

2013 DRAFTING REQUEST

Bill

Received: 1/3/2014 Received By: chanaman
Wanted: As time permits Same as LRB: -3774
For: Fred Risser (608) 266-1627 By/Representing: Terry
May Contact: Drafter: chanaman
Subject: Employ Pub - collective bargain Addl. Drafters: rchampag

Extra Copies:

Submit via email: YES
Requester's email: Sen.Risser@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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	chanaman 1/3/2014	kfollett 1/3/2014		_____	mbarman 1/3/2014	mbarman 1/3/2014	State S&L

FE Sent For:

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INTRO

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/1	chanaman	1/15f 1/3	1/15f 1/3	_____	_____		State S&L

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<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



3900/1

LRB-2774/1

CMH/RAC/TJD:wlj:jm

today
please

2013 BILL

Redraft
conjunction
maker
mm

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 (3) (a) 7m.,
3 111.70 (3) (b) 6m., 111.70 (3g), 111.70 (4) (cg), 111.70 (4) (d) 3. b., 111.70 (4) (mb),
4 111.70 (4) (mbb), 111.71 (4m), 111.71 (5m), 111.81 (3n), 111.81 (9g), 111.825 (1)
5 (g), 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (3), 111.91 (3q), 111.92 (3) (b),
6 111.93 (3) (b), 118.223, 118.245 and 120.12 (4m); *to renumber* 111.70 (7m) (a),
7 111.825 (6) (a) and 111.83 (3) (a); *to renumber and amend* 40.51 (7) (a), 59.875
8 (2) (a), 62.623 (1), 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c) 1., 111.70 (4)
9 (cm) 1., 111.815 (1) and 111.92 (3) (a); *to consolidate, renumber and amend*
10 111.70 (4) (d) 3. a. and c. and 111.93 (3) (intro.) and (a); *to amend* 7.33 (1) (c),
11 7.33 (4), 13.111 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95
12 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15
13 (1) (ab), 16.41 (4), 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2),
14 16.54 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6),

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1 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85
2 (3), 19.86, 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.917 (3)
3 (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.), 36.09 (1) (j), 40.02 (25) (b)
4 8., 40.05 (4) (ag) (intro.), 40.05 (4) (b), 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5)
5 (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a)
6 2., 46.2895 (8) (a) 1., 71.26 (1) (be), 77.54 (9a) (a), 100.45 (1) (dm), 109.03 (1) (b),
7 111.02 (1), 111.02 (2), 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1.,
8 111.06 (1) (d), 111.06 (1) (i), 111.06 (2) (i), 111.115 (title), 111.70 (1) (a), 111.70
9 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70 (2), 111.70 (3) (a) 3., 111.70 (3) (a) 5.,
10 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4) (c) (title), 111.70 (4) (c) 2., 111.70 (4)
11 (c) 3. (intro.), 111.70 (4) (cm) (title), 111.70 (4) (cm) 2., 3. and 4., 111.70 (4) (cm)
12 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (mc) (intro.) and 5., 111.70 (4)
13 (mc) 6., 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77
14 (intro.), 111.77 (8) (a), 111.77 (9), 111.81 (1), 111.81 (9), 111.81 (12) (intro.),
15 111.81 (12m), 111.81 (16), 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825
16 (5), 111.83 (1), 111.83 (4), 111.84 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2)
17 (c), 111.84 (3), 111.85 (1), (2) and (4), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c),
18 111.91 (1) (cm), 111.91 (1) (d), 111.91 (2) (intro.), 111.91 (2) (fm), 111.91 (2) (gu),
19 111.92 (1) (a) 1., 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4., 118.42 (5), 119.04 (1),
20 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046 (10) (a), 230.10 (1),
21 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e), 230.35 (3) (e) 6.,
22 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.), 281.75 (4) (b) 3., 285.59
23 (1) (b), 704.31 (3), 851.71 (4), 904.085 (2) (a) and 978.12 (1) (c); **to repeal and**
24 **recreate** 40.05 (1) (b); and **to create** 16.705 (3), 19.42 (10) (s), 19.42 (13) (o),
25 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4., chapter

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1 52, 70.11 (41s), 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m), (9m) and
2 (10m), 111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m), 111.075, 111.115 (1) (a),
3 111.115 (2), 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m),
4 111.70 (3p), 111.70 (4) (c) 1g., 111.70 (4) (cm) 1g., 111.70 (4) (cm) 5., 111.70 (4)
5 (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm)
6 8., 111.70 (4) (m), 111.70 (4) (mc) 3., 111.70 (4) (n), 111.70 (7), 111.70 (7m) (ag),
7 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m) (e), 111.71 (4), 111.71 (5), 111.80,
8 111.81 (3h), 111.81 (7) (g), 111.81 (9k), 111.815 (1) (b) 5., 111.825 (2g), 111.83
9 (5m), 111.905, 111.91 (1) (cg), 111.91 (1) (e), 111.91 (2) (fp), 111.91 (2c), 111.92
10 (2m), subchapter VI of chapter 111 [precedes 111.95], 118.22 (4), 118.23 (5) and
11 233.02 (1) (h) of the statutes; **relating to:** collective bargaining for public
12 employees, prohibiting employees other than public safety employees from
13 bargaining collectively on insurance contributions and employee required
14 contributions to retirement, granting rule-making authority, and making
15 appropriations.

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 except that public safety employees who are municipal employees are prohibited from bargaining over costs, payments, and the design and selection of health care coverage plans and public safety employees who are state or municipal employees are prohibited from bargaining over the requirement that the employer may not pay any employee required contributions under the Wisconsin Retirement System or under an employee retirement system of a first class city or a county having a population of 500,000 or more (employee required contribution to a retirement system). State government and municipal government employees who are not public safety employees or municipal transit employees (general employees) may collectively bargain only 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

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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). This bill does not change any exceptions listed above for public safety employees, but does provide that general employees are prohibited from bargaining over costs, payments, and the design and selection of health care coverage plans and over the requirement that the employer may not pay any employee required contributions to a retirement system. This bill permits University of Wisconsin (UW) System employees to collectively bargain over wages, hours, and conditions of employment subject to the same prohibited subjects created in this bill for state employees. In addition, this bill permits 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.

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

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1 in sub. (5), and without any other penalty. For employees who are included in a
2 collective bargaining unit for which a representative is recognized or certified under
3 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
4 collective bargaining agreement.

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

6 13.111 (2) DUTIES. The joint committee on employment relations shall perform
7 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
8 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923, and 40.05 (1) (b).

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

10 13.172 (1) In this section, “agency” means an office, department, agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
15 ch. 52, 231, 233, 234, 238, or 279.

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

17 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure, or
18 facility that is constructed for the benefit of or use of the state, any state agency,
19 board, commission, or department, the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
21 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
22 or any local professional baseball park district created under subch. III of ch. 229 if
23 the construction is undertaken by the department of administration on behalf of the
24 district, shall be in compliance with all applicable state laws, rules, codes, and
25 regulations but the construction is not subject to the ordinances or regulations of the

BILL**SECTION 5**

1 municipality in which the construction takes place except zoning, including without
2 limitation because of enumeration ordinances or regulations relating to materials
3 used, permits, supervision of construction or installation, payment of permit fees, or
4 other restrictions.

5 **SECTION 6.** 13.62 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
6 amended to read:

7 13.62 (2) “Agency” means any board, commission, department, office, society,
8 institution of higher education, council, or committee in the state government, or any
9 authority created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234, 237, 238, or
10 279, except that the term does not include a council or committee of the legislature.

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

12 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
13 credentialing board, commission, independent agency, council, or office in the
14 executive branch of state government; all bodies created by the legislature in the
15 legislative or judicial branch of state government; any public body corporate and
16 politic created by the legislature including specifically the Wisconsin Quality Home
17 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
18 Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
19 Economic Development Corporation, a professional baseball park district, a local
20 professional football stadium district, a local cultural arts district, and a long-term
21 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
22 49; every provider of medical assistance under subch. IV of ch. 49; technical college
23 district boards; every county department under s. 51.42 or 51.437; every nonprofit
24 corporation or cooperative or unincorporated cooperative association to which
25 moneys are specifically appropriated by state law; and every corporation, institution,

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1 association, or other organization which receives more than ~~50%~~ 50 percent of its
2 annual budget from appropriations made by state law, including subgrantee or
3 subcontractor recipients of such funds.

4 **SECTION 8.** 13.95 (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
7 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
8 shall be strictly nonpartisan and shall at all times observe the confidential nature
9 of the research requests received by it; however, with the prior approval of the
10 requester in each instance, the bureau may duplicate the results of its research for
11 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
12 designated employees shall at all times, with or without notice, have access to all
13 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
14 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
15 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
16 Corporation, and the Fox River Navigational System Authority, and to any books,
17 records, or other documents maintained by such agencies or authorities and relating
18 to their expenditures, revenues, operations, and structure.

19 **SECTION 9.** 16.002 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
20 amended to read:

21 16.002 (2) “Departments” means constitutional offices, departments, and
22 independent agencies and includes all societies, associations, and other agencies of
23 state government for which appropriations are made by law, but not including
24 authorities created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234, 237, 238,
25 or 279.

BILL**SECTION 10**

1 **SECTION 10.** 16.004 (4) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
4 department as the secretary designates may enter into the offices of state agencies
5 and authorities created under subch. II of ch. 114 and under chs. 52, 231, 233, 234,
6 237, 238, and 279, and may examine their books and accounts and any other matter
7 that in the secretary's judgment should be examined and may interrogate the
8 agency's employees publicly or privately relative thereto.

9 **SECTION 11.** 16.004 (5) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 16.004 (5) **AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
12 authorities created under subch. II of ch. 114 and under chs. 52, 231, 233, 234, 237,
13 238, and 279, and their officers and employees, shall cooperate with the secretary
14 and shall comply with every request of the secretary relating to his or her functions.

15 **SECTION 12.** 16.004 (12) (a) of the statutes, as affected by 2013 Wisconsin Act
16 20, is amended to read:

17 16.004 (12) (a) In this subsection, "state agency" means an association,
18 authority, board, department, commission, independent agency, institution, office,
19 society, or other body in state government created or authorized to be created by the
20 constitution or any law, including the legislature, the office of the governor, and the
21 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
22 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
23 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
24 Corporation, and the Fox River Navigational System Authority.

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1 **SECTION 13.** 16.045 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 16.045 (1) (a) “Agency” means an office, department, independent agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,
8 232, 233, 234, 237, 238, or 279.

9 **SECTION 14.** 16.15 (1) (ab) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
12 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
13 River Remediation Authority, the Wisconsin Quality Home Care Authority, and the
14 Wisconsin Economic Development Corporation.

15 **SECTION 15.** 16.41 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
16 amended to read:

17 16.41 (4) In this section, “authority” means a body created under subch. II of
18 ch. 114 or under ch. 52, 231, 233, 234, 237, 238, or 279.

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

20 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
21 ch. 52, 231, 232, 233, 234, 237, 238, or 279.

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

23 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
24 the pay ranges prescribed in the compensation plan or as provided in a collective
25 bargaining agreement under subch. V or VI of ch. 111.

BILL**SECTION 18**

1 **SECTION 18.** 16.52 (7) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 **16.52 (7) PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
4 that is authorized to maintain a contingent fund under s. 20.920 may establish a
5 petty cash account from its contingent fund. The procedure for operation and
6 maintenance of petty cash accounts and the character of expenditures therefrom
7 shall be prescribed by the secretary. In this subsection, “agency” means an office,
8 department, independent agency, institution of higher education, association,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, that is entitled to expend moneys appropriated by law,
11 including the legislature and the courts, but not including an authority created in
12 subch. II of ch. 114 or in ch. 52, 231, 233, 234, 237, 238, or 279.

13 **SECTION 19.** 16.528 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
14 is amended to read:

15 **16.528 (1) (a) “Agency”** means an office, department, independent agency,
16 institution of higher education, association, society, or other body in state
17 government created or authorized to be created by the constitution or any law, that
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,
20 233, 234, 237, 238, or 279.

21 **SECTION 20.** 16.53 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
22 amended to read:

23 **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed
24 invoice, the agency shall notify the sender of the invoice within 10 working days after
25 it receives the invoice of the reason it is improperly completed. In this subsection,

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

7 **SECTION 21.** 16.54 (9) (a) 1. of the statutes, as affected by 2013 Wisconsin Act
8 20, is amended to read:

9 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, which
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,
14 233, 234, 237, 238, or 279.

15 **SECTION 22.** 16.70 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
16 amended to read:

17 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or under
18 ch. 52, 231, 232, 233, 234, 237, or 279.

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

20 16.705 (3) The director of the office of state employment relations, prior to
21 award, under conditions established by rule of the department, shall review
22 contracts for contractual services in order to ensure that all agencies, except the
23 University of Wisconsin System, do all of the following:

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

BILL**SECTION 23**

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

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

5 **SECTION 24.** 16.765 (1) of the statutes, as affected by 2013 Wisconsin Act 20,
6 is amended to read:

7 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
8 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
9 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
10 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
11 and the Bradley Center Sports and Entertainment Corporation shall include in all
12 contracts executed by them a provision obligating the contractor not to discriminate
13 against any employee or applicant for employment because of age, race, religion,
14 color, handicap, sex, physical condition, developmental disability as defined in s.
15 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,
16 except with respect to sexual orientation, obligating the contractor to take
17 affirmative action to ensure equal employment opportunities.

18 **SECTION 25.** 16.765 (2) of the statutes, as affected by 2013 Wisconsin Act 20,
19 is amended to read:

20 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
22 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
23 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
24 and the Bradley Center Sports and Entertainment Corporation shall include the
25 following provision in every contract executed by them: "In connection with the

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1 performance of work under this contract, the contractor agrees not to discriminate
2 against any employee or applicant for employment because of age, race, religion,
3 color, handicap, sex, physical condition, developmental disability as defined in s.
4 51.01 (5), sexual orientation or national origin. This provision shall include, but not
5 be limited to, the following: employment, upgrading, demotion or transfer;
6 recruitment or recruitment advertising; layoff or termination; rates of pay or other
7 forms of compensation; and selection for training, including apprenticeship. Except
8 with respect to sexual orientation, the contractor further agrees to take affirmative
9 action to ensure equal employment opportunities. The contractor agrees to post in
10 conspicuous places, available for employees and applicants for employment, notices
11 to be provided by the contracting officer setting forth the provisions of the
12 nondiscrimination clause”.”

13 **SECTION 26.** 16.765 (4) of the statutes, as affected by 2013 Wisconsin Act 20,
14 is amended to read:

15 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
18 Quality Home Care Authority, and the Bradley Center Sports and Entertainment
19 Corporation shall take appropriate action to revise the standard government
20 contract forms under this section.

21 **SECTION 27.** 16.765 (5) of the statutes, as affected by 2013 Wisconsin Act 20,
22 is amended to read:

23 16.765 (5) The head of each contracting agency and the boards of directors of
24 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
25 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox

BILL**SECTION 27**

1 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
2 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
3 Entertainment Corporation shall be primarily responsible for obtaining compliance
4 by any contractor with the nondiscrimination and affirmative action provisions
5 prescribed by this section, according to procedures recommended by the department.
6 The department shall make recommendations to the contracting agencies and the
7 boards of directors of the University of Wisconsin Hospitals and Clinics Authority,
8 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,
9 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
10 Authority, the Wisconsin Economic Development Corporation, and the Bradley
11 Center Sports and Entertainment Corporation for improving and making more
12 effective the nondiscrimination and affirmative action provisions of contracts. The
13 department shall promulgate such rules as may be necessary for the performance of
14 its functions under this section.

15 **SECTION 28.** 16.765 (6) of the statutes, as affected by 2013 Wisconsin Act 20,
16 is amended to read:

17 16.765 (6) The department may receive complaints of alleged violations of the
18 nondiscrimination provisions of such contracts. The department shall investigate
19 and determine whether a violation of this section has occurred. The department may
20 delegate this authority to the contracting agency, the University of Wisconsin
21 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
22 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
23 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
24 Corporation, or the Bradley Center Sports and Entertainment Corporation for
25 processing in accordance with the department's procedures.

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1 **SECTION 29.** 16.765 (7) (intro.) of the statutes, as affected 2013 Wisconsin Act
2 20, is amended to read:

3 16.765 (7) (intro.) When a violation of this section has been determined by the
4 department, the contracting agency, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
7 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
8 or the Bradley Center Sports and Entertainment Corporation, the contracting
9 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
10 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox
11 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
12 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
13 Entertainment Corporation shall:

14 **SECTION 30.** 16.765 (7) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
15 is amended to read:

16 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
17 further violations of this section and to report its corrective action to the contracting
18 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
19 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox
20 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
21 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
22 Entertainment Corporation.

23 **SECTION 31.** 16.765 (8) of the statutes, as affected by 2013 Wisconsin Act 20,
24 is amended to read:

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1 16.765 (8) If further violations of this section are committed during the term
2 of the contract, the contracting agency, the Fox River Navigational System Authority,
3 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
4 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
5 Corporation, or the Bradley Center Sports and Entertainment Corporation may
6 permit the violating party to complete the contract, after complying with this section,
7 but thereafter the contracting agency, the Fox River Navigational System Authority,
8 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
9 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
10 Corporation, or the Bradley Center Sports and Entertainment Corporation shall
11 request the department to place the name of the party on the ineligible list for state
12 contracts, or the contracting agency, the Fox River Navigational System Authority,
13 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
14 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
15 Corporation, or the Bradley Center Sports and Entertainment Corporation may
16 terminate the contract without liability for the uncompleted portion or any materials
17 or services purchased or paid for by the contracting party for use in completing the
18 contract.

19 **SECTION 32.** 16.85 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
20 amended to read:

21 16.85 (2) To furnish engineering, architectural, project management, and other
22 building construction services whenever requisitions therefor are presented to the
23 department by any agency. The department may deposit moneys received from the
24 provision of these services in the account under s. 20.505 (1) (kc) or in the general
25 fund as general purpose revenue — earned. In this subsection, “agency” means an

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

6 **SECTION 33.** 16.865 (8) of the statutes, as affected by 2013 Wisconsin Act 20,
7 is amended to read:

8 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
9 proportionate share of the estimated costs attributable to programs administered by
10 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
11 may charge premiums to agencies to finance costs under this subsection and pay the
12 costs from the appropriation on an actual basis. The department shall deposit all
13 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
14 Costs assessed under this subsection may include judgments, investigative and
15 adjustment fees, data processing and staff support costs, program administration
16 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
17 subsection, “agency” means an office, department, independent agency, institution
18 of higher education, association, society, or other body in state government created
19 or authorized to be created by the constitution or any law, that is entitled to expend
20 moneys appropriated by law, including the legislature and the courts, but not
21 including an authority created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234,
22 237, 238, or 279.

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

24 19.42 (10) (s) The executive director and members of the board of directors of
25 the Wisconsin Quality Home Care Authority.

BILL**SECTION 35**

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

2 19.42 (13) (o) The executive director and members of the board of directors of
3 the Wisconsin Quality Home Care Authority.

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

5 19.82 (1) “Governmental body” means a state or local agency, board,
6 commission, committee, council, department or public body corporate and politic
7 created by constitution, statute, ordinance, rule or order; a governmental or
8 quasi-governmental corporation except for the Bradley center sports and
9 entertainment corporation; a local exposition district under subch. II of ch. 229; a
10 long-term care district under s. 46.2895; or a formally constituted subunit of any of
11 the foregoing, but excludes any such body or committee or subunit of such body which
12 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
13 ~~or V, or VI~~ of ch. 111.

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

15 19.85 (3) Nothing in this subchapter shall be construed to authorize a
16 governmental body to consider at a meeting in closed session the final ratification or
17 approval of a collective bargaining agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111
18 which has been negotiated by such body or on its behalf.

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

20 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
21 19.82 (1), where notice has been given by either party to a collective bargaining
22 agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111 to reopen such agreement at its
23 expiration date, the employer shall give notice of such contract reopening as provided
24 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
25 by the employer’s chief officer or such person’s designee.

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

2 20.425 (1) (a) *General program operations.* The amounts in the schedule for
3 the purposes provided in subchs. I, IV, ~~and V~~, and VI of ch. 111 and s. 230.45 (1).

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

5 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

6 The amounts in the schedule for the performance of fact-finding, mediation,
7 certification, and arbitration functions, for the provision of copies of transcripts, for
8 the cost of operating training programs under ss. 111.09 (3), 111.71 (5) and (5m), and
9 111.94 (3), for the preparation of publications, transcripts, reports, and other copied
10 material, and for costs related to conducting appeals under s. 230.45. All moneys
11 received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)~~
12 ~~(b)~~, 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators
13 and arbitration panel members, and individuals who are interested in serving in
14 such positions, and from individuals and organizations who participate in other
15 collective bargaining training programs conducted by the commission, and all
16 moneys received from the sale of publications, transcripts, reports, and other copied
17 material shall be credited to this appropriation account.

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

19 20.545 (1) (k) *General program operations.* The amounts in the schedule to
20 administer state employment relations functions and the civil service system under
21 ~~subch.~~ subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
22 to defray the expenses of the state employees suggestion board. All moneys received
23 from state agencies for materials and services provided by the office of state
24 employment relations shall be credited to this appropriation.

25 **SECTION 42.** 20.545 (1) (km) of the statutes is amended to read:

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1 20.545 (1) (km) *Collective bargaining grievance arbitrations*. The amounts in
2 the schedule for the payment of the state's share of costs related to collective
3 bargaining grievance arbitrations under s. 111.86 and related to collective
4 bargaining grievance arbitrations under s. 111.993. All moneys received from state
5 agencies for the purpose of reimbursing the state's share of the costs related to
6 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
7 training related to grievance arbitrations, and all moneys received from institutions,
8 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
9 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
10 of costs for training related to grievance arbitrations shall be credited to this
11 appropriation account.

12 **SECTION 43.** 20.917 (3) (b) of the statutes is amended to read:

13 20.917 (3) (b) This subsection applies to employees in all positions in the civil
14 service, including those employees in positions included in collective bargaining
15 units under subch. V or VI of ch. 111, whether or not the employees are covered by
16 a collective bargaining agreement.

17 **SECTION 44.** 20.921 (1) (a) 2. of the statutes is amended to read:

18 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
19 ~~(15r),~~ payment Payment of dues to employee organizations.

20 **SECTION 45.** 20.921 (1) (b) of the statutes is amended to read:

21 20.921 (1) (b) Except as provided in ~~s.~~ ss. 111.06 (1) (c) and 111.84 (1) (f), the
22 request under par. (a) shall be made to the state agency or to the University of
23 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
24 directions and information prescribed by each state agency or by the authority. The
25 request may be withdrawn or the amount paid to the payee may be changed by

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1 notifying the state agency or the authority to that effect, but no such withdrawal or
2 change shall affect a payroll certification already prepared.

3 **SECTION 46.** 20.923 (6) (intro.) of the statutes is amended to read:

4 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
5 following positions may be set by the appointing authority, subject to restrictions
6 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
7 where the salaries are a subject of bargaining with a certified representative of a
8 collective bargaining unit under s. 111.91 or 111.998:

9 **SECTION 47.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is amended to read:

11 36.09 (1) (j) Except where such matters are a subject of bargaining with a
12 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
13 board shall establish salaries for persons prior to July 1 of each year for the next fiscal
14 year, and shall designate the effective dates for payment of the new salaries. In the
15 first year of the biennium, payments of the salaries established for the preceding
16 year shall be continued until the biennial budget bill is enacted. If the budget is
17 enacted after July 1, payments shall be made following enactment of the budget to
18 satisfy the obligations incurred on the effective dates, as designated by the board, for
19 the new salaries, subject only to the appropriation of funds by the legislature and s.
20 20.928 (3). This paragraph does not limit the authority of the board to establish
21 salaries for new appointments. The board may not increase the salaries of employees
22 under this paragraph unless the salary increase conforms to the proposal as
23 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
24 salary inequities under par. (h), to fund job reclassifications or promotions, or to
25 recognize competitive factors. The granting of salary increases to recognize

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1 competitive factors does not obligate inclusion of the annualized amount of the
2 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
3 No later than October 1 of each year, the board shall report to the joint committee
4 on finance and the secretary of administration and director of the office of state
5 employment relations concerning the amounts of any salary increases granted to
6 recognize competitive factors, and the institutions at which they are granted, for the
7 12-month period ending on the preceding June 30.

8 **SECTION 48.** 40.02 (25) (b) 8. of the statutes is amended to read:

9 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
10 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
11 under s. 230.12 or 233.10.

12 **SECTION 49.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

13 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
14 the contributions required by par. (a), but all the payments shall be available for
15 benefit purposes to the same extent as required contributions deducted from
16 earnings of the participating employees. Action to assume employee contributions
17 as provided under this paragraph shall be taken at the time and in the form
18 determined by the governing body of the participating employer. The state shall pay
19 under this paragraph for employees who are covered by a collective bargaining
20 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
21 are determined under s. 230.12 an amount equal to 4 percent of the earnings paid
22 by the state unless otherwise provided in a collective bargaining agreement under
23 subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The
24 University of Wisconsin Hospitals and Clinics Authority shall pay under this
25 paragraph for employees who are covered by a collective bargaining agreement

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1 under subch. I of ch. 111 and for employees whose fringe benefits are determined
2 under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority
3 unless otherwise provided in a collective bargaining agreement under subch. I of ch.
4 111 or unless otherwise determined under s. 233.10. The state shall pay under this
5 paragraph for employees who are not covered by a collective bargaining agreement
6 under subch. V or VI of ch. 111 and for employees whose fringe benefits are not
7 determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the
8 state unless a different amount is recommended by the director of the office of state
9 employment relations and approved by the joint committee on employment relations
10 in the manner provided for approval of changes in the compensation plan under s.
11 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay
12 under this paragraph for its employees who are not covered by a collective bargaining
13 agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid
14 by the authority unless a different amount is established by the board of directors
15 of the authority under s. 233.10.

16 **SECTION 50.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

17 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining
18 agreement under s. 230.12 or 233.10 or subch. I, V, or VI of ch. 111, the employer shall
19 pay for its currently employed insured employees:

20 **SECTION 51.** 40.05 (4) (b) of the statutes is amended to read:

21 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
22 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
23 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,
24 upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25
25 (1) or upon termination of creditable service and qualifying as an eligible employee

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1 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
2 he or she received while employed by the state, to credits for payment of health
3 insurance premiums on behalf of the employee or the employee's surviving insured
4 dependents. Any supplemental compensation that is paid to a state employee who
5 is classified under the state classified civil service as a teacher, teacher supervisor,
6 or education director for the employee's completion of educational courses that have
7 been approved by the employee's employer is considered as part of the employee's
8 basic pay for purposes of this paragraph. The full premium for any eligible employee
9 who is insured at the time of retirement, or for the surviving insured dependents of
10 an eligible employee who is deceased, shall be deducted from the credits until the
11 credits are exhausted and paid from the account under s. 40.04 (10), and then
12 deducted from annuity payments, if the annuity is sufficient. The department shall
13 provide for the direct payment of premiums by the insured to the insurer if the
14 premium to be withheld exceeds the annuity payment. Upon conversion of an
15 employee's unused sick leave to credits under this paragraph or par. (bf), the
16 employee or, if the employee is deceased, the employee's surviving insured
17 dependents may initiate deductions from those credits or may elect to delay
18 initiation of deductions from those credits, but only if the employee or surviving
19 insured dependents are covered by a comparable health insurance plan or policy
20 during the period beginning on the date of the conversion and ending on the date on
21 which the employee or surviving insured dependents later elect to initiate
22 deductions from those credits. If an employee or an employee's surviving insured
23 dependents elect to delay initiation of deductions from those credits, an employee or
24 the employee's surviving insured dependents may only later elect to initiate
25 deductions from those credits during the annual enrollment period under par. (be).

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1 A health insurance plan or policy is considered comparable if it provides hospital and
2 medical benefits that are substantially equivalent to the standard health insurance
3 plan established under s. 40.52 (1).

4 **SECTION 52.** 40.05 (4) (bw) of the statutes is amended to read:

5 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
6 payment of health insurance premiums under par. (b), the department shall add
7 additional credits, calculated in the same manner as are credits under par. (b), that
8 are based on a state employee's accumulated sabbatical leave or earned vacation
9 leave from the state employee's last year of service prior to retirement, or both. The
10 department shall apply the credits awarded under this paragraph for the payment
11 of health insurance premiums only after the credits awarded under par. (b) are
12 exhausted. This paragraph applies only to state employees who are eligible for
13 accumulated unused sick leave conversion under par. (b) and who are entitled to the
14 benefits under this paragraph pursuant to a collective bargaining agreement under
15 subch. V or VI of ch. 111.

16 **SECTION 53.** 40.05 (4g) (a) 4. of the statutes is amended to read:

17 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
18 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
19 or under rules promulgated by the director of the office of state employment relations
20 or is eligible for reemployment with the state under s. 321.64 after completion of his
21 or her service in the U.S. armed forces.

22 **SECTION 54.** 40.05 (5) (intro.) of the statutes is amended to read:

23 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
24 continuation insurance provided under subch. V the employee shall pay the amount
25 remaining after the employer has contributed the following or, if different, the

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1 amount determined under a collective bargaining agreement under subch. I, V, or VI
2 of ch. 111 or s. 230.12 or 233.10:

3 **SECTION 55.** 40.05 (5) (b) 4. of the statutes is amended to read:

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

7 **SECTION 56.** 40.05 (6) (a) of the statutes is amended to read:

8 40.05 (6) (a) Except as otherwise provided in accordance with a collective
9 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each
10 insured employee under the age of 70 and annuitant under the age of 65 shall pay
11 for group life insurance coverage a sum, approved by the group insurance board,
12 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
13 based upon the last amount of insurance in force during the month for which
14 earnings are paid. The equivalent premium may be fixed by the group insurance
15 board if the annual compensation is paid in other than 12 monthly installments.

16 **SECTION 57.** 40.51 (7) (a) of the statutes is renumbered 40.51 (7) and amended
17 to read:

18 40.51 (7) Any employer, other than the state, including an employer that is not
19 a participating employer, may offer to all of its employees a health care coverage plan
20 through a program offered by the group insurance board. Notwithstanding sub. (2)
21 and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different
22 eligibility standards or contribution requirements for such employees and
23 employers. Beginning on January 1, 2012, except as otherwise provided in a
24 collective bargaining agreement under subch. IV of ch. 111 and ~~except as provided~~
25 ~~in par. (b)~~, an employer may not offer a health care coverage plan to its employees

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1 under this subsection if the employer pays more than 88 percent of the average
2 premium cost of plans offered in any tier with the lowest employee premium cost
3 under this subsection.

4 **SECTION 58.** 40.51 (7) (b) of the statutes is repealed.

5 **SECTION 59.** 40.62 (2) of the statutes is amended to read:

6 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
7 of the department, any collective bargaining agreement under subch. I, V, or VI of
8 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
9 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

10 **SECTION 60.** 40.80 (3) of the statutes is amended to read:

11 40.80 (3) Any action taken under this section shall apply to employees covered
12 by a collective bargaining agreement under subch. V or VI of ch. 111.

13 **SECTION 61.** 40.81 (3) of the statutes is amended to read:

14 40.81 (3) Any action taken under this section shall apply to employees covered
15 by a collective bargaining agreement under subch. IV or V, or VI of ch. 111.

16 **SECTION 62.** 40.95 (1) (a) 2. of the statutes is amended to read:

17 40.95 (1) (a) 2. The employee has his or her compensation established in a
18 collective bargaining agreement under subch. V or VI of ch. 111.

19 **SECTION 63.** 46.284 (4) (m) of the statutes is created to read:

20 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
21 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
22 directly by an enrollee and make any payroll deductions authorized by those
23 agreements.

24 **SECTION 64.** 46.2895 (8) (a) 1. of the statutes is amended to read:

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1 46.2895 (8) (a) 1. If the long-term care district offers employment to any
2 individual who was previously employed by a county, which participated in creating
3 the district and at the time of the offer had not withdrawn or been removed from the
4 district under sub. (14), and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district and whose wages, hours, and conditions of
7 employment were established in a collective bargaining agreement with the county
8 under subch. IV of ch. 111 that is in effect on the date that the individual commences
9 employment with the district, with respect to that individual, abide by the terms of
10 the collective bargaining agreement concerning the individual's wages and, if
11 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
12 allowance, funeral leave allowance, personal day allowance, or paid time off
13 allowance until the time of the expiration of that collective bargaining agreement or
14 adoption of a collective bargaining agreement with the district under subch. IV of ch.
15 111 covering the individual as an employee of the district, whichever occurs first.

16 **SECTION 65.** 46.2898 of the statutes is created to read:

17 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

18 (a) "Authority" means the Wisconsin Quality Home Care Authority.

19 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

20 (cm) "Consumer" means an adult who receives home care services and who
21 meets all of the following criteria:

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

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

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

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1 c. A county in which the Program of All-Inclusive Care for the Elderly under
2 42 USC 1396u-4 is available.

3 d. A county in which the self-directed services option program under 42 USC
4 1396n (c) is available or in which a program operated under an amendment to the
5 state medical assistance plan under 42 USC 1396n (j) is available.

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

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

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

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

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

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

16 (dm) "Home care" means supportive home care, personal care, and other
17 nonprofessional services of a type that may be covered under a medical assistance
18 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
19 in meeting their daily living needs, ensuring adequate functioning in their homes,
20 and permitting safe access to their communities.

21 (e) "Provider" means an individual who is hired by a consumer to provide home
22 care to the consumer but does not include any of the following:

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

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

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- 1 b. A personal care provider agency.
- 2 c. A company or agency providing supportive home care.
- 3 d. An independent living center, as defined in s. 46.96 (1) (ah).
- 4 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
5 51.437.
- 6 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
7 professional capacity.
- 8 (f) “Qualified provider” means a provider who meets the qualifications for
9 payment through the Family Care Program under s. 46.286, the Program for
10 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
11 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
12 waiver program operated under a waiver from the secretary of the federal
13 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
14 (b) and (c) and any qualification criteria established in the rules promulgated under
15 sub. (7) and who the authority determines is eligible for placement on the registry
16 maintained by the authority under s. 52.20 (1).
- 17 (2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a
18 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow
19 procedures under this section and to pay providers in accordance with agreements
20 under subch. V of ch. 111.
- 21 (b) If a county acts under par. (a), it shall notify the department and the
22 authority of its action.
- 23 (c) A county that acts under par. (a) shall compensate providers in accordance
24 with any agreement under subch. V of ch. 111 and make any payroll deductions
25 authorized by such agreements.

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

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

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

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

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

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

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

22 **SECTION 66.** 46.48 (9m) of the statutes is created to read:

23 46.48 (9m) **QUALITY HOME CARE.** The department shall award a grant to the
24 Wisconsin Quality Home Care Authority for the purpose of providing services to

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1 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
2 grants to counties to facilitate transition to procedures established under s. 46.2898.

3 **SECTION 67.** 49.825 (3) (b) 4. of the statutes is created to read:

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

10 **SECTION 68.** 49.826 (3) (b) 4. of the statutes is created to read:

11 49.826 (3) (b) 4. The department may enter into a memorandum of
12 understanding, as described in s. 111.70 (3p), with the certified representative of the
13 county employees performing services under this section in the county for the unit.
14 If there is a dispute as to hours or conditions of employment that remains between
15 the department and the certified representative after a good faith effort to resolve
16 it, the department may unilaterally resolve the dispute.

17 **SECTION 69.** Chapter 52 of the statutes is created to read:

CHAPTER 52**QUALITY HOME CARE**

18
19 **52.01 Definitions.** In this chapter:

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

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

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

23 (3m) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

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

25

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1 (5) “Family Care Program” means the benefit program described in s. 46.286.

2 (6) “Home care provider” means an individual who is a qualified provider under
3 s. 46.2898 (1) (f).

4 (7) “Medical assistance waiver program” means a program operated under a
5 waiver from the secretary of the federal department of health and human services
6 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

7 (8) “Program of All-Inclusive Care for the Elderly” means the program
8 operated under 42 USC 1396u-4.

9 **52.05 Creation and organization of authority.** (1) CREATION AND
10 MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be
11 known as the “Wisconsin Quality Home Care Authority.” The members of the board
12 shall consist of the following members:

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

14 (b) The secretary of the department of workforce development or his or her
15 designee.

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

17 1. One representative from the state assembly.

18 2. One representative from the state senate.

19 3. One representative of care management organizations.

20 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
21 51.42, or 51.437, selected from counties where the Family Care Program is not
22 available.

23 5. One representative of the board for people with developmental disabilities.

24 6. One representative of the council on physical disabilities.

25 7. One representative of the council on mental health.

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1 8. One representative of the board on aging and long-term care.

2 9. Eleven individuals, each of whom is a current or former recipient of home
3 care services through the Family Care Program or a medical assistance waiver
4 program or an advocate for or representative of consumers of home care services.

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

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

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

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

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

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

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

19 (6) QUORUM. A majority of the members of the board constitutes a quorum for
20 the purpose of conducting its business and exercising its powers and for all other
21 purposes, notwithstanding the existence of any vacancies. Action may be taken by
22 the board upon a vote of a majority of the members present. Meetings of the members
23 of the board may be held anywhere within the state.

24 (7) VACANCIES. Each member of the board shall hold office until a successor is
25 appointed and qualified unless the member vacates or is removed from his or her

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1 office. A member who serves as a result of holding another office or position vacates
2 his or her office as a member when he or she vacates the other office or position. A
3 member who ceases to qualify for office vacates his or her office. A vacancy on the
4 board shall be filled in the same manner as the original appointment to the board for
5 the remainder of the unexpired term, if any.

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

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

13 **52.10 Powers of authority.** The authority shall have all the powers
14 necessary or convenient to carry out the purposes and provisions of this chapter and
15 s. 46.2898. In addition to all other powers granted the authority under this chapter,
16 the authority may:

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

19 (2) Employ, appoint, engage, compensate, transfer, or discharge necessary
20 personnel.

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

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

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

25 (6) Sue and be sued.

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

3 (8) Collect fees for its services.

4 **52.20 Duties of authority.** The authority shall:

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

8 (2) Determine the eligibility of individuals for placement on the registry. For
9 purposes of determining eligibility, the authority shall apply the criteria described
10 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
11 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
12 of placement on or removal of a provider from the registry consistent with the terms
13 of the medical assistance waiver programs, the Family Care Program, an
14 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
15 Program of All-Inclusive Care for the Elderly, as determined by the department.

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

21 (4) Develop and operate recruitment and retention programs to expand the
22 pool of home care providers qualified and available to provide home care services to
23 consumers.

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

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

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

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

11 (9) Inform consumers of the experience and qualifications of home care
12 providers on the registry and home care providers identified by consumers of home
13 care services for employment.

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

16 (11) Report annually to the governor on the number of home care providers on
17 the registry and the number of home care providers providing services under the
18 authority.

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

21 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
22 or any officer, employee, or agent of the state or a political subdivision who is acting
23 within the scope of employment or agency is not liable for any debt, obligation, act,
24 or omission of the authority.

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

3 **52.40 Health data.** Any health data or identifying information collected by
4 the authority is collected for the purpose of government regulatory and management
5 functions.

6 **SECTION 70.** 59.875 (2) (a) of the statutes is renumbered 59.875 (2) and
7 amended to read:

8 59.875 (2) Beginning on July 1, 2011, in any employee retirement system of a
9 county, except as otherwise provided in a collective bargaining agreement entered
10 into under subch. IV of ch. 111 and ~~except as provided in par. (b)~~, employees shall pay
11 half of all actuarially required contributions for funding benefits under the
12 retirement system. The employer may not pay on behalf of an employee any of the
13 employee's share of the actuarially required contributions.

14 **SECTION 71.** 59.875 (2) (b) of the statutes is repealed.

15 **SECTION 72.** 62.623 (1) of the statutes is renumbered 62.623 and amended to
16 read:

17 **62.623 Payment of contributions in an employee retirement system of**
18 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of
19 a 1st class city, except as otherwise provided in a collective bargaining agreement
20 entered into under subch. IV of ch. 111 and ~~except as provided in sub. (2)~~, employees
21 shall pay all employee required contributions for funding benefits under the
22 retirement system. The employer may not pay on behalf of an employee any of the
23 employee's share of the required contributions.

24 **SECTION 73.** 62.623 (2) of the statutes is repealed.

25 **SECTION 74.** 66.0506 of the statutes is repealed.