

2013 DRAFTING REQUEST

Bill

Received: **12/11/2012** Received By: **chanaman**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Waterman**
May Contact: Drafter: **rchampag**
Subject: **Employ Pub - collective bargain** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Waterman, BB0302 -

Topic:

Attach Wisconsin Employment Relations Commission (WERC) to Department of Workforce Development

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>
/?	chanaman 12/12/2012			_____			
/P1	rchampag 12/17/2012	scalvin 12/17/2012	rschluet 12/14/2012	_____	lparisi 12/14/2012		State
/P2	rchampag 12/17/2012		rschluet 12/17/2012	_____	rosee 12/17/2012		State
/P3	rchampag	scalvin	rschluet	_____	sbasford		State

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	1/16/2013	12/18/2012	12/18/2012	_____	12/18/2012		
/P4	rchampag 1/17/2013	scalvin 1/16/2013	rschluet 1/16/2013	_____ _____	srose 1/16/2013		State
/P5		scalvin 1/17/2013	rschluet 1/17/2013	_____ _____	srose 1/17/2013		State

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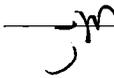
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1P5 sac
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Carbon copy (CC) to:

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Handwritten signature and date: 12/18/12

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/?	chanaman 12/12/2012			_____			
/P1		scalvin 12/13/12	SAC 12/14/12		_____		State

FE Sent For:

<END>

Hanaman, Cathlene

Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0302

Importance: Low

From: mickie.waterman@wisconsin.gov [<mailto:mickie.waterman@wisconsin.gov>]

Sent: Tuesday, December 11, 2012 11:05 AM

To: Hanaman, Cathlene

Cc: Kraus, Jennifer - DOA; Waterman, Mickie D - DOA; Thornton, Scott - DOA

Subject: [Possible SPAM] Statutory Language Drafting Request - BB0302

Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0302

Topic: Attach WERC to DWD

SBO Team: GGCF

SBO Analyst: Waterman, Mickie D - DOA

Phone: (608) 266-1072

E-mail: mickie.waterman@wisconsin.gov

Agency Acronym: WERC

Agency Number: 425

Priority: Medium

Intent:

Attach WERC to DWD (similar to LIRC).

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



See

DOA:.....Waterman, BB0302 – Attach Wisconsin Employment Relations Commission (WERC) to Department of Workforce Development

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

- do not see

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT^v

STATE EMPLOYMENT^v

This bill attaches the Wisconsin Employment Relations Commission (WERC) to DWD. Currently, WERC is an independent state agency. The bill removes newly-appointed commissioners from Executive Salary Group 5 and instead has their salaries established in the state compensation plan. Finally, the bill eliminates a requirement that commissioners may not not have other employment while serving on the WERC.^v

*

For further information see the *state* 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:

- 2 SECTION 1. 15.06 (3) (a) 4. of the statutes is created to read:
- 3 15.06 (3) (a) 4. The members of the employment relations commission.

1 approved by the chairperson of the commission and charged to the appropriation
2 under s. ~~20.425 (1)~~ 20.445 (3) (a). Each witness who appears before the commission
3 as a result of an order or subpoena issued by the commission at the request of a party
4 shall receive for his or her attendance the fees and mileage as provided for witnesses
5 in civil cases in courts of record, which shall be paid by the party requesting the order
6 or subpoena in advance of the time set in the order or subpoena for attendance.

History: 1971 c. 228 s. 44; 1973 c. 90; 1977 c. 42; ~~1977~~ c. 187 ss. 60m, 134; 1977 c. 273; 1989 a. 122; 1993 a. 492; 1995 a. 27, 225.

7 **SECTION 9.** 111.09 (1) of the statutes is amended to read:

8 111.09 (1) The commission may adopt reasonable and proper rules and
9 regulations relative to the exercise of its powers and authority and proper rules to
10 govern its proceedings and to regulate the conduct of all elections and hearings. The
11 commission shall, upon request, provide a transcript of a proceeding to any party to
12 the proceeding for a fee, established by rule, by the commission at a uniform rate per
13 page. All transcript fees shall be credited to the appropriation account under s.

14 ~~20.425 (1) (i)~~ 20.445 (3) (i).^b

History: 1973 c. 90; 1981 c. 20; 1983 a. 27; 1991 a. 39; 1995 a. 27; 2003 a. 33.

15 **SECTION 10.** 111.09 (2) of the statutes is amended to read:

16 111.09 (2) The commission shall assess and collect a filing fee for filing a
17 complaint alleging that an unfair labor practice has been committed under s. 111.06.
18 The commission shall assess and collect a filing fee for filing a request that the
19 commission act as an arbitrator to resolve a dispute involving the interpretation or
20 application of a collective bargaining agreement under s. 111.10. The commission
21 shall assess and collect a filing fee for filing a request that the commission act as a
22 mediator under s. 111.11. The commission shall assess and collect a filing fee for
23 filing a request that the commission initiate arbitration under s. 111.10. For the
24 performance of commission actions under ss. 111.10 and 111.11, the commission shall

SECTION 10

1 require that the parties to the dispute equally share in the payment of the fee and,
2 for the performance of commission actions involving a complaint alleging that an
3 unfair labor practice has been committed under s. 111.06, the commission shall
4 require that the party filing the complaint pay the entire fee. If any party has paid
5 a filing fee requesting the commission to act as a mediator for a labor dispute and the
6 parties do not enter into a voluntary settlement of the labor dispute, the commission
7 may not subsequently assess or collect a filing fee to initiate arbitration to resolve
8 the same labor dispute. If any request for the performance of commission actions
9 concerns issues arising as a result of more than one unrelated event or occurrence,
10 each such separate event or occurrence shall be treated as a separate request. The
11 commission shall promulgate rules establishing a schedule of filing fees to be paid
12 under this subsection. Fees required to be paid under this subsection shall be paid
13 at the time of filing the complaint or the request for mediation or arbitration. A
14 complaint or request for mediation or arbitration is not filed until the date such fee
15 or fees are paid. Fees collected under this subsection shall be credited to the
16 appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).

History: 1973 c. 90; 1981 c. 20; 1983 a. 27; 1991 a. 39; 1995 a. 27; 2003 a. 33.

17 **SECTION 11.** 111.53 of the statutes is amended to read:

18 **111.53 Appointment of conciliators and arbitrators.** Within 30 days after
19 July 25, 1947, the commission shall appoint a panel of persons to serve as conciliators
20 or arbitrators under this subchapter. No person shall serve as a conciliator and
21 arbitrator in the same dispute. Each person appointed to said panels shall be a
22 resident of this state, possessing, in the judgment of the commission, the requisite
23 experience and judgment to qualify such person capably and fairly to deal with labor
24 dispute problems. All such appointments shall be made without a consideration of

1 the political affiliations of the appointee. Each appointee shall take an oath to
2 perform honestly and to the best of the appointee's ability the duties of conciliator
3 or arbitrator, as the case may be. Any appointee may be removed by the commission
4 at any time or may resign his or her position at any time by notice in writing to the
5 commission. Any vacancy in the panels shall be filled by the commission within 30
6 days after such vacancy occurs. Such conciliators and arbitrators shall be paid
7 reasonable compensation for services and for necessary expenses, in an amount to
8 be fixed by the commission, such compensation and expenses to be paid out of the
9 appropriation made to the commission by s. ~~20.425~~ 20.445 (3) upon such
10 authorizations as the commission may prescribe.

History: 1993 a. 492.

11 **SECTION 12.** 111.70^x (4) (d) 3. b. of the statutes is amended to read:

12 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
13 the representative of the collective bargaining unit that contains a general municipal
14 employee. The election shall occur no later than December 1 for a collective
15 bargaining unit containing school district employees and no later than May 1 for a
16 collective bargaining unit containing general municipal employees who are not
17 school district employees. The commission shall certify any representative that
18 receives at least 51 percent of the votes of all of the general municipal employees in
19 the collective bargaining unit. If no representative receives at least 51 percent of the
20 votes of all of the general municipal employees in the collective bargaining unit, at
21 the expiration of the collective bargaining agreement, the commission shall decertify
22 the current representative and the general municipal employees shall be
23 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under
24 this subd. 3. b., the affected general municipal employees may not be included in a

1 substantially similar collective bargaining unit for 12 months from the date of
2 decertification. The commission shall assess and collect a certification fee for each
3 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
4 be credited to the appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).

NOTE: NOTE: In the case of Wisconsin Education Association Council, et. al., v. Scott Walker, et. al., 824 F. Supp. 2d 856 (2012), the United States District Court for the Western District of Wisconsin declared 2011 Wis. Act 10, section 242, which created subd. 3. b., to be null and void. NOTE:

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; 2011 a. 10, 32; ~~35.17~~ correction in sub. (4) (cg) 7r. (intro.)

5 SECTION 13. 111.71 (1) of the statutes is amended to read:

6 111.71 (1) The commission may adopt reasonable rules relative to the exercise
7 of its powers and authority and proper rules to govern its proceedings and to regulate
8 the conduct of all elections and hearings. The commission shall, upon request,
9 provide a transcript of a proceeding to any party to the proceeding for a fee,
10 established by rule, by the commission at a uniform rate per page. All transcript fees
11 shall be credited to the appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).

History: 1971 c. 124; 1973 c. 90; 1981 c. 20; 1983 a. 27; 1985 a. 318; 1991 a. 39; 1993 a. 16; 1995 a. 27, 216; 2003 a. 33; 2011 a. 10, 32.

12 SECTION 14. 111.71 (3m) of the statutes is created to read:

13 111.71 (3m) The chairperson of the commission shall appoint a chief legal
14 counsel outside of the classified service. *the division administrator specified under s. 230.08 (2)(e) 4.*

15 SECTION 15. 111.71^x (2) of the statutes is amended to read:

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

8. to page

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

1 filing fee. Fees collected under this subsection shall be credited to the appropriation
2 account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).[✓]

History: 1971 c. 124; 1973 c. 90; 1981 c. 20; 1983 a. 27; 1985 a. 318; 1991 a. 39; 1993 a. 16; 1995 a. 27, 216; 2003 a. 33; 2011 a. 10, 32.

SECTION 16. 111.83 (3) (b) of the statutes is amended to read:

3
4 111.83 (3) (b) Annually, no later than December 1, the commission shall
5 conduct an election to certify the representative of a collective bargaining unit that
6 contains a general employee. There shall be included on the ballot the names of all
7 labor organizations having an interest in representing the general employees
8 participating in the election. The commission may exclude from the ballot one who,
9 at the time of the election, stands deprived of his or her rights under this subchapter
10 by reason of a prior adjudication of his or her having engaged in an unfair labor
11 practice. The commission shall certify any representative that receives at least 51
12 percent of the votes of all of the general employees in the collective bargaining unit.
13 If no representative receives at least 51 percent of the votes of all of the general
14 employees in the collective bargaining unit, at the expiration of the collective
15 bargaining agreement, the commission shall decertify the current representative
16 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
17 a representative is decertified under this paragraph, the affected general employees
18 may not be included in a substantially similar collective bargaining unit for 12
19 months from the date of decertification. The commission's certification of the results
20 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
21 commission shall assess and collect a certification fee for each election conducted
22 under this paragraph. Fees collected under this paragraph shall be credited to the
23 appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).[✓]

NOTE: NOTE: In the case of Wisconsin Education Association Council, et. al., v. Scott Walker, et. al., 824 F. Supp. 2d 856 (2012), the United States District Court for the Western District of Wisconsin declared 2011 Wis. Act 10, section 289, which created par. (b), to be null and void. NOTE:

History: 1971 c. 270; 1975 c. 238; 1985 a. 42; 1989 a. 336; 1995 a. 27; 2003 a. 33; 2009 a. 28; 2011 a. 10, 32.

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from
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1 **SECTION 17.** 111.94^x (1) of the statutes is amended to read:

2 111.94 (1) The commission may adopt reasonable and proper rules relative to
3 the exercise of its powers and authority and proper rules to govern its proceedings
4 and to regulate the conduct of all elections and hearings. The commission shall, upon
5 request, provide a transcript of a proceeding to any party to the proceeding for a fee,
6 established by rule, by the commission at a uniform rate per page. All transcript fees
7 shall be credited to the appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).[✓]

History: 1971 c. 270; 1973 c. 90; 1981 c. 20; 1983 a. 27; 1991 a. 39; 1995 a. 27; 2003 a. 33.

8 **SECTION 18.** 111.94 (2) of the statutes is amended to read:

9 111.94 (2) The commission shall assess and collect a filing fee for filing a
10 complaint alleging that an unfair labor practice has been committed under s. 111.84.
11 The commission shall assess and collect a filing fee for filing a request that the
12 commission act as an arbitrator to resolve a dispute involving the interpretation or
13 application of a collective bargaining agreement under s. 111.86. The commission
14 shall assess and collect a filing fee for filing a request that the commission initiate
15 fact-finding under s. 111.88. The commission shall assess and collect a filing fee for
16 filing a request that the commission act as a mediator under s. 111.87. For the
17 performance of commission actions under s. 111.86, 111.87 and 111.88, the
18 commission shall require that the parties to the dispute equally share in the payment
19 of the fee and, for the performance of commission actions involving a complaint
20 alleging that an unfair labor practice has been committed under s. 111.84, the
21 commission shall require that the party filing the complaint pay the entire fee. If any
22 party has paid a filing fee requesting the commission to act as a mediator for a labor
23 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
24 the commission may not subsequently assess or collect a filing fee to initiate

1 fact-finding to resolve the same labor dispute. If any request concerns issues arising
 2 as a result of more than one unrelated event or occurrence, each such separate event
 3 or occurrence shall be treated as a separate request. The commission shall
 4 promulgate rules establishing a schedule of filing fees to be paid under this
 5 subsection. Fees required to be paid under this subsection shall be paid at the time
 6 of filing the complaint or the request for fact-finding, mediation or arbitration. A
 7 complaint or request for fact-finding, mediation or arbitration is not filed until the
 8 date such fee or fees are paid. Fees collected under this subsection shall be credited
 9 to the appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).[✓]

History: 1971 c. 270; 1973 c. 90; 1981 c. 20; 1983 a. 27; 1991 a. 39; ~~1995 a. 27~~; 2003 a. 33.

SECTION 19. 230.08 (2) (m) of the statutes is repealed.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to ~~2407b~~, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 16, 33, 38, 155; s. 13.92 (2) (i).

SECTION 20. 230.45 (3) of the statutes is amended to read:

12 230.45 (3) The commission shall promulgate rules establishing a schedule of
 13 filing fees to be paid by any person who files an appeal under sub. (1) (c) or s. 230.44
 14 (1) (a) or (b) with the commission on or after the effective date of the rules
 15 promulgated under this subsection. Fees paid under this subsection shall be credited
 16 to the appropriation account under s. ~~20.425 (1) (i)~~ 20.445 (3) (b).[✓]

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38; 2003 a. 33; 2005 a. 25; 2009 a. 212.

SECTION 9113. Nonstatutory provisions; Employment Relations

Commission.

(1) TRANSFER OF EMPLOYMENT RELATIONS COMMISSION TO DEPARTMENT OF
 WORKFORCE DEVELOPMENT.

(a) *Employee transfers.* The incumbent division administrator of the
 employment relations commission and all incumbent employees holding positions in

1 the employment relations commission are transferred on the effective of this
2 paragraph to the department of workforce development.

3 (b) *Employee status.* Employees transferred under paragraph (a) have all the
4 rights and the same status under subchapter V of chapter 111[✓] and chapter 230[✓] of the
5 statutes in the department of workforce development that they enjoyed in the
6 employment relations commission immediately before the transfer.
7 Notwithstanding section 230.28 (4)[✓] of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 **SECTION 9313. Initial applicability; Employment Relations**
10 **Commission.**

11 (1) COMPENSATION AND WORK STATUS OF COMMISSIONERS. The treatment of
12 sections 15.06 (3) (a) 4. and 20.923 (4) (e) 2.[✓] of the statutes first applies to employment
13 relations commissioners appointed to office on the effective date of this subsection.

14 (END)

Insert 10-11

Section #. 230.08 (4) (d) of the statutes is amended to read:

230.08 (4) (d) The division administrator appointed under sub. (2) (e) 4. shall be an attorney.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 10, 32, 38, 155; s. 13.92 (2) (i).

and shall be appointed
by the chairperson of
the employment
relations
commission

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0798/P1dn

RAC&CMH:j:....

SAC

- date -

* Mickie Waterman;

* Article IV, section 26 (2) prevents the legislature from reducing the salary of a public officer during his or her term of office; hence, we cannot reduce the compensation that is paid to current commissioners. For all newly-appointed commissioners, however, we have removed them from ESG 5 and instead provided that their compensation will be set in the state compensation plan; in addition, we provided that newly-appointed commissioners need not be full-time employees. We did not specifically mention that newly-appointed commissioners are only .60 FTE positions for the reason that that would eliminate them from WRS participation, as well as possibly affect their contributions for health care coverage. We can certainly do this if you wish, but the way the current draft is set up, the newly-appointed commissioners can be paid a reduced salary to reflect a much-reduced workload and still have WRS participation. Does this work? Please let us know.

Also, we have not eliminated the one unclassified division administrator position assigned to the WERC, but we have eliminated the authority of the WERC chairperson to appoint an executive assistant. Is this your intent?

Finally, we have renumbered the appropriation scheme for WERC to include them as a ch. 20 program under DWD. Is this your intent?

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

Cathlene Hanaman
Deputy Chief
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0798/P1dn
RAC&CMH:sac:rs

December 14, 2012

Mickie Waterman:

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Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

Cathlene Hanaman
Deputy Chief
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

Champagne, Rick

From: Waterman, Mickie D - DOA <Mickie.Waterman@wisconsin.gov>
Sent: Friday, December 14, 2012 1:28 PM
To: Champagne, Rick
Cc: Kraus, Jennifer - DOA; Waterman, Mickie D - DOA
Subject: FW: Attach Wisconsin Employment Relations Commission (WERC) to Department of Workforce Development

Hi Rick,

Would you please change this so that WERC would only be administratively attached to DWD? We would like them to keep their agency number.

Thanks,
Mickie

From: Scott.Thornton@Wisconsin.Gov [<mailto:Scott.Thornton@Wisconsin.Gov>]
Sent: Friday, December 14, 2012 9:50 AM
To: Waterman, Mickie D - DOA
Cc: Thornton, Scott - DOA; Thornton, Scott - DOA; Kraus, Jennifer - DOA
Subject: Attach Wisconsin Employment Relations Commission (WERC) to Department of Workforce Development

We have received an LRB draft for DOA Tracking Code: BB0302

LRB Draft Number: 0798/P1

Drafter: RAC

Drafting Attorney: Richard A. Champagne
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

Drafter's Note: Article IV, section 26 (2) prevents the legislature from reducing the salary of a public officer during his or her term of office; hence, we cannot reduce the compensation that is paid to current commissioners. For all newly-appointed commissioners, however, we have removed them from ESG 5 and instead provided that their compensation will be set in the state compensation plan; in addition, we provided that newly-appointed commissioners need not be full-time employees. We did not specifically mention that newly-appointed commissioners are only .60 FTE positions for the reason that that would eliminate them from WRS participation, as well as possibly affect their contributions for health care coverage. We can certainly do this if you wish, but the way the current draft is set up, the newly-appointed commissioners can be paid a reduced salary to reflect a much-reduced workload and still have WRS participation. Does this work? Please let us know. Also, we have not eliminated the one unclassified division administrator position assigned to the WERC, but we have eliminated the authority of the WERC chairperson to appoint an executive assistant. Is this your intent? Finally, we have renumbered the appropriation scheme for WERC to include them as a ch. 20 program under DWD. Is this your intent?

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The [document](#) can be found in the Stat Language site on SharePoint.