revenue — service accounts, a sum sufficient to supplement the appropriations to the
8 University of Wisconsin System to pay the cost of pay and related adjustments
9 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
10 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
11 230.08 (2) (d) who are not included within a collective bargaining unit for which a
12 representative is certified under subch. V or VI of ch. 111, as determined under s.
13 20.928, other than adjustments funded under par. (cj).

14 **SECTION 45.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
17 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
18 to supplement the appropriations to the University of Wisconsin System to pay the
19 cost of pay and related adjustments approved by the joint committee on employment
20 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under
21 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
22 collective bargaining unit for which a representative is certified under subch. V or
23 VI of ch. 111, as determined under s. 20.928.

24 **SECTION 46.** 20.917 (3) (b) of the statutes is amended to read:

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1 20.917 (3) (b) This subsection applies to employees in all positions in the civil
2 service, including those employees in positions included in collective bargaining
3 units under subch. V or VI of ch. 111, whether or not the employees are covered by
4 a collective bargaining agreement.

5 **SECTION 47.** 20.921 (1) (a) 2. of the statutes is amended to read:

6 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
7 ~~(15r), payment~~ Payment of dues to employee organizations.

8 **SECTION 48.** 20.921 (1) (b) of the statutes is amended to read:

9 20.921 (1) (b) Except as provided in ~~s.~~ ss. 111.06 (1) (c) and 111.84 (1) (f), the
10 request under par. (a) shall be made to the state agency or to the University of
11 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
12 directions and information prescribed by each state agency or by the authority. The
13 request may be withdrawn or the amount paid to the payee may be changed by
14 notifying the state agency or the authority to that effect, but no such withdrawal or
15 change shall affect a payroll certification already prepared.

16 **SECTION 49.** 20.923 (6) (intro.) of the statutes is amended to read:

17 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
18 following positions may be set by the appointing authority, subject to restrictions
19 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
20 where the salaries are a subject of bargaining with a certified representative of a
21 collective bargaining unit under s. 111.91 or 111.998:

22 **SECTION 50.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 36.09 (1) (j) Except where such matters are a subject of bargaining with a
25 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the

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1 board shall establish salaries for persons prior to July 1 of each year for the next fiscal
2 year, and shall designate the effective dates for payment of the new salaries. In the
3 first year of the biennium, payments of the salaries established for the preceding
4 year shall be continued until the biennial budget bill is enacted. If the budget is
5 enacted after July 1, payments shall be made following enactment of the budget to
6 satisfy the obligations incurred on the effective dates, as designated by the board, for
7 the new salaries, subject only to the appropriation of funds by the legislature and s.
8 20.928 (3). This paragraph does not limit the authority of the board to establish
9 salaries for new appointments. The board may not increase the salaries of employees
10 under this paragraph unless the salary increase conforms to the proposal as
11 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
12 salary inequities under par. (h), to fund job reclassifications or promotions, or to
13 recognize competitive factors. The granting of salary increases to recognize
14 competitive factors does not obligate inclusion of the annualized amount of the
15 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
16 No later than October 1 of each year, the board shall report to the joint committee
17 on finance and the secretary of administration and director of the office of state
18 employment relations concerning the amounts of any salary increases granted to
19 recognize competitive factors, and the institutions at which they are granted, for the
20 12-month period ending on the preceding June 30.

✓ 21 **SECTION 51.** 40.02 (25) (b) 8. of the statutes is amended to read:

22 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
23 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
24 under s. 230.12 or 233.10.

25 **SECTION 52.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

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1 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
2 the contributions required by par. (a), but all the payments shall be available for
3 benefit purposes to the same extent as required contributions deducted from
4 earnings of the participating employees. Action to assume employee contributions
5 as provided under this paragraph shall be taken at the time and in the form
6 determined by the governing body of the participating employer. The state shall pay
7 under this paragraph for employees who are covered by a collective bargaining
8 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
9 are determined under s. 230.12 an amount equal to 4 percent of the earnings paid
10 by the state unless otherwise provided in a collective bargaining agreement under
11 subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The
12 University of Wisconsin Hospitals and Clinics Authority shall pay under this
13 paragraph for employees who are covered by a collective bargaining agreement
14 under subch. I of ch. 111 and for employees whose fringe benefits are determined
15 under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority
16 unless otherwise provided in a collective bargaining agreement under subch. I of ch.
17 111 or unless otherwise determined under s. 233.10. The state shall pay under this
18 paragraph for employees who are not covered by a collective bargaining agreement
19 under subch. V or VI of ch. 111 and for employees whose fringe benefits are not
20 determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the
21 state unless a different amount is recommended by the director of the office of state
22 employment relations and approved by the joint committee on employment relations
23 in the manner provided for approval of changes in the compensation plan under s.
24 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay
25 under this paragraph for its employees who are not covered by a collective bargaining

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1 agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid
2 by the authority unless a different amount is established by the board of directors
3 of the authority under s. 233.10.

4 **SECTION 53.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

5 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining
6 agreement under s. 230.12 or 233.10 or subch. I, V, or VI of ch. 111, the employer shall
7 pay for its currently employed insured employees:

8 **SECTION 54.** 40.05 (4) (b) of the statutes is amended to read:

9 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
10 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
11 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,
12 upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25
13 (1) or upon termination of creditable service and qualifying as an eligible employee
14 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
15 he or she received while employed by the state, to credits for payment of health
16 insurance premiums on behalf of the employee or the employee's surviving insured
17 dependents. Any supplemental compensation that is paid to a state employee who
18 is classified under the state classified civil service as a teacher, teacher supervisor,
19 or education director for the employee's completion of educational courses that have
20 been approved by the employee's employer is considered as part of the employee's
21 basic pay for purposes of this paragraph. The full premium for any eligible employee
22 who is insured at the time of retirement, or for the surviving insured dependents of
23 an eligible employee who is deceased, shall be deducted from the credits until the
24 credits are exhausted and paid from the account under s. 40.04 (10), and then
25 deducted from annuity payments, if the annuity is sufficient. The department shall

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1 provide for the direct payment of premiums by the insured to the insurer if the
2 premium to be withheld exceeds the annuity payment. Upon conversion of an
3 employee's unused sick leave to credits under this paragraph or par. (bf), the
4 employee or, if the employee is deceased, the employee's surviving insured
5 dependents may initiate deductions from those credits or may elect to delay
6 initiation of deductions from those credits, but only if the employee or surviving
7 insured dependents are covered by a comparable health insurance plan or policy
8 during the period beginning on the date of the conversion and ending on the date on
9 which the employee or surviving insured dependents later elect to initiate
10 deductions from those credits. If an employee or an employee's surviving insured
11 dependents elect to delay initiation of deductions from those credits, an employee or
12 the employee's surviving insured dependents may only later elect to initiate
13 deductions from those credits during the annual enrollment period under par. (be).
14 A health insurance plan or policy is considered comparable if it provides hospital and
15 medical benefits that are substantially equivalent to the standard health insurance
16 plan established under s. 40.52 (1).

17 **SECTION 55.** 40.05 (4) (bw) of the statutes is amended to read:

18 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
19 payment of health insurance premiums under par. (b), the department shall add
20 additional credits, calculated in the same manner as are credits under par. (b), that
21 are based on a state employee's accumulated sabbatical leave or earned vacation
22 leave from the state employee's last year of service prior to retirement, or both. The
23 department shall apply the credits awarded under this paragraph for the payment
24 of health insurance premiums only after the credits awarded under par. (b) are
25 exhausted. This paragraph applies only to state employees who are eligible for

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1 accumulated unused sick leave conversion under par. (b) and who are entitled to the
2 benefits under this paragraph pursuant to a collective bargaining agreement under
3 subch. V or VI of ch. 111.

4 **SECTION 56.** 40.05 (4g) (a) 4. of the statutes is amended to read:

5 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
6 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
7 or under rules promulgated by the director of the office of state employment relations
8 or is eligible for reemployment with the state under s. 321.64 after completion of his
9 or her service in the U.S. armed forces.

10 **SECTION 57.** 40.05 (5) (intro.) of the statutes is amended to read:

11 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
12 continuation insurance provided under subch. V the employee shall pay the amount
13 remaining after the employer has contributed the following or, if different, the
14 amount determined under a collective bargaining agreement under subch. I, V, or VI
15 of ch. 111 or s. 230.12 or 233.10:

16 **SECTION 58.** 40.05 (5) (b) 4. of the statutes is amended to read:

17 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
18 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
19 and subch. I, V, or VI of ch. 111.

20 **SECTION 59.** 40.05 (6) (a) of the statutes is amended to read:

21 40.05 (6) (a) Except as otherwise provided in accordance with a collective
22 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each
23 insured employee under the age of 70 and annuitant under the age of 65 shall pay
24 for group life insurance coverage a sum, approved by the group insurance board,
25 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,

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1 based upon the last amount of insurance in force during the month for which
2 earnings are paid. The equivalent premium may be fixed by the group insurance
3 board if the annual compensation is paid in other than 12 monthly installments.

4 **SECTION 60.** 40.51 (7) (a) of the statutes is renumbered 40.51 (7) and amended
5 to read:

6 40.51 (7) Any employer, other than the state, including an employer that is not
7 a participating employer, may offer to all of its employees a health care coverage plan
8 through a program offered by the group insurance board. Notwithstanding sub. (2)
9 and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different
10 eligibility standards or contribution requirements for such employees and
11 employers. Beginning on January 1, 2012, except as otherwise provided in a
12 collective bargaining agreement under subch. IV of ch. 111 and ~~except as provided~~
13 ~~in par. (b)~~, an employer may not offer a health care coverage plan to its employees
14 under this subsection if the employer pays more than 88 percent of the average
15 premium cost of plans offered in any tier with the lowest employee premium cost
16 under this subsection.

17 **SECTION 61.** 40.51 (7) (b) of the statutes is repealed.

18 **SECTION 62.** 40.62 (2) of the statutes is amended to read:

19 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
20 of the department, any collective bargaining agreement under subch. I, V, or VI of
21 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
22 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

23 **SECTION 63.** 40.80 (3) of the statutes is amended to read:

24 40.80 (3) Any action taken under this section shall apply to employees covered
25 by a collective bargaining agreement under subch. V or VI of ch. 111.

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1 **SECTION 64.** 40.81 (3) of the statutes is amended to read:

2 40.81 (3) Any action taken under this section shall apply to employees covered
3 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

4 **SECTION 65.** 40.95 (1) (a) 2. of the statutes is amended to read:

5 40.95 (1) (a) 2. The employee has his or her compensation established in a
6 collective bargaining agreement under subch. V or VI of ch. 111.

7 **SECTION 66.** 46.284 (4) (m) of the statutes is created to read:

8 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
9 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
10 directly by an enrollee and make any payroll deductions authorized by those
11 agreements.

12 **SECTION 67.** 46.2895 (8) (a) 1. of the statutes is amended to read:

13 46.2895 (8) (a) 1. If the long-term care district offers employment to any
14 individual who was previously employed by a county, which participated in creating
15 the district and at the time of the offer had not withdrawn or been removed from the
16 district under sub. (14), and who while employed by the county performed duties
17 relating to the same or a substantially similar function for which the individual is
18 offered employment by the district and whose wages, hours, and conditions of
19 employment were established in a collective bargaining agreement with the county
20 under subch. IV of ch. 111 that is in effect on the date that the individual commences
21 employment with the district, with respect to that individual, abide by the terms of
22 the collective bargaining agreement concerning the individual's wages and, if
23 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
24 allowance, funeral leave allowance, personal day allowance, or paid time off
25 allowance until the time of the expiration of that collective bargaining agreement or

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1 adoption of a collective bargaining agreement with the district under subch. IV of ch.
2 111 covering the individual as an employee of the district, whichever occurs first.

3 **SECTION 68.** 46.2898 of the statutes is created to read:

4 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

5 (a) “Authority” means the Wisconsin Quality Home Care Authority.

6 (b) “Care management organization” has the meaning given in s. 46.2805 (1).

7 (cm) “Consumer” means an adult who receives home care services and who
8 meets all of the following criteria:

9 1. Is a resident of any of the following:

10 a. A county that has acted under sub. (2) (a).

11 b. A county in which the Family Care Program under s. 46.286 is available.

12 c. A county in which the Program of All-Inclusive Care for the Elderly under
13 42 USC 1396u-4 is available.

14 d. A county in which the self-directed services option program under 42 USC
15 1396n (c) is available or in which a program operated under an amendment to the
16 state medical assistance plan under 42 USC 1396n (j) is available.

17 2. Self-directs all or part of his or her home care services and is an employer
18 listed on the provider’s income tax forms.

19 3. Is eligible to receive a home care benefit under one of the following:

20 a. The Family Care Program under s. 46.286.

21 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

22 c. A program operated under a waiver from the secretary of the federal
23 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
24 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

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1 d. A program operated under an amendment to the state medical assistance
2 plan under 42 USC 1396n (j).

3 (dm) “Home care” means supportive home care, personal care, and other
4 nonprofessional services of a type that may be covered under a medical assistance
5 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
6 in meeting their daily living needs, ensuring adequate functioning in their homes,
7 and permitting safe access to their communities.

8 (e) “Provider” means an individual who is hired by a consumer to provide home
9 care to the consumer but does not include any of the following:

10 1. A person, while he or she is providing services in the capacity of an employee
11 of any of the following entities:

12 a. A home health agency licensed under s. 50.49.

13 b. A personal care provider agency.

14 c. A company or agency providing supportive home care.

15 d. An independent living center, as defined in s. 46.96 (1) (ah).

16 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
17 51.437.

18 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
19 professional capacity.

20 (f) “Qualified provider” means a provider who meets the qualifications for
21 payment through the Family Care Program under s. 46.286, the Program for
22 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
23 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
24 waiver program operated under a waiver from the secretary of the federal
25 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n

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1 (b) and (c) and any qualification criteria established in the rules promulgated under
2 sub. (7) and who the authority determines is eligible for placement on the registry
3 maintained by the authority under s. 52.20 (1).

4 (2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a
5 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow
6 procedures under this section and to pay providers in accordance with agreements
7 under subch. V of ch. 111.

8 (b) If a county acts under par. (a), it shall notify the department and the
9 authority of its action.

10 (c) A county that acts under par. (a) shall compensate providers in accordance
11 with any agreement under subch. V of ch. 111 and make any payroll deductions
12 authorized by such agreements.

13 (4) DUTIES OF HOME CARE PAYORS. Care management organizations, the state,
14 and counties, as described in sub. (1) (cm) 1. a. to d., that pay for the provision of home
15 care services to consumers shall provide to the authority the name, address,
16 telephone number, date of hire, and date of termination of any provider hired by an
17 individual receiving home care services.

18 (5) DUTIES OF CONSUMERS. A consumer shall do all of the following:

19 (a) Inform the authority of the name, address, telephone number, date of hire,
20 and date of termination of any provider hired by the consumer to provide home care
21 services.

22 (b) Compensate providers in accordance with any collective bargaining
23 agreement that applies to home care providers under subch. V of ch. 111 and make
24 any payroll deductions authorized by the agreement.

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1 **(6) PROVIDERS.** (a) A qualified provider providing home care services under this
2 section shall be subject to the collective bargaining agreement that applies to home
3 care providers under subch. V of ch. 111.

4 (b) A qualified provider may choose to be placed on the registry maintained by
5 the authority under s. 52.20 (1).

6 **(7) DEPARTMENT RULE MAKING.** The department may promulgate rules defining
7 terms, specifying which services constitute home care, establishing the qualification
8 criteria that apply under sub. (1) (f), and establishing procedures for implementation
9 of this section.

10 **SECTION 69.** 46.48 (9m) of the statutes is created to read:

11 **46.48 (9m) QUALITY HOME CARE.** The department shall award a grant to the
12 Wisconsin Quality Home Care Authority for the purpose of providing services to
13 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
14 grants to counties to facilitate transition to procedures established under s. 46.2898.

15 **SECTION 70.** 49.825 (3) (b) 4. of the statutes is created to read:

16 **49.825 (3) (b) 4.** The department may enter into a memorandum of
17 understanding, as described in s. 111.70 (3m), with the certified representative of the
18 county employees performing services under this section for the unit. If there is a
19 dispute as to hours or conditions of employment that remains between the
20 department and the certified representative after a good faith effort to resolve it, the
21 department may unilaterally resolve the dispute.

22 **SECTION 71.** 49.826 (3) (b) 4. of the statutes is created to read:

23 **49.826 (3) (b) 4.** The department may enter into a memorandum of
24 understanding, as described in s. 111.70 (3p), with the certified representative of the
25 county employees performing services under this section in the county for the unit.

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1 If there is a dispute as to hours or conditions of employment that remains between
2 the department and the certified representative after a good faith effort to resolve
3 it, the department may unilaterally resolve the dispute.

4 **SECTION 72.** Chapter 52 of the statutes is created to read:

CHAPTER 52**QUALITY HOME CARE**

7 **52.01 Definitions.** In this chapter:

8 (1) "Authority" means the Wisconsin Quality Home Care Authority.

9 (2) "Board" means the board of directors of the authority.

10 (3) "Care management organization" has the meaning given in s. 46.2805 (1).

11 (3m) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

12 (4) "Department" means the department of health services.

13 (5) "Family Care Program" means the benefit program described in s. 46.286.

14 (6) "Home care provider" means an individual who is a qualified provider under
15 s. 46.2898 (1) (f).

16 (7) "Medical assistance waiver program" means a program operated under a
17 waiver from the secretary of the federal department of health and human services
18 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

19 (8) "Program of All-Inclusive Care for the Elderly" means the program
20 operated under 42 USC 1396u-4.

21 **52.05 Creation and organization of authority.** (1) CREATION AND
22 MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be
23 known as the "Wisconsin Quality Home Care Authority." The members of the board
24 shall consist of the following members:

25 (a) The secretary of the department of health services or his or her designee.

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1 (b) The secretary of the department of workforce development or his or her
2 designee.

3 (c) The following, to be appointed by the governor to serve 3-year terms:

- 4 1. One representative from the state assembly.
- 5 2. One representative from the state senate.
- 6 3. One representative of care management organizations.
- 7 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
8 51.42, or 51.437, selected from counties where the Family Care Program is not
9 available.
- 10 5. One representative of the board for people with developmental disabilities.
- 11 6. One representative of the council on physical disabilities.
- 12 7. One representative of the council on mental health.
- 13 8. One representative of the board on aging and long-term care.
- 14 9. Eleven individuals, each of whom is a current or former recipient of home
15 care services through the Family Care Program or a medical assistance waiver
16 program or an advocate for or representative of consumers of home care services.

17 (3) CHAIRPERSON. Annually, the governor shall appoint one member of the
18 board to serve as the chairperson.

19 (4) EXECUTIVE COMMITTEE. (a) The board shall elect an executive committee.
20 The executive committee shall consist of the chair of the board, the secretary of the
21 department of health services or his or her designee, the secretary of the department
22 of workforce development or his or her designee, and 3 persons selected from board
23 members appointed under sub. (1) (c) 9.

24 (b) The executive committee may do the following:

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1 1. Hire an executive director who is not a member of the board and serves at
2 the pleasure of the board.

3 2. Hire employees to carry out the duties of the authority.

4 3. Engage in contracts for services to carry out the duties of the authority.

5 **(5) TERMS.** The terms of members of the board appointed under sub. (1) (c) shall
6 expire on July 1.

7 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
8 the purpose of conducting its business and exercising its powers and for all other
9 purposes, notwithstanding the existence of any vacancies. Action may be taken by
10 the board upon a vote of a majority of the members present. Meetings of the members
11 of the board may be held anywhere within the state.

12 **(7) VACANCIES.** Each member of the board shall hold office until a successor is
13 appointed and qualified unless the member vacates or is removed from his or her
14 office. A member who serves as a result of holding another office or position vacates
15 his or her office as a member when he or she vacates the other office or position. A
16 member who ceases to qualify for office vacates his or her office. A vacancy on the
17 board shall be filled in the same manner as the original appointment to the board for
18 the remainder of the unexpired term, if any.

19 **(8) COMPENSATION.** The members of the board are not entitled to compensation
20 for the performance of their duties. The authority may reimburse members of the
21 board for actual and necessary expenses incurred in the discharge of their official
22 duties as provided by the board.

23 **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board
24 member to engage in private or public employment or in a profession or business,
25 except to the extent prohibited by law, while serving as a member of the board.

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1 **52.10 Powers of authority.** The authority shall have all the powers
2 necessary or convenient to carry out the purposes and provisions of this chapter and
3 s. 46.2898. In addition to all other powers granted the authority under this chapter,
4 the authority may:

5 (1) Adopt policies and procedures to govern its proceedings and to carry out its
6 duties as specified in this chapter.

7 (2) Employ, appoint, engage, compensate, transfer, or discharge necessary
8 personnel.

9 (3) Make or enter into contracts, including contracts for the provision of legal
10 or accounting services.

11 (4) Award grants for the purposes set forth in this chapter.

12 (5) Buy, lease, or sell real or personal property.

13 (6) Sue and be sued.

14 (7) Accept gifts, grants, or assistance funds and use them for the purposes of
15 this chapter.

16 (8) Collect fees for its services.

17 **52.20 Duties of authority.** The authority shall:

18 (1) Establish and maintain a registry of eligible home care providers who
19 choose to be on the registry for purposes of employment by consumers and provide
20 referral services for consumers in need of home care services.

21 (2) Determine the eligibility of individuals for placement on the registry. For
22 purposes of determining eligibility, the authority shall apply the criteria described
23 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
24 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
25 of placement on or removal of a provider from the registry consistent with the terms

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1 of the medical assistance waiver programs, the Family Care Program, an
2 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
3 Program of All-Inclusive Care for the Elderly, as determined by the department.

4 (3) Comply with any conditions necessary for consumers receiving home care
5 services to receive federal medical assistance funding through a medical assistance
6 waiver program, the Family Care Program, an amendment to the state medical
7 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
8 Elderly.

9 (4) Develop and operate recruitment and retention programs to expand the
10 pool of home care providers qualified and available to provide home care services to
11 consumers.

12 (5) Maintain a list of home care providers included in a collective bargaining
13 unit under s. 111.825 (2g) and provide the list of home care providers to the
14 department at the department's request.

15 (6) Notify home care providers providing home care services of any procedures
16 for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department
17 or the authority.

18 (7) Provide orientation activities and skills training for home care providers.

19 (8) Provide training and support for consumers hiring a home care provider
20 regarding the duties and responsibilities of employers and skills needed to be
21 effective employers.

22 (9) Inform consumers of the experience and qualifications of home care
23 providers on the registry and home care providers identified by consumers of home
24 care services for employment.

BILL**SECTION 72**

1 (10) Develop and operate a system of backup and respite referrals to home care
2 providers and a 24-hour per day call service for consumers of home care services.

3 (11) Report annually to the governor on the number of home care providers on
4 the registry and the number of home care providers providing services under the
5 authority.

6 (12) Conduct activities to improve the supply and quality of home care
7 providers.

8 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
9 or any officer, employee, or agent of the state or a political subdivision who is acting
10 within the scope of employment or agency is not liable for any debt, obligation, act,
11 or omission of the authority.

12 (2) All expenses incurred by the authority in exercising its duties and powers
13 under this chapter shall be payable only from funds of the authority.

14 **52.40 Health data.** Any health data or identifying information collected by
15 the authority is collected for the purpose of government regulatory and management
16 functions.

17 **SECTION 73.** 59.875 (2) (a) of the statutes is renumbered 59.875 (2) and
18 amended to read:

19 59.875 (2) Beginning on July 1, 2011, in any employee retirement system of a
20 county, except as otherwise provided in a collective bargaining agreement entered
21 into under subch. IV of ch. 111 and ~~except as provided in par. (b)~~, employees shall pay
22 half of all actuarially required contributions for funding benefits under the
23 retirement system. The employer may not pay on behalf of an employee any of the
24 employee's share of the actuarially required contributions.

25 **SECTION 74.** 59.875 (2) (b) of the statutes is repealed.

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1 **SECTION 75.** 62.623 (1) of the statutes is renumbered 62.623 and amended to
2 read:

3 **62.623 Payment of contributions in an employee retirement system of**
4 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of
5 a 1st class city, except as otherwise provided in a collective bargaining agreement
6 entered into under subch. IV of ch. 111 and except as provided in sub. (2), employees
7 shall pay all employee 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 required contributions.

10 **SECTION 76.** 62.623 (2) of the statutes is repealed.

11 **SECTION 77.** 66.0506 of the statutes is repealed.

12 **SECTION 78.** 66.0508 of the statutes is repealed.

13 **SECTION 79.** 66.0509 (1m) of the statutes is repealed.

14 **SECTION 80.** 70.11 (41s) of the statutes is created to read:

15 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
16 the Wisconsin Quality Home Care Authority, provided that use of the property is
17 primarily related to the purposes of the authority.

18 **SECTION 81.** 71.26 (1) (be) of the statutes is amended to read:

19 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
20 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
21 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
22 Navigational System Authority, of the Wisconsin Economic Development
23 Corporation, and of the Wisconsin Aerospace Authority.

24 **SECTION 82.** 73.03 (68) of the statutes is repealed.

25 **SECTION 83.** 77.54 (9a) (a) of the statutes is amended to read:

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SECTION 83

1 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
 2 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
 3 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
 4 Authority, the Wisconsin Economic Development Corporation, and the Fox River
 5 Navigational System Authority.

6 **SECTION 84.** 100.45 (1) (dm) of the statutes is amended to read:

7 100.45 (1) (dm) "State agency" means any office, department, agency,
 8 institution of higher education, association, society, or other body in state
 9 government created or authorized to be created by the constitution or any law which
 10 is entitled to expend moneys appropriated by law, including the legislature and the
 11 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
 12 Center Sports and Entertainment Corporation, the University of Wisconsin
 13 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
 14 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
 15 Authority, the Wisconsin Economic Development Corporation, and the Fox River
 16 Navigational System Authority.

17 **SECTION 85.** 109.03 (1) (b) of the statutes is amended to read:

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

23 **SECTION 86.** Subchapter VI of chapter 111 of the statutes is created to read:

CHAPTER 111

SUBCHAPTER VI

25
 SECTIONS
 86 - (through p. 68)
 should
 be moved to
 p. 122

[precludes 111.95]

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UNIVERSITY OF WISCONSIN SYSTEM

FACULTY AND ACADEMIC STAFF

LABOR RELATIONS

1
2
3
4 **111.95 Declaration of policy.** The public policy of the state as to labor
5 relations and collective bargaining involving faculty and academic staff at the
6 University of Wisconsin System, in furtherance of which this subchapter is enacted,
7 is as follows:

8 (1) The people of the state of Wisconsin have a fundamental interest in
9 developing harmonious and cooperative labor relations within the University of
10 Wisconsin System.

11 (2) It recognizes that there are 3 major interests involved: that of the public,
12 that of the employee, and that of the employer. These 3 interests are to a considerable
13 extent interrelated. It is the policy of this state to protect and promote each of these
14 interests with due regard to the rights of the others.

15 **111.96 Definitions.** In this subchapter:

16 (1) "Academic staff" means academic staff under s. 36.15, but does not include
17 any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is
18 appointed to a visiting faculty position.

19 (2) "Board" means the Board of Regents of the University of Wisconsin System.

20 (3) "Collective bargaining" means the performance of the mutual obligation of
21 the state as an employer, by its officers and agents, and the representatives of its
22 employees, to meet and confer at reasonable times, in good faith, with respect to the
23 subjects of bargaining provided in s. 111.998 with the intention of reaching an
24 agreement, or to resolve questions arising under such an agreement. The duty to
25 bargain, however, does not compel either party to agree to a proposal or require the

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1 making of a concession. Collective bargaining includes the reduction of any
2 agreement reached to a written and signed document.

3 (4) “Collective bargaining unit” means a unit established under s. 111.98 (1).

4 (5) “Commission” means the employment relations commission.

5 (6) “Election” means a proceeding conducted by the commission in which the
6 employees in a collective bargaining unit cast a secret ballot for collective bargaining
7 representatives, or for any other purpose specified in this subchapter.

8 (7) “Employee” includes:

9 (a) All faculty, including faculty who are supervisors or management
10 employees, but not including faculty holding a limited appointment under s. 36.17
11 or deans.

12 (b) All academic staff, except for supervisors, management employees, and
13 individuals who are privy to confidential matters affecting the employer–employee
14 relationship.

15 (8) “Employer” means the state of Wisconsin.

16 (9) “Faculty” means faculty under s. 36.13, except for an individual holding an
17 appointment under s. 36.15.

18 (10) “Fair–share agreement” means an agreement between the employer and
19 a labor organization representing employees under which all of the employees in a
20 collective bargaining unit are required to pay their proportionate share of the cost
21 of the collective bargaining process and contract administration measured by the
22 amount of dues uniformly required of all members.

23 (11) “Institution” has the meaning given in s. 36.05 (9).

24 (12) “Labor dispute” means any controversy with respect to the subjects of
25 bargaining provided in this subchapter.

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1 **(13)** “Labor organization” means any employee organization whose purpose is
2 to represent employees in collective bargaining with the employer, or its agents, on
3 matters pertaining to terms and conditions of employment, but does not include any
4 organization that does any of the following:

5 (a) Advocates the overthrow of the constitutional form of government in the
6 United States.

7 (b) Discriminates with regard to the terms or conditions of membership
8 because of race, color, creed, sex, age, sexual orientation, or national origin.

9 **(14)** “Maintenance of membership agreement” means an agreement between
10 the employer and a labor organization representing employees that requires that all
11 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
12 or 111.992 (1) (c) at or after the time the agreement takes effect continue to have dues
13 deducted for the duration of the agreement and that dues be deducted from the
14 earnings of all employees who are hired on or after the effective date of the
15 agreement.

16 **(15)** “Management employees” includes those personnel engaged
17 predominately in executive and managerial functions.

18 **(16)** “Office” means the office of state employment relations in the department
19 of administration.

20 **(17)** “Referendum” means a proceeding conducted by the commission in which
21 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
22 may cast a secret ballot on the question of directing the labor organization and the
23 employer to enter into a fair-share agreement or to terminate a fair-share
24 agreement.

BILL**SECTION 86**

1 (18) “Representative” includes any person chosen by an employee to represent
2 the employee.

3 (19) “Strike” includes any strike or other concerted stoppage of work by
4 employees, any concerted slowdown or other concerted interruption of operations or
5 services by employees, or any concerted refusal to work or perform their usual duties
6 as employees of the state.

7 (20) “Supervisor” means any individual whose principal work is different from
8 that of the individual’s subordinates and who has authority, in the interest of the
9 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
10 reward, or discipline employees, or to adjust their grievances, or to authoritatively
11 recommend such action, if the individual’s exercise of such authority is not of a
12 merely routine or clerical nature, but requires the use of independent judgment.

13 (21) “Unfair labor practice” means any unfair labor practice specified in s.
14 111.991.

15 **111.965 Duties of the state.** (1) (a) In the furtherance of this subchapter, the
16 state shall be considered as a single employer. With respect to a collective bargaining
17 unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall negotiate and
18 administer collective bargaining agreements. To coordinate the employer position
19 in the negotiation of agreements, the board shall maintain close liaison with the
20 office relative to the negotiation of agreements and the fiscal ramifications of those
21 agreements. The board shall coordinate its collective bargaining activities with the
22 office. The legislative branch shall act upon those portions of tentative agreements
23 negotiated by the board that require legislative action.

24 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
25 (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall

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1 represent the state in its responsibility as an employer under this subchapter. The
2 board shall coordinate its actions with the director of the office.

3 (2m) (a) With respect to a collective bargaining unit specified in s. 111.98 (1)
4 (a) or (j), the University of Wisconsin-Madison shall negotiate and administer
5 collective bargaining agreements. To coordinate the employer position in the
6 negotiation of agreements, the University of Wisconsin-Madison shall maintain
7 close liaison with the office relative to the negotiation of agreements and the fiscal
8 ramifications of those agreements. The University of Wisconsin-Madison shall
9 coordinate its collective bargaining activities with the office. The legislative branch
10 shall act upon those portions of tentative agreements negotiated by the University
11 of Wisconsin-Madison that require legislative action.

12 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
13 (j), the University of Wisconsin-Madison shall establish a collective bargaining
14 capacity and shall represent the state in its responsibility as an employer under this
15 subchapter. The University of Wisconsin-Madison shall coordinate its actions with
16 the director of the office.

17 **111.97 Rights of employees.** Employees have the right of self-organization
18 and the right to form, join, or assist labor organizations, to bargain collectively
19 through representatives of their own choosing under this subchapter, and to engage
20 in lawful, concerted activities for the purpose of collective bargaining or other mutual
21 aid or protection. Employees also have the right to refrain from any such activities.

22 **111.98 Collective bargaining units.** (1) Collective bargaining units for
23 faculty and staff are structured with a collective bargaining unit for each of the
24 following groups:

25 (a) Faculty of the University of Wisconsin-Madison.

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- 1 (b) Faculty of the University of Wisconsin–Milwaukee.
- 2 (c) Faculty of the University of Wisconsin–Extension.
- 3 (cm) Faculty of the University of Wisconsin–Eau Claire.
- 4 (d) Faculty of the University of Wisconsin–Green Bay.
- 5 (dm) Faculty of the University of Wisconsin–La Crosse.
- 6 (e) Faculty of the University of Wisconsin–Oshkosh.
- 7 (em) Faculty of the University of Wisconsin–Parkside.
- 8 (f) Faculty of the University of Wisconsin–Platteville.
- 9 (fm) Faculty of the University of Wisconsin–River Falls.
- 10 (g) Faculty of the University of Wisconsin–Stevens Point.
- 11 (gm) Faculty of the University of Wisconsin–Stout.
- 12 (h) Faculty of the University of Wisconsin–Superior.
- 13 (hm) Faculty of the University of Wisconsin–Whitewater.
- 14 (i) Faculty of the University of Wisconsin Colleges.
- 15 (j) Academic staff of the University of Wisconsin–Madison.
- 16 (jk) Academic staff employed at the University of Wisconsin System
17 administration.
- 18 (jm) Academic staff of the University of Wisconsin–Milwaukee.
- 19 (k) Academic staff of the University of Wisconsin–Extension.
- 20 (km) Academic staff of the University of Wisconsin–Eau Claire.
- 21 (L) Academic staff of the University of Wisconsin–Green Bay.
- 22 (Lm) Academic staff of the University of Wisconsin–La Crosse.
- 23 (n) Academic staff of the University of Wisconsin–Oshkosh.
- 24 (nm) Academic staff of the University of Wisconsin–Parkside.
- 25 (o) Academic staff of the University of Wisconsin–Platteville.

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1 (om) Academic staff of the University of Wisconsin–River Falls.

2 (p) Academic staff of the University of Wisconsin–Stevens Point.

3 (pm) Academic staff of the University of Wisconsin–Stout.

4 (q) Academic staff of the University of Wisconsin–Superior.

5 (qm) Academic staff of the University of Wisconsin–Whitewater.

6 (r) Academic staff of the University of Wisconsin Colleges.

7 (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
8 under sub. (1) (b) to (i) or (jk) to (r) may be combined into a single unit or the collective
9 bargaining units described under sub. (1) (a) and (j) may be combined into a single
10 unit. If 2 or more collective bargaining units seek to combine into a single collective
11 bargaining unit, the commission shall, upon the petition of at least 30 percent of the
12 employees in each unit, hold an election, or include on any ballot for an election held
13 under s. 111.990 (2) the question of whether to combine units, to determine whether
14 a majority of those employees voting in each unit desire to combine into a single unit.
15 A combined collective bargaining unit shall be formed including all employees from
16 each of those units in which a majority of the employees voting in the election approve
17 a combined unit. The collective bargaining units shall be combined immediately
18 unless there is no existing collective bargaining agreement in force in any of the units
19 to be combined and then the collective bargaining units shall be combined upon
20 expiration of the last agreement for the units concerned.

21 (b) If 2 or more collective bargaining units have combined under par. (a), the
22 commission shall, upon petition of at least 30 percent of the employees in any of the
23 original units, hold an election of the employees in the original unit to determine
24 whether the employees in that unit desire to withdraw from the combined collective
25 bargaining unit. If a majority of the employees voting desire to withdraw from the

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1 combined collective bargaining unit, separate units consisting of the unit in which
2 the election was held and a unit composed of the remainder of the combined unit shall
3 be formed. The new collective bargaining units shall be formed immediately unless
4 there is a collective bargaining agreement in force for the combined unit and then the
5 new units shall be formed upon the expiration of the agreement. While there is a
6 collective bargaining agreement in force for the combined collective bargaining unit,
7 a petition for an election under this paragraph may be filed only during October in
8 the calendar year prior to the expiration of the agreement.

9 (4) Any labor organization may petition for recognition as the exclusive
10 representative of a collective bargaining unit described under sub. (1) or (2) in
11 accordance with the election procedures under s. 111.990 if the petition is
12 accompanied by a 30 percent showing of interest in the form of signed authorization
13 cards. Any additional labor organization seeking to appear on the ballot must file
14 a petition within 60 days of the date of filing of the original petition and prove,
15 through signed authorization cards, that at least 10 percent of the employees in the
16 collective bargaining unit want it to be their representative.

17 (5) Although academic staff supervisors are not considered employees for the
18 purpose of this subchapter, the commission may consider a petition for a statewide
19 collective bargaining unit consisting of academic staff supervisors, but the
20 representative of the supervisors may not be affiliated with any labor organization
21 representing employees. For purposes of this subsection, affiliation does not include
22 membership in a national, state, county, or municipal federation of national or
23 international labor organizations. The certified representative of the supervisors
24 may not bargain collectively with respect to any matter other than wages and fringe
25 benefits.

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1 **111.990 Representatives and elections.** (1) A representative chosen for the
2 purposes of collective bargaining by a majority of the employees voting in a collective
3 bargaining unit is the exclusive representative of all of the employees in such unit
4 for the purposes of collective bargaining. Any individual employee, or any minority
5 group of employees in any collective bargaining unit, may present any grievance to
6 the employer in person, or through representatives of their own choosing, and the
7 employer shall confer with the individual employee or group of employees with
8 respect to the grievance if the majority representative has been given the
9 opportunity to be present at the conference. Any adjustment resulting from a
10 conference may not be inconsistent with the conditions of employment established
11 by the majority representative and the employer.

12 (2) (a) Whenever a question arises concerning the representation of employees
13 in a collective bargaining unit, the commission shall determine the representation
14 by taking a secret ballot of the employees and certifying in writing the results to the
15 interested parties. There shall be included on any ballot for the election of
16 representatives the names of all labor organizations having an interest in
17 representing the employees participating in the election as indicated in petitions
18 filed with the commission. The name of any existing representative shall be included
19 on the ballot without the necessity of filing a petition. The commission may exclude
20 from the ballot one who, at the time of the election, stands deprived of his or her rights
21 under this subchapter by reason of a prior adjudication of his or her having engaged
22 in an unfair labor practice. The ballot shall permit a vote against representation by
23 anyone named on the ballot.

24 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
25 composed of employees who are members of the faculty or academic staff, whenever

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1 more than one representative qualifies to appear on the ballot, the ballot shall
2 provide separate votes on 2 questions. The first question shall be: "Shall the
3 employees of the (name of collective bargaining unit) participate in collective
4 bargaining?" The 2nd question shall be: "If the employees of the (name of
5 collective bargaining unit) elect to participate in collective bargaining, which labor
6 organization do you favor to act as representative of the employees?" The 2nd
7 question may not include a choice for no representative. All employees in the
8 collective bargaining unit may vote on both questions. Unless a majority of those
9 employees voting in the election vote to participate in collective bargaining, no votes
10 for a particular representative may be counted. If a majority of those employees
11 voting in the election vote to participate in collective bargaining, the ballots for
12 representatives shall be counted.

13 2. For elections in a collective bargaining unit composed of employees who are
14 members of the faculty or academic staff, whenever more than one representative
15 qualifies to appear on the ballot and a question of whether to combine collective
16 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
17 the ballot shall provide separate votes on 3 questions and each ballot shall identify
18 the collective bargaining unit to which each voter currently belongs. The first
19 question shall be: "Shall the employees of the (name of the voter's current
20 collective bargaining unit) participate in collective bargaining?" The 2nd question
21 shall be: "Shall the employees of the (names of all of the collective bargaining
22 units that qualify to appear on the ballot, including the name of the voter's current
23 collective bargaining unit) combine to participate in collective bargaining?" The 3rd
24 question shall be: "If the employees of the (name of the voter's current collective
25 bargaining unit) elect to participate in collective bargaining, which labor