

2013 DRAFTING REQUEST

Senate Amendment (SA-AB40)

Received: 6/19/2013 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Jon Erpenbach (608) 266-6670 By/Representing: Julie
May Contact: Drafter: chanaman
Subject: Employ Pub - collective bargain Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Undo collective bargaining from 2011 Act 10

Instructions:

No specific instructions given

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>
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FE Sent For:

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stays

**SENATE AMENDMENT ,
TO ASSEMBLY BILL 40**

LPS:
No changes
except
LRB #
& request sheet

LPS: please
fix request
sheet as
shown on
request
sheet

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 2: at the appropriate places, insert the following:

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

5 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
6 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
7 or 237.

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

9 7.33 (4) Except as otherwise provided in this subsection, each local
10 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
11 proper application under sub. (3), permit each of its employees to serve as an election
12 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
13 scheduled working hours during the period specified in sub. (3), without loss of pay

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

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

7 13.111 (2) DUTIES. The joint committee on employment relations shall perform
8 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
9 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, ~~and 20.923,~~ and 40.05 (1) (b).

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

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

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

18 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure, or
19 facility that is constructed for the benefit of or use of the state, any state agency,
20 board, commission, or department, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
22 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
23 or any local professional baseball park district created under subch. III of ch. 229 if
24 the construction is undertaken by the department of administration on behalf of the
25 district, shall be in compliance with all applicable state laws, rules, codes, and

1 regulations but the construction is not subject to the ordinances or regulations of the
2 municipality in which the construction takes place except zoning, including without
3 limitation because of enumeration ordinances or regulations relating to materials
4 used, permits, supervision of construction or installation, payment of permit fees, or
5 other restrictions.

6 **SECTION 6.** 13.62 (2) of the statutes is 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 subch. III of ch. 149 or in ch. 52, 231, 232,
10 233, 234, 237, 238, or 279, except that the term does not include a council or
11 committee of the legislature.

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

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

1 moneys are specifically appropriated by state law; and every corporation, institution,
2 association, or other organization which receives more than ~~50%~~ 50 percent of its
3 annual budget from appropriations made by state law, including subgrantee or
4 subcontractor recipients of such funds.

5 **SECTION 8.** 13.95 (intro.) of the statutes 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 Health Insurance Risk-Sharing Plan Authority,
15 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
16 Authority, the Wisconsin Economic Development Corporation, and the Fox River
17 Navigational System Authority, and to any books, records, or other documents
18 maintained by such agencies or authorities and relating to their expenditures,
19 revenues, operations, and structure.

20 **SECTION 9.** 16.002 (2) of the statutes is 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 subch. III of ch. 149 or in ch. 52, 231, 232,
25 233, 234, 237, 238, or 279.

1 **SECTION 10.** 16.004 (4) of the statutes is amended to read:

2 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
5 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
6 and any other matter that in the secretary’s judgment should be examined and may
7 interrogate the agency’s employees publicly or privately relative thereto.

8 **SECTION 11.** 16.004 (5) of the statutes is amended to read:

9 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
10 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
11 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
12 with the secretary and shall comply with every request of the secretary relating to
13 his or her functions.

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

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

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

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

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

8 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
9 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
10 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
11 Wisconsin Economic Development Corporation, and the Health Insurance
12 Risk-Sharing Plan Authority.

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

14 16.41 (4) In this section, “authority” means a body created under subch. II of
15 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

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

17 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
18 ch. 52, 231, 232, 233, 234, 237, 238, or 279.

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

20 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
21 the pay ranges prescribed in the compensation plan or as provided in a collective
22 bargaining agreement under subch. V or VI of ch. 111.

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

24 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
25 that is authorized to maintain a contingent fund under s. 20.920 may establish a

1 petty cash account from its contingent fund. The procedure for operation and
2 maintenance of petty cash accounts and the character of expenditures therefrom
3 shall be prescribed by the secretary. In this subsection, “agency” means an office,
4 department, independent agency, institution of higher education, association,
5 society, or other body in state government created or authorized to be created by the
6 constitution or any law, that is entitled to expend moneys appropriated by law,
7 including the legislature and the courts, but not including an authority created in
8 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

10 16.528 (1) (a) “Agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or subch. III of
15 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

16 **SECTION 20.** 16.53 (2) of the statutes is amended to read:

17 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
18 invoice, the agency shall notify the sender of the invoice within 10 working days after
19 it receives the invoice of the reason it is improperly completed. In this subsection,
20 “agency” means an office, department, independent agency, institution of higher
21 education, association, society, or other body in state government created or
22 authorized to be created by the constitution or any law, that is entitled to expend
23 moneys appropriated by law, including the legislature and the courts, but not
24 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
25 52, 231, 233, 234, 237, 238, or 279.

1 **SECTION 21.** 16.54 (9) (a) 1. of the statutes is amended to read:

2 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, which
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
7 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

8 **SECTION 22.** 16.70 (2) of the statutes is amended to read:

9 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.
10 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 237, or 279.

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

12 16.705 (3) The director of the office of state employment relations, prior to
13 award, under conditions established by rule of the department, shall review
14 contracts for contractual services in order to ensure that all agencies, except the
15 University of Wisconsin System, do all of the following:

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

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

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

21 **SECTION 24.** 16.765 (1) of the statutes is amended to read:

22 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
25 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the

1 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
2 Entertainment Corporation shall include in all contracts executed by them a
3 provision obligating the contractor not to discriminate against any employee or
4 applicant for employment because of age, race, religion, color, handicap, sex, physical
5 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
6 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
7 orientation, obligating the contractor to take affirmative action to ensure equal
8 employment opportunities.

9 **SECTION 25.** 16.765 (2) of the statutes is amended to read:

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

1 applicants for employment, notices to be provided by the contracting officer setting
2 forth the provisions of the nondiscrimination clause².”

3 **SECTION 26.** 16.765 (4) of the statutes is amended to read:

4 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
7 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
8 the Bradley Center Sports and Entertainment Corporation shall take appropriate
9 action to revise the standard government contract forms under this section.

10 **SECTION 27.** 16.765 (5) of the statutes is amended to read:

11 16.765 (5) The head of each contracting agency and the boards of directors of
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
13 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
14 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
15 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
16 Development Corporation, and the Bradley Center Sports and Entertainment
17 Corporation shall be primarily responsible for obtaining compliance by any
18 contractor with the nondiscrimination and affirmative action provisions prescribed
19 by this section, according to procedures recommended by the department. The
20 department shall make recommendations to the contracting agencies and the boards
21 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
22 River Navigational System Authority, the Wisconsin Aerospace Authority, the
23 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
24 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
25 Development Corporation, and the Bradley Center Sports and Entertainment

1 Corporation for improving and making more effective the nondiscrimination and
2 affirmative action provisions of contracts. The department shall promulgate such
3 rules as may be necessary for the performance of its functions under this section.

4 **SECTION 28.** 16.765 (6) of the statutes is amended to read:

5 16.765 (6) The department may receive complaints of alleged violations of the
6 nondiscrimination provisions of such contracts. The department shall investigate
7 and determine whether a violation of this section has occurred. The department may
8 delegate this authority to the contracting agency, the University of Wisconsin
9 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
10 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,
11 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
12 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
13 Sports and Entertainment Corporation for processing in accordance with the
14 department’s procedures.

15 **SECTION 29.** 16.765 (7) (intro.) of the statutes is amended to read:

16 16.765 (7) (intro.) When a violation of this section has been determined by the
17 department, the contracting agency, the University of Wisconsin Hospitals and
18 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
19 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower
20 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
21 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
22 Entertainment Corporation, the contracting agency, the University of Wisconsin
23 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
24 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,
25 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care

1 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
2 Sports and Entertainment Corporation shall:

3 **SECTION 30.** 16.765 (7) (d) of the statutes is amended to read:

4 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
5 further violations of this section and to report its corrective action to the contracting
6 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
7 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
8 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation
9 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
10 Development Corporation, or the Bradley Center Sports and Entertainment
11 Corporation.

12 **SECTION 31.** 16.765 (8) of the statutes is amended to read:

13 16.765 (8) If further violations of this section are committed during the term
14 of the contract, the contracting agency, the Fox River Navigational System Authority,
15 the Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan
16 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
17 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
18 Center Sports and Entertainment Corporation may permit the violating party to
19 complete the contract, after complying with this section, but thereafter the
20 contracting agency, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower
22 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
23 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
24 Entertainment Corporation shall request the department to place the name of the
25 party on the ineligible list for state contracts, or the contracting agency, the Fox River

1 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
2 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
3 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
4 Development Corporation, or the Bradley Center Sports and Entertainment
5 Corporation may terminate the contract without liability for the uncompleted
6 portion or any materials or services purchased or paid for by the contracting party
7 for use in completing the contract.

8 **SECTION 32.** 16.85 (2) of the statutes is amended to read:

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

19 **SECTION 33.** 16.865 (8) of the statutes is amended to read:

20 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
21 proportionate share of the estimated costs attributable to programs administered by
22 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
23 may charge premiums to agencies to finance costs under this subsection and pay the
24 costs from the appropriation on an actual basis. The department shall deposit all
25 collections under this subsection in the appropriation account under s. 20.505 (2) (k).

1 Costs assessed under this subsection may include judgments, investigative and
2 adjustment fees, data processing and staff support costs, program administration
3 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
4 subsection, “agency” means an office, department, independent agency, institution
5 of higher education, association, society, or other body in state government created
6 or authorized to be created by the constitution or any law, that is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, but not
8 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
9 52, 231, 232, 233, 234, 237, 238, or 279.

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

11 19.42 (10) (s) The executive director and members of the board of directors of
12 the Wisconsin Quality Home Care Authority.

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

14 19.42 (13) (o) The executive director and members of the board of directors of
15 the Wisconsin Quality Home Care Authority.

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

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

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

2 19.85 (3) Nothing in this subchapter shall be construed to authorize a
3 governmental body to consider at a meeting in closed session the final ratification or
4 approval of a collective bargaining agreement under subch. I, IV, or V, or VI of ch. 111
5 which has been negotiated by such body or on its behalf.

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

7 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
8 19.82 (1), where notice has been given by either party to a collective bargaining
9 agreement under subch. I, IV, or V, or VI of ch. 111 to reopen such agreement at its
10 expiration date, the employer shall give notice of such contract reopening as provided
11 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
12 by the employer's chief officer or such person's designee.

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

14 20.425 (1) (a) *General program operations.* The amounts in the schedule for
15 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).

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

17 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
18 The amounts in the schedule for the performance of fact-finding, mediation,
19 certification, and arbitration functions, for the provision of copies of transcripts, for
20 the cost of operating training programs under ss. 111.09 (3), 111.71 (5) and (5m), and
21 111.94 (3), for the preparation of publications, transcripts, reports, and other copied
22 material, and for costs related to conducting appeals under s. 230.45. All moneys
23 received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.,~~ 111.71 (1) and (2), ~~111.83 (3)~~
24 ~~(b),~~ 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators
25 and arbitration panel members, and individuals who are interested in serving in

1 such positions, and from individuals and organizations who participate in other
2 collective bargaining training programs conducted by the commission, and all
3 moneys received from the sale of publications, transcripts, reports, and other copied
4 material shall be credited to this appropriation account.

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

6 20.545 (1) (k) *General program operations.* The amounts in the schedule to
7 administer state employment relations functions and the civil service system under
8 ~~subch. subchs. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and
9 to defray the expenses of the state employees suggestion board. All moneys received
10 from state agencies for materials and services provided by the office of state
11 employment relations shall be credited to this appropriation.

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

13 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
14 the schedule for the payment of the state's share of costs related to collective
15 bargaining grievance arbitrations under s. 111.86 and related to collective
16 bargaining grievance arbitrations under s. 111.993. All moneys received from state
17 agencies for the purpose of reimbursing the state's share of the costs related to
18 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
19 training related to grievance arbitrations, and all moneys received from institutions,
20 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
21 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
22 of costs for training related to grievance arbitrations shall be credited to this
23 appropriation account.

24 **SECTION 43.** 20.865 (1) (ci) of the statutes is amended to read:

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

8 **SECTION 44.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
9 32, is amended to read:

10 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
11 *academic pay adjustments.* From the appropriate program revenue and program
12 revenue — service accounts, a sum sufficient to supplement the appropriations to the
13 University of Wisconsin System to pay the cost of pay and related adjustments
14 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
15 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
16 230.08 (2) (d) who are not included within a collective bargaining unit for which a
17 representative is certified under subch. V or VI of ch. 111, as determined under s.
18 20.928, other than adjustments funded under par. (cj).

19 **SECTION 45.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
22 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
23 to supplement the appropriations to the University of Wisconsin System to pay the
24 cost of pay and related adjustments approved by the joint committee on employment
25 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under

1 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
2 collective bargaining unit for which a representative is certified under subch. V or
3 VI of ch. 111, as determined under s. 20.928.

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

5 20.917 (3) (b) This subsection applies to employees in all positions in the civil
6 service, including those employees in positions included in collective bargaining
7 units under subch. V or VI of ch. 111, whether or not the employees are covered by
8 a collective bargaining agreement.

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

10 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
11 ~~(15r), payment~~ Payment of dues to employee organizations.

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

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

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

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

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

3 36.09 (1) (j) Except where such matters are a subject of bargaining with a
4 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
5 board shall establish salaries for persons prior to July 1 of each year for the next fiscal
6 year, and shall designate the effective dates for payment of the new salaries. In the
7 first year of the biennium, payments of the salaries established for the preceding
8 year shall be continued until the biennial budget bill is enacted. If the budget is
9 enacted after July 1, payments shall be made following enactment of the budget to
10 satisfy the obligations incurred on the effective dates, as designated by the board, for
11 the new salaries, subject only to the appropriation of funds by the legislature and s.
12 20.928 (3). This paragraph does not limit the authority of the board to establish
13 salaries for new appointments. The board may not increase the salaries of employees
14 under this paragraph unless the salary increase conforms to the proposal as
15 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
16 salary inequities under par. (h), to fund job reclassifications or promotions, or to
17 recognize competitive factors. The granting of salary increases to recognize
18 competitive factors does not obligate inclusion of the annualized amount of the
19 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
20 No later than October 1 of each year, the board shall report to the joint committee
21 on finance and the secretary of administration and director of the office of state
22 employment relations concerning the amounts of any salary increases granted to
23 recognize competitive factors, and the institutions at which they are granted, for the
24 12-month period ending on the preceding June 30.

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

1 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
2 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
3 under s. 230.12 or 233.10.

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

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

1 employment relations and approved by the joint committee on employment relations
2 in the manner provided for approval of changes in the compensation plan under s.
3 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay
4 under this paragraph for its employees who are not covered by a collective bargaining
5 agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid
6 by the authority unless a different amount is established by the board of directors
7 of the authority under s. 233.10.

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

9 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining
10 agreement under s. 230.12 or 233.10 or subch. I, V, or VI of ch. 111, the employer shall
11 pay for its currently employed insured employees:

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

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

1 who is insured at the time of retirement, or for the surviving insured dependents of
2 an eligible employee who is deceased, shall be deducted from the credits until the
3 credits are exhausted and paid from the account under s. 40.04 (10), and then
4 deducted from annuity payments, if the annuity is sufficient. The department shall
5 provide for the direct payment of premiums by the insured to the insurer if the
6 premium to be withheld exceeds the annuity payment. Upon conversion of an
7 employee's unused sick leave to credits under this paragraph or par. (bf), the
8 employee or, if the employee is deceased, the employee's surviving insured
9 dependents may initiate deductions from those credits or may elect to delay
10 initiation of deductions from those credits, but only if the employee or surviving
11 insured dependents are covered by a comparable health insurance plan or policy
12 during the period beginning on the date of the conversion and ending on the date on
13 which the employee or surviving insured dependents later elect to initiate
14 deductions from those credits. If an employee or an employee's surviving insured
15 dependents elect to delay initiation of deductions from those credits, an employee or
16 the employee's surviving insured dependents may only later elect to initiate
17 deductions from those credits during the annual enrollment period under par. (be).
18 A health insurance plan or policy is considered comparable if it provides hospital and
19 medical benefits that are substantially equivalent to the standard health insurance
20 plan established under s. 40.52 (1).

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

22 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
23 payment of health insurance premiums under par. (b), the department shall add
24 additional credits, calculated in the same manner as are credits under par. (b), that
25 are based on a state employee's accumulated sabbatical leave or earned vacation

1 leave from the state employee's last year of service prior to retirement, or both. The
2 department shall apply the credits awarded under this paragraph for the payment
3 of health insurance premiums only after the credits awarded under par. (b) are
4 exhausted. This paragraph applies only to state employees who are eligible for
5 accumulated unused sick leave conversion under par. (b) and who are entitled to the
6 benefits under this paragraph pursuant to a collective bargaining agreement under
7 subch. V or VI of ch. 111.

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

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

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

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

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

21 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
22 accordance with 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.

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

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

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

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

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

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

24 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
25 of the department, any collective bargaining agreement under subch. I, V, or VI of

1 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
2 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

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

4 40.80 (3) Any action taken under this section shall apply to employees covered
5 by a collective bargaining agreement under subch. V or VI of ch. 111.

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

7 40.81 (3) Any action taken under this section shall apply to employees covered
8 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

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

10 40.95 (1) (a) 2. The employee has his or her compensation established in a
11 collective bargaining agreement under subch. V or VI of ch. 111.

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

13 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
14 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
15 directly by an enrollee and make any payroll deductions authorized by those
16 agreements.

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

18 46.2895 (8) (a) 1. If the long-term care district offers employment to any
19 individual who was previously employed by a county, which participated in creating
20 the district and at the time of the offer had not withdrawn or been removed from the
21 district under sub. (14), and who while employed by the county performed duties
22 relating to the same or a substantially similar function for which the individual is
23 offered employment by the district and whose wages, hours, and conditions of
24 employment were established in a collective bargaining agreement with the county
25 under subch. IV of ch. 111 that is in effect on the date that the individual commences

1 employment with the district, with respect to that individual, abide by the terms of
2 the collective bargaining agreement concerning the individual's wages and, if
3 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
4 allowance, funeral leave allowance, personal day allowance, or paid time off
5 allowance until the time of the expiration of that collective bargaining agreement or
6 adoption of a collective bargaining agreement with the district under subch. IV of ch.
7 111 covering the individual as an employee of the district, whichever occurs first.

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

9 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

17 c. A county in which the Program of All-Inclusive Care for the Elderly under
18 42 USC 1396u-4 is available.

19 d. A county in which the self-directed services option program under 42 USC
20 1396n (c) is available or in which a program operated under an amendment to the
21 state medical assistance plan under 42 USC 1396n (j) is available.

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

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

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

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

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

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

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

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

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

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

17 b. A personal care provider agency.

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

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

20 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
21 51.437.

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

24 (f) “Qualified provider” means a provider who meets the qualifications for
25 payment through the Family Care Program under s. 46.286, the Program for

1 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
2 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
3 waiver program operated under a waiver from the secretary of the federal
4 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
5 (b) and (c) and any qualification criteria established in the rules promulgated under
6 sub. (7) and who the authority determines is eligible for placement on the registry
7 maintained by the authority under s. 52.20 (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 known as the “Wisconsin Quality Home Care Authority.” The members of the board
2 shall consist of the following members:

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

4 (b) The secretary of the department of workforce development or his or her
5 designee.

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

7 1. One representative from the state assembly.

8 2. One representative from the state senate.

9 3. One representative of care management organizations.

10 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
11 51.42, or 51.437, selected from counties where the Family Care Program is not
12 available.

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

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

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

16 8. One representative of the board on aging and long–term care.

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

20 **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the
21 board to serve as the chairperson.

22 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
23 The executive committee shall consist of the chair of the board, the secretary of the
24 department of health services or his or her designee, the secretary of the department

1 of workforce development or his or her designee, and 3 persons selected from board
2 members appointed under sub. (1) (c) 9.

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

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

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

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

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

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

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

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

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

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

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

10 **(2)** Employ, appoint, engage, compensate, transfer, or discharge necessary
11 personnel.

12 **(3)** Make or enter into contracts, including contracts for the provision of legal
13 or accounting services.

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

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

16 **(6)** Sue and be sued.

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

19 **(8)** Collect fees for its services.

20 **52.20 Duties of authority.** The authority shall:

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

24 **(2)** Determine the eligibility of individuals for placement on the registry. For
25 purposes of determining eligibility, the authority shall apply the criteria described

1 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
2 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
3 of placement on or removal of a provider from the registry consistent with the terms
4 of the medical assistance waiver programs, the Family Care Program, an
5 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
6 Program of All-Inclusive Care for the Elderly, as determined by the department.

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

12 (4) Develop and operate recruitment and retention programs to expand the
13 pool of home care providers qualified and available to provide home care services to
14 consumers.

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

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

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

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

1 (9) Inform consumers of the experience and qualifications of home care
2 providers on the registry and home care providers identified by consumers of home
3 care services for employment.

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

6 (11) Report annually to the governor on the number of home care providers on
7 the registry and the number of home care providers providing services under the
8 authority.

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

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

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

17 **52.40 Health data.** Any health data or identifying information collected by
18 the authority is collected for the purpose of government regulatory and management
19 functions.

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

22 59.875 (2) Beginning on July 1, 2011, in any employee retirement system of a
23 county, except as otherwise provided in a collective bargaining agreement entered
24 into under subch. IV of ch. 111 and ~~except as provided in par. (b)~~, employees shall pay
25 half of all actuarially required contributions for funding benefits under the

1 retirement system. The employer may not pay on behalf of an employee any of the
2 employee's share of the actuarially required contributions.

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

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

6 **62.623 Payment of contributions in an employee retirement system of**
7 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of
8 a 1st class city, except as otherwise provided in a collective bargaining agreement
9 entered into under subch. IV of ch. 111 and ~~except as provided in sub. (2)~~, employees
10 shall pay all employee required contributions for funding benefits under the
11 retirement system. The employer may not pay on behalf of an employee any of the
12 employee's share of the required contributions.

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

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

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

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

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

18 **70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY.** All property owned by
19 the Wisconsin Quality Home Care Authority, provided that use of the property is
20 primarily related to the purposes of the authority.

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

22 **71.26 (1) (be) *Certain authorities.*** Income of the University of Wisconsin
23 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
24 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River

1 Navigational System Authority, of the Wisconsin Economic Development
2 Corporation, and of the Wisconsin Aerospace Authority.

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

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

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

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

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

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

22 109.03 (1) (b) School district and private school employees who voluntarily
23 request payment over a 12-month period for personal services performed during the
24 school year, unless, ~~with respect to private school employees, the~~ such employees are

1 covered under a valid collective bargaining agreement which precludes this method
2 of payment.

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

4 **CHAPTER 111**

5 **SUBCHAPTER VI**

6 **UNIVERSITY OF WISCONSIN SYSTEM**

7 **FACULTY AND ACADEMIC STAFF**

8 **LABOR RELATIONS**

9 **111.95 Declaration of policy.** The public policy of the state as to labor
10 relations and collective bargaining involving faculty and academic staff at the
11 University of Wisconsin System, in furtherance of which this subchapter is enacted,
12 is as follows:

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

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

20 **111.96 Definitions.** In this subchapter:

21 (1) “Academic staff” means academic staff under s. 36.15, but does not include
22 any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is
23 appointed to a visiting faculty position.

24 (2) “Board” means the Board of Regents of the University of Wisconsin System.

1 (3) “Collective bargaining” means the performance of the mutual obligation of
2 the state as an employer, by its officers and agents, and the representatives of its
3 employees, to meet and confer at reasonable times, in good faith, with respect to the
4 subjects of bargaining provided in s. 111.998 with the intention of reaching an
5 agreement, or to resolve questions arising under such an agreement. The duty to
6 bargain, however, does not compel either party to agree to a proposal or require the
7 making of a concession. Collective bargaining includes the reduction of any
8 agreement reached to a written and signed document.

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

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

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

14 (7) “Employee” includes:

15 (a) All faculty, including faculty who are supervisors or management
16 employees, but not including faculty holding a limited appointment under s. 36.17
17 or deans.

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

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

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

24 (10) “Fair–share agreement” means an agreement between the employer and
a labor organization representing employees under which all of the employees in a

1 collective bargaining unit are required to pay their proportionate share of the cost
2 of the collective bargaining process and contract administration measured by the
3 amount of dues uniformly required of all members.

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

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

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

11 (a) Advocates the overthrow of the constitutional form of government in the
12 United States.

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

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

22 (15) “Management employees” includes those personnel engaged
23 predominately in executive and managerial functions.

24 (16) “Office” means the office of state employment relations in the department
25 of administration.