

1 **SECTION 135.** 111.70 (4) (c) 1g. of the statutes is created to read:

2 111.70 (4) (c) 1g. ‘Applicability.’ This paragraph applies only to municipal
3 employees who are engaged in law enforcement or fire fighting functions.

4 **SECTION 136.** 111.70 (4) (c) 2. of the statutes is amended to read:

5 111.70 (4) (c) 2. ‘Arbitration.’ Parties to a dispute pertaining to the meaning
6 or application of the terms of a written collective bargaining agreement involving a
7 collective bargaining unit containing a public safety employee may agree in writing
8 to have the commission or any other appropriate agency serve as arbitrator or may
9 designate any other competent, impartial and disinterested person to so serve.

10 **SECTION 137.** 111.70 (4) (c) 3. (intro.) of the statutes is amended to read:

11 111.70 (4) (c) 3. ‘Fact-finding.’ (intro.) Unless s. 111.77 applies, if a dispute
12 involving a collective bargaining unit containing a public safety employee has not
13 been settled after a reasonable period of negotiation and after the settlement
14 procedures, if any, established by the parties have been exhausted, and the parties
15 are deadlocked with respect to any dispute between them arising in the collective
16 bargaining process, either party, or the parties jointly, may petition the commission,
17 in writing, to initiate fact-finding, and to make recommendations to resolve the
18 deadlock, as follows:

19 **SECTION 138.** 111.70 (4) (cg) of the statutes is repealed.

20 **SECTION 139.** 111.70 (4) (cm) (title) of the statutes is amended to read:

21 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*
22 *municipal employees other personnel.*

23 **SECTION 140.** 111.70 (4) (cm) 1. of the statutes is renumbered 111.70 (4) (cm)
24 1m. and amended to read:

1 111.70 (4) (cm) 1m. ‘Notice of commencement of contract negotiations.’ For the
2 purpose of advising the commission of the commencement of contract negotiations
3 ~~involving a collective bargaining unit containing general municipal employees,~~
4 whenever either party requests the other to reopen negotiations under a binding
5 collective bargaining agreement, or the parties otherwise commence negotiations if
6 no such agreement exists, the party requesting negotiations shall immediately notify
7 the commission in writing. Upon failure of the requesting party to provide such
8 notice, the other party may so notify the commission. The notice shall specify the
9 expiration date of the existing collective bargaining agreement, if any, and shall set
10 forth any additional information the commission may require on a form provided by
11 the commission.

12 **SECTION 141.** 111.70 (4) (cm) 1g. of the statutes is created to read:

13 111.70 (4) (cm) 1g. ‘Application.’

14 a. Chapter 788 does not apply to arbitration proceedings under this paragraph.

15 b. This paragraph does not apply to labor disputes involving municipal
16 employees who are engaged in law enforcement or fire fighting functions.

17 **SECTION 142.** 111.70 (4) (cm) 2., 3. and 4. of the statutes are amended to read:

18 111.70 (4) (cm) 2. ‘Presentation of initial proposals; open meetings.’ The
19 meetings between parties to a collective bargaining agreement or proposed collective
20 bargaining agreement under this subchapter that ~~involve a collective bargaining~~
21 ~~unit containing a general municipal employee and that~~ are held for the purpose of
22 presenting initial bargaining proposals, along with supporting rationale, ~~shall be~~ are
23 open to the public. Each party shall submit its initial bargaining proposals to the
24 other party in writing. Failure to comply with this subdivision is not cause to
25 invalidate a collective bargaining agreement under this subchapter.

1 3. ‘Mediation.’ The commission or its designee shall function as mediator in
2 labor disputes involving ~~general~~ municipal employees upon request of one or both of
3 the parties, or upon initiation of the commission. The function of the mediator shall
4 be to encourage voluntary settlement by the parties. No mediator has the power of
5 compulsion.

6 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or
7 application of the terms of a written collective bargaining agreement ~~involving a~~
8 ~~collective bargaining unit containing a general municipal employee~~ may agree in
9 writing to have the commission or any other appropriate agency serve as arbitrator
10 or may designate any other competent, impartial and disinterested person to so
11 serve.

12 **SECTION 143.** 111.70 (4) (cm) 5. of the statutes is created to read:

13 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
14 other impasse resolution procedures provided in this paragraph, a municipal
15 employer and labor organization may, as a permissive subject of bargaining, agree
16 in writing to a dispute settlement procedure, including authorization for a strike by
17 municipal employees or binding interest arbitration, that is acceptable to the parties
18 for resolving an impasse over terms of any collective bargaining agreement under
19 this subchapter. The parties shall file a copy of the agreement with the commission.
20 If the parties agree to any form of binding interest arbitration, the arbitrator shall
21 give weight to the factors enumerated under subds. 7. and 7g. for a collective
22 bargaining unit consisting of municipal employees who are not school district
23 employees and under subd. 7r. for a collective bargaining unit consisting of municipal
24 employees.

25 **SECTION 144.** 111.70 (4) (cm) 6. of the statutes is created to read:

1 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
2 a dispute relating to any issue has not been settled after a reasonable period of
3 negotiation and after mediation by the commission under subd. 3. and other
4 settlement procedures, if any, established by the parties have been exhausted, and
5 the parties are deadlocked with respect to any dispute between them over wages,
6 hours, or conditions of employment to be included in a new collective bargaining
7 agreement, either party, or the parties jointly, may petition the commission, in
8 writing, to initiate compulsory, final, and binding arbitration, as provided in this
9 paragraph. At the time the petition is filed, the petitioning party shall submit in
10 writing to the other party and the commission its preliminary final offer containing
11 its latest proposals on all issues in dispute. Within 14 calendar days after the date
12 of that submission, the other party shall submit in writing its preliminary final offer
13 on all disputed issues to the petitioning party and the commission. If a petition is
14 filed jointly, both parties shall exchange their preliminary final offers in writing and
15 submit copies to the commission at the time the petition is filed.

16 am. Upon receipt of a petition to initiate arbitration, the commission shall
17 investigate, with or without a formal hearing, whether arbitration should be
18 commenced. If in determining whether an impasse exists the commission finds that
19 the procedures under this paragraph have not been complied with and that the
20 compliance would tend to result in a settlement, it may order compliance before
21 ordering arbitration. The validity of any arbitration award or collective bargaining
22 agreement is not affected by failure to comply with the procedures. Prior to the close
23 of the investigation each party shall submit in writing to the commission its single
24 final offer containing its final proposals on all issues in dispute that are subject to
25 interest arbitration under this subdivision. If a party fails to submit a single final

1 offer, the commission shall close the investigation based on the last written position
2 of the party. Such final offers may include only mandatory subjects of bargaining,
3 except that a permissive subject of bargaining may be included by a party if the other
4 party does not object and shall then be treated as a mandatory subject. The parties
5 shall also submit to the commission a written stipulation with respect to all matters
6 that are agreed upon for inclusion in the new or amended collective bargaining
7 agreement. The commission, after receiving a report from its investigator and
8 determining that arbitration should be commenced, shall issue an order requiring
9 arbitration and immediately submit to the parties a list of 7 arbitrators. The parties
10 shall alternately strike names from the list until a single name is left, who shall be
11 appointed as arbitrator. The petitioning party shall notify the commission in writing
12 of the identity of the arbitrator selected. Upon receipt of the notice, the commission
13 shall formally appoint the arbitrator and submit to him or her the final offers of the
14 parties. The final offers are public documents and the commission shall make them
15 available. In lieu of a single arbitrator and upon request of both parties, the
16 commission shall appoint a tripartite arbitration panel consisting of one member
17 selected by each of the parties and a neutral person designated by the commission
18 who shall serve as a chairperson. An arbitration panel has the same powers and
19 duties as provided in this section for any other appointed arbitrator, and all
20 arbitration decisions by a panel shall be determined by majority vote. In place of
21 selection of the arbitrator by the parties and upon request of both parties, the
22 commission shall establish a procedure for randomly selecting names of arbitrators.
23 Under the procedure, the commission shall submit a list of 7 arbitrators to the
24 parties. Each party shall strike one name from the list. From the remaining 5
25 names, the commission shall randomly appoint an arbitrator. Unless both parties

1 to an arbitration proceeding otherwise agree in writing, every individual whose
2 name is submitted by the commission for appointment as an arbitrator must be a
3 resident of this state at the time of submission and every individual who is
4 designated as an arbitration panel chairperson must be a resident of this state at the
5 time of designation.

6 b. The arbitrator shall, within 10 days of his or her appointment, establish a
7 date and place for the arbitration hearing. Upon petition of at least 5 citizens of the
8 jurisdiction served by the municipal employer, filed within 10 days after the date on
9 which the arbitrator is appointed, the arbitrator shall hold a public hearing in the
10 jurisdiction to provide the opportunity to both parties to explain or present
11 supporting arguments for their positions and to members of the public to offer their
12 comments and suggestions. The final offers of the parties, as transmitted by the
13 commission to the arbitrator, are the basis for any continued negotiations between
14 the parties with respect to the issues in dispute. At any time prior to the arbitration
15 hearing, either party, with the consent of the other party, may modify its final offer
16 in writing.

17 c. Prior to the arbitration hearing, either party may, within a time limit
18 established by the arbitrator, withdraw its final offer and any mutually agreed upon
19 modifications and shall immediately provide written notice of any withdrawal to the
20 other party, the arbitrator, and the commission. If both parties withdraw their final
21 offers and mutually agreed upon modifications, the labor organization, after giving
22 10 days' written notice to the municipal employer and the commission, may strike.
23 Unless both parties withdraw their final offers and mutually agreed upon
24 modifications, the final offer of neither party is considered withdrawn and the

1 arbitrator shall proceed to resolve the dispute by final and binding arbitration as
2 provided in this paragraph.

3 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or
4 her own motion or at the request of either party, conduct a meeting open to the public
5 to provide to both parties the opportunity to explain or present supporting
6 arguments for their complete offer on all matters to be covered by the proposed
7 agreement. The arbitrator shall adopt without modification the final offer of one of
8 the parties on all disputed issues submitted under subd. 6. am., except those items
9 that the commission determines not to be mandatory subjects of bargaining and
10 those items that have not been treated as mandatory subjects by the parties, and
11 including any prior modifications of the offer mutually agreed upon by the parties
12 under subd. 6. b. The decision is final and binding on both parties and shall be
13 incorporated into a written collective bargaining agreement. The arbitrator shall
14 serve a copy of his or her decision on both parties and the commission.

15 e. Arbitration proceedings may not be interrupted or terminated by reason of
16 any prohibited practice complaint filed by either party at any time.

17 f. The parties shall equally divide the costs of arbitration. The arbitrator shall
18 submit a statement of his or her costs to both parties and to the commission.

19 g. If a question arises as to whether any proposal made in negotiations by either
20 party is a mandatory, permissive, or prohibited subject of bargaining, the
21 commission shall determine the issue under par. (b). If either party to the dispute
22 petitions the commission for a declaratory ruling under par. (b), the proceedings
23 under subd. 6. c. and d. may not occur until the commission renders a decision in the
24 matter and the decision is final. The arbitrator's award shall be made in accordance

1 with the commission's ruling, subject to automatic amendment by any subsequent
2 court reversal.

3 **SECTION 145.** 111.70 (4) (cm) 7. of the statutes is created to read:

4 111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under
5 the arbitration procedures authorized by this paragraph, except for any decision
6 involving a collective bargaining unit consisting of school district employees, the
7 arbitrator or arbitration panel shall consider and shall give the greatest weight to
8 any state law or directive lawfully issued by a state legislative or administrative
9 officer, body, or agency that limits expenditures that may be made or revenues that
10 may be collected by a municipal employer. The arbitrator or arbitration panel shall
11 give an accounting of the consideration of this factor in the decision.

12 **SECTION 146.** 111.70 (4) (cm) 7g. of the statutes is created to read:

13 111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under
14 the arbitration procedures authorized by this paragraph, except for any decision
15 involving a collective bargaining unit consisting of school district employees, the
16 arbitrator or arbitration panel shall consider and shall give greater weight to
17 economic conditions in the jurisdiction of the municipal employer than to any of the
18 factors specified in subd. 7r.

19 **SECTION 147.** 111.70 (4) (cm) 7r. of the statutes is created to read:

20 111.70 (4) (cm) 7r. 'Other factors considered.' In making any decision under the
21 arbitration procedures authorized by this paragraph, the arbitrator or arbitration
22 panel shall give weight to the following factors:

- 23 a. The lawful authority of the municipal employer.
24 b. Stipulations of the parties.

1 c. The interests and welfare of the public and the financial ability of the unit
2 of government to meet the costs of any proposed settlement.

3 d. Comparison of wages, hours, and conditions of employment of the municipal
4 employees involved in the arbitration proceedings with the wages, hours, and
5 conditions of employment of other employees performing similar services.

6 e. Comparison of the wages, hours, and conditions of employment of the
7 municipal employees involved in the arbitration proceedings with the wages, hours,
8 and conditions of employment of other employees generally in public employment in
9 the same community and in comparable communities.

10 f. Comparison of the wages, hours, and conditions of employment of the
11 municipal employees involved in the arbitration proceedings with the wages, hours,
12 and conditions of employment of other employees in private employment in the same
13 community and in comparable communities.

14 g. The average consumer prices for goods and services, commonly known as the
15 cost of living.

16 h. The overall compensation presently received by the municipal employees,
17 including direct wage compensation, vacation, holidays and excused time, insurance
18 and pensions, medical and hospitalization benefits, the continuity and stability of
19 employment, and all other benefits received.

20 i. Changes in any of the foregoing circumstances during the pendency of the
21 arbitration proceedings.

22 j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally
23 taken into consideration in the determination of wages, hours, and conditions of
24 employment through voluntary collective bargaining, mediation, fact-finding,

1 arbitration, or otherwise between the parties, in the public service, or in private
2 employment.

3 **SECTION 148.** 111.70 (4) (cm) 8. of the statutes is created to read:

4 111.70 (4) (cm) 8. ‘Rule making.’ The commission shall adopt rules for the
5 conduct of all arbitration proceedings under subd. 6., including rules for all of the
6 following:

7 a. The appointment of tripartite arbitration panels when requested by the
8 parties.

9 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
10 and transcripts.

11 c. The removal of individuals who have repeatedly failed to issue timely
12 decisions from the commission’s list of qualified arbitrators.

13 d. Proceedings for the enforcement of arbitration decisions.

14 **SECTION 149.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

15 111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
16 the initial collective bargaining agreement between the parties and except as the
17 parties otherwise agree, every collective bargaining agreement covering general
18 municipal employees subject to this paragraph shall be for a term of ~~one year and~~
19 ~~may not be extended 2 years~~, but in no case may a collective bargaining agreement
20 for any collective bargaining unit consisting of municipal employees subject to this
21 paragraph other than school district employees be for a term exceeding 3 years nor
22 may a collective bargaining agreement for any collective bargaining unit consisting
23 of school district employees subject to this paragraph be for a term exceeding 4 years.
24 No arbitration award may contain a provision for reopening of negotiations during
25 the term of a collective bargaining agreement covering general municipal employees

1 ~~may be reopened for negotiations~~ unless both parties agree to reopen the collective
2 bargaining agreement. The requirement for agreement by both parties does not
3 apply to a provision for reopening of negotiations with respect to any portion of an
4 agreement that is declared invalid by a court or administrative agency or rendered
5 invalid by the enactment of a law or promulgation of a federal regulation.

6 **SECTION 150.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

7 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
8 bargaining unit for the purpose of collective bargaining and shall whenever possible
9 avoid fragmentation by maintaining as few collective bargaining units as practicable
10 in keeping with the size of the total municipal workforce. The commission may
11 decide whether, in a particular case, the municipal employees in the same or several
12 departments, divisions, institutions, crafts, professions, or other occupational
13 groupings constitute a collective bargaining unit. Before making its determination,
14 the commission may provide an opportunity for the municipal employees concerned
15 to determine, by secret ballot, whether they desire to be established as a separate
16 collective bargaining unit. The commission may not decide, ~~however,~~ that any group
17 of municipal employees constitutes an appropriate collective bargaining unit if the
18 group includes both professional employees and nonprofessional employees, unless
19 a majority of the professional employees vote for inclusion in the unit. The
20 commission may not decide that any group of municipal employees constitutes an
21 appropriate collective bargaining unit if the group includes both school district
22 employees and general municipal employees who are not school district employees.
23 ~~The commission may not decide that any group of municipal employees constitutes~~
24 ~~an appropriate collective bargaining unit if the group includes both public safety~~
25 ~~employees and general municipal employees, if the group include includes both~~

1 ~~transit employees and general municipal employees, or if the group includes both~~
2 ~~transit employees and public safety employees.~~ The commission may not decide that
3 any group of municipal employees constitutes an appropriate collective bargaining
4 unit if the group includes both craft employees and noncraft employees unless a
5 majority of the craft employees vote for inclusion in the unit. The commission shall
6 place the professional employees who are assigned to perform any services at a
7 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
8 from a unit that includes any other professional employees whenever at least 30%
9 of those professional employees request an election to be held to determine that issue
10 and a majority of the professional employees at the charter school who cast votes in
11 the election decide to be represented in a separate collective bargaining unit.

12 **SECTION 151.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated,
13 renumbered 111.70 (4) (d) 3. and amended to read:

14 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning
15 representation or appropriate unit, calling for a vote, the commission shall certify the
16 results in writing to the municipal employer and the labor organization involved and
17 to any other interested parties. e. Any ballot used in a representation proceeding
18 under this subdivision shall include the names of all persons having an interest in
19 representing or the results. The ballot should be so designed as to permit a vote
20 against representation by any candidate named on the ballot. The findings of the
21 commission, on which a certification is based, shall be conclusive unless reviewed as
22 provided by s. 111.07 (8).

23 **SECTION 152.** 111.70 (4) (d) 3. b. of the statutes is repealed.

24 **SECTION 153.** 111.70 (4) (L) of the statutes is amended to read:

1 111.70 (4) (L) *Strikes prohibited.* ~~Nothing~~ Except as authorized under par. (cm)
2 5. and 6. c., nothing contained in this subchapter constitutes a ~~grant of grants~~ the
3 right to strike ~~by~~ to any municipal employee or labor organization, and such strikes
4 are hereby expressly prohibited. Paragraph (cm) does not authorize a strike after
5 an injunction has been issued against a strike under sub. (7m).

6 **SECTION 154.** 111.70 (4) (m) of the statutes is created to read:

7 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*
8 *employers.* In a school district, the municipal employer is prohibited from bargaining
9 collectively with respect to all of the following:

10 1. Reassignment of municipal employees who perform services for a board of
11 school directors under ch. 119, with or without regard to seniority, as a result of a
12 decision of the board of school directors to contract with an individual or group to
13 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school
14 to a charter school, or the impact of any such reassignment on the wages, hours, or
15 conditions of employment of the municipal employees who perform those services.

16 2. Reassignment of municipal employees who perform services for a board of
17 school directors, with or without regard to seniority, as a result of the decision of the
18 board to close or reopen a school under s. 119.18 (23), or the impact of any such
19 reassignment on the wages, hours, or conditions of employment of the municipal
20 employees who perform those services.

21 3. Any decision of a board of school directors to contract with a school or agency
22 to provide educational programs under s. 119.235, or the impact of any such decision
23 on the wages, hours, or conditions of employment of the municipal employees who
24 perform services for the board.

1 4. Solicitation of sealed bids for the provision of group health care benefits for
2 school district employees as provided in s. 120.12 (24).

3 **SECTION 155.** 111.70 (4) (mb) of the statutes is repealed.

4 **SECTION 156.** 111.70 (4) (mbb) of the statutes is repealed.

5 **SECTION 157.** 111.70 (4) (mc) (intro.) of the statutes is renumbered 111.70 (4)
6 (mc) and amended to read:

7 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.* ~~The~~
8 If the municipal employee is a clerk who is not an employee of a city of the first class,
9 the municipal employer is prohibited from bargaining collectively with a collective
10 bargaining unit containing a public safety employee with respect to any of the
11 following: the judge's authority over the supervisory tasks provided in s. 755.10.

12 **SECTION 158.** 111.70 (4) (mc) 5. and 6. of the statutes are repealed.

13 **SECTION 159.** 111.70 (4) (n) of the statutes is created to read:

14 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
15 to any subject of bargaining on which the municipal employer is required to bargain
16 under sub. (1) (a), the municipal employer is required to bargain collectively with
17 respect to all of the following:

18 1. Time spent during the school day, separate from pupil contact time, to
19 prepare lessons, labs, or educational materials, to confer or collaborate with other
20 staff, or to complete administrative duties.

21 2. The development of or any changes to a teacher evaluation plan under s.
22 118.225.

23 **SECTION 160.** 111.70 (4) (p) of the statutes is amended to read:

24 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety and*
25 *transit employees.* A municipal employer is not required to bargain with public safety

1 employees or transit employees on subjects reserved to management and direction
2 of the governmental unit except insofar as the manner of exercise of such functions
3 affects the wages, hours, and conditions of employment of the ~~public safety~~
4 ~~employees or of the transit~~ municipal employees in a collective bargaining unit.

5 **SECTION 161.** 111.70 (7) of the statutes is created to read:

6 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
7 injunction against a strike has been issued shall be fined \$10. After the injunction
8 has been issued, any employee who is absent from work because of purported illness
9 is presumed to be on strike unless the illness is verified by a written report from a
10 physician to the employer. Each day of continued violation constitutes a separate
11 offense. The court shall order that any fine imposed under this subsection be paid
12 by means of a salary deduction at a rate to be determined by the court.

13 (b) This subsection applies only to municipal employees who are engaged in law
14 enforcement or fire fighting functions.

15 **SECTION 162.** 111.70 (7m) (a) of the statutes is renumbered 111.70 (7m) (ar).

16 **SECTION 163.** 111.70 (7m) (ag) of the statutes is created to read:

17 111.70 (7m) (ag) *Application.* This subsection does not apply to strikes
18 involving municipal employees who are engaged in law enforcement or fire fighting
19 functions.

20 **SECTION 164.** 111.70 (7m) (b) of the statutes is created to read:

21 111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after
22 a labor organization gives advance notice of a strike under sub. (4) (cm) that is
23 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
24 directly affected by the strike may petition the circuit court to enjoin the strike. If
25 the court finds that the strike poses an imminent threat to the public health or safety,

1 the court shall, within 48 hours after the receipt of the petition but after notice to the
2 parties and after holding a hearing, issue an order immediately enjoining the strike,
3 and shall order the parties to submit a new final offer on all disputed issues to the
4 commission for final and binding arbitration as provided in sub. (4) (cm). The
5 commission, upon receipt of the final offers of the parties, shall transmit them to the
6 arbitrator or a successor designated by the commission. The arbitrator shall omit
7 preliminary steps and shall commence immediately to arbitrate the dispute.

8 **SECTION 165.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

9 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety~~
10 ~~employees or transit employees which~~ violates sub. (4) (L) may not collect any dues
11 under a collective bargaining agreement or under a fair-share agreement from any
12 municipal employee covered by either agreement for a period of one year. At the end
13 of the period of suspension, ~~any such~~ the agreement shall be reinstated unless the
14 labor organization is no longer authorized to represent the ~~public safety employees~~
15 ~~or transit~~ municipal employees covered by the collective bargaining agreement or
16 fair-share agreement or the agreement is no longer in effect.

17 **SECTION 166.** 111.70 (7m) (c) 3. of the statutes is created to read:

18 111.70 (7m) (c) 3. ‘Strike in violation of award.’ Any person who authorizes or
19 participates in a strike after a final and binding arbitration award or decision under
20 sub. (4) (cm) is issued and before the end of the term of the agreement which the
21 award or decision amends or creates shall forfeit \$15 per offense. Each day of
22 continued violation constitutes a separate offense.

23 **SECTION 167.** 111.70 (7m) (e) of the statutes is created to read:

24 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
25 award or decision under sub. (4) (cm) in a written collective bargaining agreement

1 or failing to implement the award or decision, unless good cause is shown, is liable
2 for attorney fees, interest on delayed monetary benefits, and other costs incurred in
3 any action by the nonoffending party to enforce the award or decision.

4 **SECTION 168.** 111.70 (8) (a) of the statutes is amended to read:

5 111.70 (8) (a) This section, except ~~sub. subs. (1) (nm), (4) (eg) and (cm), and (7m),~~
6 applies to law enforcement supervisors employed by a 1st class city. This section,
7 except ~~sub. subs. (1) (nm), (4) (cm) and (jm), and (7m)~~ applies to law enforcement
8 supervisors employed by a county having a population of 500,000 or more. For
9 purposes of such application, the terms term “municipal employee” and “public
10 safety employee” ~~include~~ includes such a supervisor.

11 **SECTION 169.** 111.71 (2) of the statutes is amended to read:

12 111.71 (2) The commission shall assess and collect a filing fee for filing a
13 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
14 The commission shall assess and collect a filing fee for filing a request that the
15 commission act as an arbitrator to resolve a dispute involving the interpretation or
16 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., ~~(eg) 4.,~~ or
17 (cm) 4. The commission shall assess and collect a filing fee for filing a request that
18 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
19 assess and collect a filing fee for filing a request that the commission act as a
20 mediator under s. 111.70 (4) (c) 1., ~~(eg) 3.,~~ or (cm) 3. The commission shall assess and
21 collect a filing fee for filing a request that the commission initiate compulsory, final
22 and binding arbitration under s. 111.70 (4) ~~(eg) (cm) 6.~~ or (jm) or 111.77 (3). For the
23 performance of commission actions under ss. 111.70 (4) (c) ~~1., 1m., 2., and 3., (eg) 3.,~~
24 ~~4., and 6.,~~ (cm) 3. ~~and 4., and 6.,~~ and (jm) and 111.77 (3), the commission shall require
25 that the parties to the dispute equally share in the payment of the fee and, for the

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

21 **SECTION 170.** 111.71 (4) of the statutes is created to read:

22 111.71 (4) The commission shall collect on a systematic basis information on
23 the operation of the arbitration law under s. 111.70 (4) (cm) and shall annually
24 submit a report on the opinion to the chief clerk of each house of the legislature for
25 distribution to the legislature under s. 13.172 (2).

1 **SECTION 171.** 111.71 (4m) of the statutes is repealed.

2 **SECTION 172.** 111.71 (5) of the statutes is created to read:

3 111.71 (5) The commission shall, on a regular basis, provide training programs
4 to prepare individuals to arbitrate under s. 111.70 (4) (cm). The commission shall
5 promote the programs to and recruit participation throughout the state, including
6 at least 10 residents of each congressional district. The commission may also provide
7 training programs to individuals and organizations on other aspects of collective
8 bargaining, including on areas of management and labor cooperation directly or
9 indirectly affecting collective bargaining. The commission may charge a reasonable
10 fee to participate in the programs.

11 **SECTION 173.** 111.71 (5m) of the statutes is repealed.

12 **SECTION 174.** 111.77 (intro.) of the statutes is amended to read:

13 **111.77 Settlement of disputes in collective bargaining units composed**
14 **of law enforcement personnel and fire fighters.** (intro.) Municipal In fire
15 departments and city and county law enforcement agencies municipal employers
16 and ~~public safety~~ employees, as provided in sub. (8), have the duty to bargain
17 collectively in good faith including the duty to refrain from strikes or lockouts and
18 to comply with the following:

19 **SECTION 175.** 111.77 (8) (a) of the statutes is amended to read:

20 111.77 (8) (a) This section applies to ~~public safety employees who are~~ law
21 enforcement supervisors employed by a county having a population of 500,000 or
22 more. For purposes of such application, the term “municipal employee” includes
23 such a supervisor.

24 **SECTION 176.** 111.77 (9) of the statutes is amended to read:

1 111.77 (9) Section 111.70 (4) (c) 3., ~~(eg)~~, and (cm) does not apply to employments
2 covered by this section.

3 **SECTION 177.** 111.80 of the statutes is created to read:

4 **111.80 Declaration of policy.** The public policy of the state as to labor
5 relations and collective bargaining in state employment, in the furtherance of which
6 this subchapter is enacted, is as follows:

7 (1) It recognizes that there are 3 major interests involved: that of the public,
8 that of the employee, and that of the employer. These 3 interests are to a considerable
9 extent interrelated. It is the policy of this state to protect and promote each of these
10 interests with due regard to the situation and to the rights of the others.

11 (2) Orderly and constructive employment relations for employees and the
12 efficient administration of state government are promotive of all these interests.
13 They are largely dependent upon the maintenance of fair, friendly, and mutually
14 satisfactory employee management relations in state employment, and the
15 availability of suitable machinery for fair and peaceful adjustment of whatever
16 controversies may arise. It is recognized that whatever may be the rights of
17 disputants with respect to each other in any controversy regarding state
18 employment relations, neither party has any right to engage in acts or practices that
19 jeopardize the public safety and interest and interfere with the effective conduct of
20 public business.

21 (3) Where permitted under this subchapter, negotiations of terms and
22 conditions of state employment should result from voluntary agreement between the
23 state and its agents as employer, and its employees. For that purpose an employee
24 may, if the employee desires, associate with others in organizing and in bargaining

1 collectively through representatives of the employee's own choosing without
2 intimidations or coercion from any source.

3 (4) It is the policy of this state, in order to preserve and promote the interests
4 of the public, the employee, and the employer alike, to encourage the practices and
5 procedures of collective bargaining in state employment subject to the requirements
6 of the public service and related laws, rules, and policies governing state
7 employment, by establishing standards of fair conduct in state employment
8 relations, and by providing a convenient, expeditious, and impartial tribunal in
9 which these interests may have their respective rights determined.

10 **SECTION 178.** 111.81 (1) of the statutes is amended to read:

11 111.81 (1) "Collective bargaining" means the performance of the mutual
12 obligation of the state as an employer, by its officers and agents, and the
13 representatives of its employees, to meet and confer at reasonable times, in good
14 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
15 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~
16 ~~with respect to general employees,~~ with the intention of reaching an agreement, or
17 to resolve questions arising under such an agreement. The duty to bargain, however,
18 does not compel either party to agree to a proposal or require the making of a
19 concession. Collective bargaining includes the reduction of any agreement reached
20 to a written and signed document.

21 **SECTION 179.** 111.81 (3h) of the statutes is created to read:

22 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

23 **SECTION 180.** 111.81 (3n) of the statutes is repealed.

24 **SECTION 181.** 111.81 (7) (g) of the statutes is created to read:

1 111.81 (7) (g) For purposes of this subchapter only, home care providers. This
2 paragraph does not make home care providers state employees for any other purpose
3 except collective bargaining.

4 **SECTION 182.** 111.81 (9) of the statutes is amended to read:

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

11 **SECTION 183.** 111.81 (9g) of the statutes is repealed.

12 **SECTION 184.** 111.81 (9k) of the statutes is created to read:

13 111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898
14 (1) (f).

15 **SECTION 185.** 111.81 (12) (intro.) of the statutes is amended to read:

16 111.81 (12) (intro.) “Labor organization” means any employee organization
17 whose purpose is to represent employees in collective bargaining with the employer,
18 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~
19 ~~or (3), whichever is applicable pertaining to terms and conditions of employment;~~ but
20 the term shall not include any organization:

21 **SECTION 186.** 111.81 (12m) of the statutes is amended to read:

22 111.81 (12m) “Maintenance of membership agreement” means an agreement
23 between the employer and a labor organization representing ~~public-safety employees~~
24 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public-safety~~
25 ~~employees~~ or supervisors whose dues are being deducted from earnings under s.

1 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
2 have dues deducted for the duration of the agreement, and that dues shall be
3 deducted from the earnings of all ~~public safety employees~~ or supervisors who are
4 hired on or after the effective date of the agreement.

5 **SECTION 187.** 111.81 (15r) of the statutes is repealed.

6 **SECTION 188.** 111.81 (16) of the statutes is amended to read:

7 111.81 (16) “Referendum” means a proceeding conducted by the commission in
8 which ~~public safety employees, or supervisors specified in s. 111.825 (5),~~ in a
9 collective bargaining unit may cast a secret ballot on the question of directing the
10 labor organization and the employer to enter into a fair-share or maintenance of
11 membership agreement or to terminate such an agreement.

12 **SECTION 189.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
13 is renumbered 111.815 (1) (a) and amended to read:

14 111.815 (1) (a) In the furtherance of this subchapter, the state shall be
15 considered as a single employer and employment relations policies and practices
16 throughout the state service shall be as consistent as practicable. The office shall
17 negotiate and administer collective bargaining agreements, except that the
18 department of health services, subject to the approval of the federal centers for
19 medicare and medicaid services to use collective bargaining as the method of setting
20 rates for reimbursement of home care providers, shall negotiate and administer
21 collective bargaining agreements entered into with the collective bargaining unit
22 specified in s. 111.825 (2g). To coordinate the employer position in the negotiation
23 of agreements, the office shall maintain close liaison with the legislature relative to
24 the negotiation of agreements and the fiscal ramifications of those agreements.

1 **(b) 1.** Except with respect to the collective bargaining unit specified in s.
2 111.825 (1r), (1t), and (2g), the office is responsible for the employer functions of the
3 executive branch under this subchapter, and shall coordinate its collective
4 bargaining activities with operating state agencies on matters of agency concern.
5 The legislative branch shall act upon those portions of tentative agreements
6 negotiated by the office that require legislative action.

7 **2.** With respect to the collective bargaining units specified in s. 111.825 (1r), the
8 Board of Regents of the University of Wisconsin System is responsible for the
9 employer functions under this subchapter.

10 **3.** With respect to the collective bargaining units specified in s. 111.825 (1t), the
11 chancellor of the University of Wisconsin–Madison is responsible for the employer
12 functions under this subchapter.

13 **4.** With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef),
14 the governing board of the charter school established by contract under s. 118.40 (2r)
15 (cm) is responsible for the employer functions under this subchapter.

16 **SECTION 190.** 111.815 (1) (b) 5. of the statutes is created to read:

17 111.815 (1) (b) 5. With respect to the collective bargaining unit specified in s.
18 111.825 (2g), the department of health services is responsible for the employer
19 functions of the executive branch under this subchapter.

20 **SECTION 191.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
21 is amended to read:

22 111.815 (2) ~~The~~ In the furtherance of the policy under s. 111.80 (4), the director
23 of the office shall, together with the appointing authorities or their representatives,
24 represent the state in its responsibility as an employer under this subchapter except
25 with respect to negotiations in the collective bargaining ~~unit~~ units specified in s.

1 111.825 (1r), (1t), and (2g). The director of the office shall establish and maintain,
2 wherever practicable, consistent employment relations policies and practices
3 throughout the state service.

4 **SECTION 192.** 111.82 of the statutes is amended to read:

5 **111.82 Rights of employees.** Employees have the right of self-organization
6 and the right to form, join, or assist labor organizations, to bargain collectively
7 through representatives of their own choosing under this subchapter, and to engage
8 in lawful, concerted activities for the purpose of collective bargaining or other mutual
9 aid or protection. Employees also have the right to refrain from any or all of such
10 activities. ~~A general employee has the right to refrain from paying dues while~~
11 ~~remaining a member of a collective bargaining unit.~~

12 **SECTION 193.** 111.825 (1) (g) of the statutes is repealed.

13 **SECTION 194.** 111.825 (2g) of the statutes is created to read:

14 111.825 (2g) A collective bargaining unit for employees who are home care
15 providers shall be structured as a single statewide collective bargaining unit.

16 **SECTION 195.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is amended to read:

18 111.825 (3) The commission shall assign employees to the appropriate
19 collective bargaining units set forth in subs. (1), (1r), (1t), and (2), and (2g).

20 **SECTION 196.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
21 is amended to read:

22 111.825 (4) Any labor organization may petition for recognition as the exclusive
23 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), ~~or (2), or~~
24 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
25 petition is accompanied by a 30% showing of interest in the form of signed

1 authorization cards. Each additional labor organization seeking to appear on the
2 ballot shall file petitions within 60 days of the date of filing of the original petition
3 and prove, through signed authorization cards, that at least 10% of the employees
4 in the collective bargaining unit want it to be their representative.

5 **SECTION 197.** 111.825 (5) of the statutes is amended to read:

6 111.825 (5) Although supervisors are not considered employees for purposes
7 of this subchapter, the commission may consider a petition for a statewide collective
8 bargaining unit of professional supervisors or a statewide unit of nonprofessional
9 supervisors in the classified service, but the representative of supervisors may not
10 be affiliated with any labor organization representing employees. For purposes of
11 this subsection, affiliation does not include membership in a national, state, county
12 or municipal federation of national or international labor organizations. The
13 certified representative of supervisors ~~who are not public safety employees~~ may not
14 bargain collectively with respect to any matter other than wages and fringe benefits
15 as provided in s. 111.91 (3), and the ~~certified representative of supervisors who are~~
16 ~~public safety employees may not bargain collectively with respect to any matter other~~
17 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

18 **SECTION 198.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
19 32, is renumbered 111.825 (6).

20 **SECTION 199.** 111.825 (6) (b) of the statutes is repealed.

21 **SECTION 200.** 111.83 (1) of the statutes is amended to read:

22 111.83 (1) Except as provided in sub- subs. (5) and (5m), a representative
23 chosen for the purposes of collective bargaining by a majority of the employees voting
24 in a collective bargaining unit shall be the exclusive representative of all of the
25 employees in such unit for the purposes of collective bargaining. Any individual

1 employee, or any minority group of employees in any collective bargaining unit, may
2 present grievances to the employer in person, or through representatives of their own
3 choosing, and the employer shall confer with said employee or group of employees in
4 relation thereto if the majority representative has been afforded the opportunity to
5 be present at the conference. Any adjustment resulting from such a conference may
6 not be inconsistent with the conditions of employment established by the majority
7 representative and the employer.

8 **SECTION 201.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

9 **SECTION 202.** 111.83 (3) (b) of the statutes is repealed.

10 **SECTION 203.** 111.83 (4) of the statutes is amended to read:

11 111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which
12 the name of more than one proposed representative appears on the ballot and results
13 in no conclusion, the commission may, if requested by any party to the proceeding
14 within 30 days from the date of the certification of the results of the election, conduct
15 a runoff election. In that runoff election, the commission shall drop from the ballot
16 the name of the representative who received the least number of votes at the original
17 election. The commission shall drop from the ballot the privilege of voting against
18 any representative if the least number of votes cast at the first election was against
19 representation by any named representative.

20 **SECTION 204.** 111.83 (5m) of the statutes is created to read:

21 111.83 (5m) (a) This subsection applies only to a collective bargaining unit
22 specified in s. 111.825 (2g).

23 (am) 1. Subject to subd. 2., the department of health services shall provide a
24 labor organization with the list of home care providers provided to the department
25 of health services under s. 52.20 (5) if any of the following applies:

1 a. The labor organization demonstrates a showing of interest of at least 3
2 percent of home care providers included in the collective bargaining unit under s.
3 111.825 (2g) to be represented by that labor organization.

4 b. The labor organization is a certified representative of any home care
5 providers in this state.

6 c. The labor organization was a certified representative of any home care
7 providers in this state prior to July 1, 2009.

8 2. A labor organization shall agree to use any list it receives under subd. 1. only
9 for communicating with home care providers concerning the exercise of their rights
10 under s. 111.82 and shall agree to keep the list confidential.

11 (b) Upon the filing of a petition with the commission indicating a showing of
12 interest of at least 30 percent of the home care providers included in the collective
13 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
14 change the existing representative, the commission shall hold an election in which
15 the home care providers may vote on the question of representation. The labor
16 organization named in the petition shall be included on the ballot. Within 60 days
17 of the time that the petition is filed, another petition may be filed with the
18 commission indicating a showing of interest of at least 10 percent of the home care
19 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
20 be represented by another labor organization, in which case the name of that labor
21 organization shall also be included on the ballot.

22 (c) If at an election held under par. (b), a majority of home care providers voting
23 in the collective bargaining unit vote for a single labor organization, the labor
24 organization shall be the exclusive representative for all home care providers in that
25 collective bargaining unit. If no single labor organization receives a majority of the

1 votes cast, the commission may hold one or more runoff elections under sub. (4) until
2 one labor organization receives a majority of the votes cast.

3 **SECTION 205.** 111.84 (1) (b) of the statutes is amended to read:

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

22 **SECTION 206.** 111.84 (1) (d) of the statutes is amended to read:

23 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
24 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its
25 employees in an appropriate collective bargaining unit. Where the employer has a

1 good faith doubt as to whether a labor organization claiming the support of a majority
2 of its employees in appropriate collective bargaining unit does in fact have that
3 support, it may file with the commission a petition requesting an election as to that
4 claim. It is not deemed to have refused to bargain until an election has been held and
5 the results thereof certified to it by the commission. A violation of this paragraph
6 includes, but is not limited to, the refusal to execute a collective bargaining
7 agreement previously orally agreed upon.

8 **SECTION 207.** 111.84 (1) (f) of the statutes is amended to read:

9 111.84 (1) (f) To deduct labor organization dues from the an employee's
10 earnings of a public safety employee, unless the employer has been presented with
11 an individual order therefor, signed by the ~~public safety~~ employee personally, and
12 terminable by at least the end of any year of its life or earlier by the ~~public safety~~
13 employee giving at least 30 but not more than 120 days' written notice of such
14 termination to the employer and to the representative labor organization, except if
15 there is a fair-share or maintenance of membership agreement in effect. The
16 employer shall give notice to the labor organization of receipt of such notice of
17 termination.

18 **SECTION 208.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
19 32, is amended to read:

20 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
21 (1) ~~or (3), whichever is appropriate,~~ with the duly authorized officer or agent of the
22 employer which is the recognized or certified exclusive collective bargaining
23 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
24 bargaining unit or with the certified exclusive collective bargaining representative
25 of employees specified in s. 111.81 (7) (ar) to ~~(f)~~ (g) in an appropriate collective

1 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
2 refusal to execute a collective bargaining agreement previously orally agreed upon.

3 **SECTION 209.** 111.84 (3) of the statutes is amended to read:

4 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
5 on behalf of or in the interest of employers or employees, or in connection with or to
6 influence the outcome of any controversy as to employment relations, any act
7 prohibited by sub- ~~subs.~~ subs. (1) ~~or~~ and (2).

8 **SECTION 210.** 111.845 of the statutes is repealed.

9 **SECTION 211.** 111.85 (1), (2) and (4) of the statutes are amended to read:

10 111.85 (1) (a) No fair-share or maintenance of membership agreement
11 ~~covering public safety employees may become~~ is effective unless authorized by a
12 referendum. The commission shall order a referendum whenever it receives a
13 petition supported by proof that at least ~~30%~~ 30 percent of the ~~public safety~~
14 ~~employees or supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit
15 desire that a fair-share or maintenance of membership agreement be entered into
16 between the employer and a labor organization. A petition may specify that a
17 referendum is requested on a maintenance of membership agreement only, in which
18 case the ballot shall be limited to that question.

19 (b) For a fair-share agreement to be authorized, at least two-thirds of the
20 eligible ~~public safety employees~~ or supervisors voting in a referendum shall vote in
21 favor of the agreement. For a maintenance of membership agreement to be
22 authorized, at least a majority of the eligible ~~public safety employees~~ or supervisors
23 voting in a referendum shall must vote in favor of the agreement. In a referendum
24 on a fair-share agreement, if less than two-thirds but more than one-half of the

1 eligible ~~public safety employees~~ or supervisors vote in favor of the agreement, a
2 maintenance of membership agreement is authorized.

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

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

24 (2) (a) Once authorized, a fair-share or maintenance of membership
25 agreement ~~covering public safety employees~~ shall ~~continue~~ is in effect, subject to the

1 right of the employer or labor organization concerned to petition the commission to
2 conduct a new referendum. Such petition must be supported by proof that at least
3 ~~30%~~ 30 percent of the ~~public-safety employees~~ or supervisors in the collective
4 bargaining unit desire that the fair-share or maintenance of membership agreement
5 be discontinued. Upon so finding, the commission shall conduct a new referendum.
6 If the continuance of the fair-share or maintenance of membership agreement is
7 approved in the referendum by at least the percentage of eligible voting ~~public-safety~~
8 ~~employees~~ or supervisors required for its initial authorization, it shall be continued
9 in effect, subject to the right of the employer or labor organization to later initiate a
10 further vote following the procedure prescribed in this subsection. If the
11 continuation of the agreement is not supported in any referendum, it ~~is deemed~~
12 ~~terminated~~ terminates at the termination of the collective bargaining agreement, or
13 one year from the date of the certification of the result of the referendum, whichever
14 is earlier.

15 (b) The commission shall ~~declare~~ suspend any fair-share or maintenance of
16 membership agreement ~~suspended~~ upon such conditions and for such time as the
17 commission decides whenever it finds that the labor organization involved has
18 refused on the basis of race, color, sexual orientation, or creed to receive as a member
19 any ~~public-safety employee~~ or supervisor in the collective bargaining unit involved,
20 and the agreement shall be made subject to the findings and orders of the
21 commission. Any of the parties to the agreement, or any ~~public-safety employee~~ or
22 supervisor covered thereby, may come before the commission, as provided in s.
23 111.07, and petition the commission to make such a finding.

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

4 **SECTION 212.** 111.905 of the statutes is created to read:

5 **111.905 Rights of consumer. (1)** This subchapter does not interfere with the
6 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
7 or discipline home care providers or to set conditions and duties of employment.

8 (2) A home care provider is an at will provider of home care services to a
9 consumer, and this subchapter does not interfere with that relationship.

10 **SECTION 213.** 111.91 (1) (a) of the statutes is amended to read:

11 111.91 (1) (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~
12 ~~bargaining unit under s. 111.825 (1) (g) (e)~~, matters subject to collective bargaining
13 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
14 reassignment of classifications to pay ranges, determination of an incumbent's pay
15 status resulting from position reallocation or reclassification, and pay adjustments
16 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher
17 classification or downward reallocations of a classified ~~public safety~~ employee's
18 position; fringe benefits consistent with sub. (2); hours and conditions of
19 employment.

20 **SECTION 214.** 111.91 (1) (b) of the statutes is amended to read:

21 111.91 (1) (b) The employer is not required to bargain ~~with a collective~~
22 ~~bargaining unit under s. 111.825 (1) (g)~~ on management rights under s. 111.90, except
23 that procedures for the adjustment or settlement of grievances or disputes arising
24 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of
25 bargaining.

1 **SECTION 215.** 111.91 (1) (c) of the statutes is amended to read:

2 111.91 (1) (c) The employer is prohibited from bargaining with a collective
3 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

4 **SECTION 216.** 111.91 (1) (cg) of the statutes is created to read:

5 111.91 (1) (cg) The representative of home care providers in the collective
6 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with
7 respect to any matter other than wages and fringe benefits.

8 **SECTION 217.** 111.91 (1) (cm) of the statutes is amended to read:

9 111.91 (1) (cm) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23
10 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all
11 actions of the employer that are authorized under any such law which apply to
12 nonrepresented individuals employed by the state shall apply to similarly situated
13 ~~public safety~~ employees, unless otherwise specifically provided in a collective
14 bargaining agreement that applies to the ~~public safety~~ employees.

15 **SECTION 218.** 111.91 (1) (d) of the statutes is amended to read:

16 111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~
17 ~~demands~~ Demands relating to retirement and group insurance shall be submitted
18 to the employer at least one year prior to commencement of negotiations.

19 **SECTION 219.** 111.91 (1) (e) of the statutes is created to read:

20 111.91 (1) (e) The employer is not be required to bargain on matters related to
21 employee occupancy of houses or other lodging provided by the state.

22 **SECTION 220.** 111.91 (2) (intro.) of the statutes is amended to read:

23 111.91 (2) (intro.) The employer is prohibited from bargaining with a collective
24 bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

25 **SECTION 221.** 111.91 (2) (fm) of the statutes is repealed.

1 **SECTION 222.** 111.91 (2) (gu) of the statutes is amended to read:

2 111.91 (2) (gu) The right of ~~a public safety employee, who is an employee, as~~
3 defined in s. 103.88 (1) (d), ~~and who is a fire fighter, emergency medical technician,~~
4 first responder, or ambulance driver for a volunteer fire department or fire company,
5 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
6 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

7 **SECTION 223.** 111.91 (2c) of the statutes is created to read:

8 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
9 is prohibited from bargaining with a collective bargaining unit formed under s.
10 111.825 (2g) on any of the following:

11 (a) Policies.

12 (b) Work rules.

13 (c) Hours of employment.

14 (d) Any right of the consumer under s. 111.905.

15 **SECTION 224.** 111.91 (3) of the statutes is repealed.

16 **SECTION 225.** 111.91 (3q) of the statutes is repealed.

17 **SECTION 226.** 111.92 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
18 32, is amended to read:

19 111.92 (1) (a) 1. Any tentative agreement reached between the office, or, as
20 provided in s. 111.815 (1), the department of health services acting for the state, and
21 any labor organization representing a collective bargaining unit specified in s.
22 111.825 (1) ~~or~~, (2) (d) or (e), or (2g) shall, after official ratification by the labor
23 organization, be submitted by the office or department of health services to the joint
24 committee on employment relations, which shall hold a public hearing before
25 determining its approval or disapproval.

1 **SECTION 227.** 111.92 (2m) of the statutes is created to read:

2 **111.92 (2m)** A collective bargaining agreement entered into by a collective
3 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2013.

4 **SECTION 228.** 111.92 (3) (a) of the statutes is renumbered 111.92 (3) and
5 amended to read:

6 **111.92 (3)** ~~Agreements covering a collective bargaining unit specified under s.~~
7 ~~111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.

8 **SECTION 229.** 111.92 (3) (b) of the statutes is repealed.

9 **SECTION 230.** 111.93 (3) (intro.) and (a) of the statutes are consolidated,
10 renumbered 111.93 (3) and amended to read:

11 **111.93 (3)** Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
12 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply: (a) If if a~~
13 collective bargaining agreement exists between the employer and a labor
14 organization representing employees in a collective bargaining unit ~~under s. 111.825~~
15 ~~(1) (g)~~, the provisions of that agreement shall supersede the provisions of civil service
16 and other applicable statutes, as well as rules and policies of the University of
17 Wisconsin–Madison and the board of regents of the University of Wisconsin System,
18 related to wages, fringe benefits, hours, and conditions of employment whether or
19 not the matters contained in those statutes, rules, and policies are set forth in the
20 collective bargaining agreement.

21 **SECTION 231.** 111.93 (3) (b) of the statutes is repealed.

22 **SECTION 232.** 118.22 (4) of the statutes is created to read:

23 **118.22 (4)** A collective bargaining agreement may modify, waive, or replace any
24 of the provisions of this section as they apply to teachers in the collective bargaining

1 unit, but neither the employer nor the bargaining agent for the employees is required
2 to bargain such modification, waiver, or replacement.

3 **SECTION 233.** 118.223 of the statutes is repealed.

4 **SECTION 234.** 118.23 (5) of the statutes is created to read:

5 118.23 (5) A collective bargaining agreement may modify, waive, or replace any
6 of the provisions of this section as they apply to teachers in the collective bargaining
7 unit, but neither the employer nor the bargaining agent for the employees is required
8 to bargain such modification, waiver, or replacement.

9 **SECTION 235.** 118.245 of the statutes is repealed.

10 **SECTION 236.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

11 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
12 board of regents' authority to establish and adjust all compensation and fringe
13 benefits of instructional staff, subject to the terms of any collective bargaining
14 agreement under subch. V of ch. 111 that covers the instructional staff. In the
15 absence of a collective bargaining agreement, the governing board may establish and
16 adjust all compensation and fringe benefits of the instructional staff only with the
17 approval of the chancellor of the University of Wisconsin–Parkside.

18 **SECTION 237.** 118.42 (3) (a) 4. of the statutes is amended to read:

19 118.42 (3) (a) 4. Implement changes in administrative and personnel
20 structures that are consistent with applicable collective bargaining agreements.

21 **SECTION 238.** 118.42 (5) of the statutes is amended to read:

22 118.42 (5) Nothing in this section alters or otherwise affects the rights or
23 remedies afforded school districts and school district employees under federal or
24 state law or under the terms of any applicable collective bargaining agreement.

25 **SECTION 239.** 119.04 (1) of the statutes is amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
4 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
5 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
6 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
7 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
8 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
9 (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to
10 a 1st class city school district and board.

11 **SECTION 240.** 120.12 (4m) of the statutes is repealed.

12 **SECTION 241.** 120.12 (15) of the statutes is amended to read:

13 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
14 school day. The school board may differentiate between the various elementary and
15 high school grades in scheduling the school day. The equivalent of 180 such days, as
16 defined in s. 115.01 (10), shall be held during the school term. This subsection does
17 not eliminate a school district's duty to bargain with the employee's collective
18 bargaining representative over any calendaring proposal that is primarily related to
19 wages, hours, or conditions of employment.

20 **SECTION 242.** 120.18 (1) (gm) of the statutes is amended to read:

21 120.18 (1) (gm) Payroll and related benefit costs for all school district
22 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
23 shall be based upon the costs of wages of any collective bargaining agreements
24 covering such employees for the previous school year. If, as of the time specified by
25 the department for filing the report, the school district has not entered into a

1 collective bargaining agreement for any portion of the previous school year with the
2 recognized or certified representative of any of its employees and the school district
3 and the representative have been required to submit final offers under s. 111.70 (4)
4 (cm) 6., increased costs of wages limited to the lower of the school district's offer or
5 the representative's offer shall be reflected in the report shall be equal to the
6 maximum wage expenditure that is subject to collective bargaining under s. 111.70
7 (4) (mb) 2. for the employees. The school district shall amend the annual report to
8 reflect any change in such costs as a result of any ~~collective bargaining agreement~~
9 ~~entered into~~ award or settlement under s. 111.70 (4) (cm) 6. between the date of filing
10 the report and October 1. Any such amendment shall be concurred in by the certified
11 public accountant licensed or certified under ch. 442 certifying the school district
12 audit.

13 **SECTION 243.** 230.01 (3) of the statutes is amended to read:

14 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
15 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

16 **SECTION 244.** 230.03 (3) of the statutes is amended to read:

17 230.03 (3) "Agency" means any board, commission, committee, council, or
18 department in state government or a unit thereof created by the constitution or
19 statutes if such board, commission, committee, council, department, unit, or the
20 head thereof, is authorized to appoint subordinate staff by the constitution or
21 statute, except the Board of Regents of the University of Wisconsin System, a
22 legislative or judicial board, commission, committee, council, department, or unit
23 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or
24 under ch. 53, 231, 232, 233, 234, 237, 238, or 279. "Agency" does not mean any local

1 unit of government or body within one or more local units of government that is
2 created by law or by action of one or more local units of government.

3 **SECTION 245.** 230.046 (10) (a) of the statutes is amended to read:

4 230.046 (10) (a) Conduct off-the-job employee development and training
5 programs relating to functions under this chapter or subch. V or VI of ch. 111.

6 **SECTION 246.** 230.10 (1) of the statutes is amended to read:

7 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
8 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~
9 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~
10 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~
11 ~~relating to matters that are subject to bargaining under a collective bargaining~~
12 ~~agreement that covers the employee, unless they are covered by a collective~~
13 bargaining agreement under subch. V of ch. 111.

14 **SECTION 247.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 230.12 (3) (e) 1. The director, after receiving recommendations from the board
17 of regents and the chancellor of the University of Wisconsin–Madison, shall submit
18 to the joint committee on employment relations a proposal for adjusting
19 compensation and employee benefits for University of Wisconsin System employees
20 who are not included in a collective bargaining unit under subch. VI of ch. 111 for
21 which a representative is certified. The proposal shall be based upon the competitive
22 ability of the board of regents to recruit and retain qualified faculty and academic
23 staff, data collected as to rates of pay for comparable work in other public services,
24 universities and commercial and industrial establishments, recommendations of the
25 board of regents and any special studies carried on as to the need for any changes in

1 compensation and employee benefits to cover each year of the biennium. The
2 proposal shall also take proper account of prevailing pay rates, costs and standards
3 of living and the state's employment policies. The proposal for such pay adjustments
4 may contain recommendations for across-the-board pay adjustments, merit or other
5 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
6 shall apply to the process for approval of all pay adjustments for University of
7 Wisconsin System employees. The proposal as approved by the joint committee on
8 employment relations and the governor shall be based upon a percentage of the
9 budgeted salary base for University of Wisconsin System employees. The amount
10 included in the proposal for merit and adjustments other than across-the-board pay
11 adjustments is available for discretionary use by the board of regents.

12 **SECTION 248.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act
13 32, is amended to read:

14 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
15 status in class in the classified service and all employees who have served with the
16 state as an assistant district attorney for a continuous period of 12 months or more
17 (ar), except that for employees specified in s. 111.81 (7) (a) in a collective bargaining
18 unit for which a representative is recognized or certified, or for employees specified
19 in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is
20 certified, if a collective bargaining agreement is in effect covering employees in the
21 collective bargaining unit, the provisions of the collective bargaining agreement
22 govern just cause and all aspects of the appeal procedure.

23 **SECTION 249.** 230.35 (1s) of the statutes is amended to read:

24 230.35 (1s) Annual leave of absence with pay for instructional staff employed
25 by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
2 determined by the governing board of the charter school established by contract
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
4 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement
5 under subch. V of ch. 111 covering the instructional staff.

6 **SECTION 250.** 230.35 (2d) (e) of the statutes is amended to read:

7 230.35 (2d) (e) For employees who are included in a collective bargaining unit
8 for which a representative is recognized or certified under subch. V or VI of ch. 111,
9 this subsection shall apply unless otherwise provided in a collective bargaining
10 agreement.

11 **SECTION 251.** 230.35 (3) (e) 6. of the statutes is amended to read:

12 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
13 for which a representative is recognized or certified under subch. V or VI of ch. 111,
14 this paragraph shall apply unless otherwise provided in a collective bargaining
15 agreement.

16 **SECTION 252.** 230.88 (2) (b) of the statutes is amended to read:

17 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
18 employee under this subchapter. However, nothing in this subchapter affects any
19 right of an employee to pursue a grievance procedure under a collective bargaining
20 agreement under subch. V or VI of ch. 111, and if the division of equal rights
21 determines that a grievance arising under such a collective bargaining agreement
22 involves the same parties and matters as a complaint under s. 230.85, it shall order
23 the arbitrator's final award on the merits conclusive as to the rights of the parties
24 to the complaint, on those matters determined in the arbitration which were at issue
25 and upon which the determination necessarily depended.

1 **SECTION 253.** 233.02 (1) (h) of the statutes is created to read:

2 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
3 shall be an employee or a representative of a labor organization recognized or
4 certified to represent employees in one of the collective bargaining units specified in
5 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
6 organization recognized or certified to represent employees in one of the collective
7 bargaining units specified in s. 111.825 (1m).

8 **SECTION 254.** 233.02 (8) of the statutes is amended to read:

9 233.02 (8) The members of the board of directors shall annually elect a
10 chairperson and may elect other officers as they consider appropriate. Eight voting
11 members of the board of directors constitute a quorum for the purpose of conducting
12 the business and exercising the powers of the authority, notwithstanding the
13 existence of any vacancy. The members of the board of directors specified under sub.
14 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
15 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
16 of a majority of the members present, unless the bylaws of the authority require a
17 larger number.

18 **SECTION 255.** 233.03 (7) of the statutes is amended to read:

19 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
20 9159 (4) and the duty to engage in collective bargaining with employees in a collective
21 bargaining unit for which a representative is recognized or certified under subch. I
22 of ch. 111, employ any agent, employee or special advisor that the authority finds
23 necessary and fix his or her compensation and provide any employee benefits,
24 including an employee pension plan.

25 **SECTION 256.** 233.10 (2) (intro.) of the statutes is amended to read:

1 233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to
2 engage in collective bargaining with employees in a collective bargaining unit for
3 which a representative is recognized or certified under subch. I of ch. 111, the
4 authority shall establish any of the following:

5 **SECTION 257.** 281.75 (4) (b) 3. of the statutes is amended to read:

6 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
7 233, 234, 237, or 238.

8 **SECTION 258.** 285.59 (1) (b) of the statutes is amended to read:

9 285.59 (1) (b) “State agency” means any office, department, agency, institution
10 of higher education, association, society, or other body in state government created
11 or authorized to be created by the constitution or any law which is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, the Wisconsin
13 Housing and Economic Development Authority, the Bradley Center Sports and
14 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
15 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Wisconsin Health and Educational Facilities
18 Authority.

19 **SECTION 259.** 704.31 (3) of the statutes is amended to read:

20 704.31 (3) This section does not apply to a lease to which a local professional
21 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
22 Home Care Authority, or the Fox River Navigational System Authority is a party.

23 **SECTION 260.** 851.71 (4) of the statutes is amended to read:

24 851.71 (4) In counties having a population of 500,000 or more, the appointment
25 under subs. (1) and (2) shall be made as provided in those subsections but the judges

1 shall not remove the register in probate and deputy registers, except through charges
2 for dismissal made and sustained under s. 63.10 or an applicable collective
3 bargaining agreement.

4 **SECTION 261.** 904.085 (2) (a) of the statutes is amended to read:

5 904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation
6 under s. 111.54, mediation under s. 111.11, 111.70 (4) ~~(eg) or (cm)~~ 3. or 111.87,
7 mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
8 or s. 767.405, or any similar statutory, contractual or court-referred process
9 facilitating the voluntary resolution of disputes. “Mediation” does not include
10 binding arbitration or appraisal.

11 **SECTION 262.** 978.12 (1) (c) of the statutes is amended to read:

12 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
13 employed outside the classified service. For purposes of salary administration, the
14 director of the office of state employment relations shall establish one or more
15 classifications for assistant district attorneys in accordance with the classification
16 or classifications allocated to assistant attorneys general. Except as provided in ss.
17 111.93 (3) ~~(b)~~ and 230.12 (10), the salaries of assistant district attorneys shall be
18 established and adjusted in accordance with the state compensation plan for
19 assistant attorneys general whose positions are allocated to the classification or
20 classifications established by the director of the office of state employment relations.

21 **SECTION 263.** 2011 Wisconsin Act 10, section 9132 is repealed.

22 **SECTION 264.** 2011 Wisconsin Act 10, section 9155 is repealed.”.

23 **2.** Page 1362, line 9: after that line insert:

1 “(1h) PUBLIC SECTOR COLLECTIVE BARGAINING. All material inserted into 2013
2 Assembly Bill 40, as shown by Assembly Substitute Amendment 1, under item 1. of
3 LRBb0722/1 first applies to an employee who is covered by a collective bargaining
4 agreement under subchapter I, IV, or V of chapter 111 of the statutes on the day on
5 which the agreement expires, or is terminated, extended, modified, or renewed,
6 whichever comes first.”.

7

(END)