



State of Wisconsin  
2011 - 2012 LEGISLATURE



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CMH&RAC:wlj:rs

**SENATE AMENDMENT 8,  
TO 2011 ASSEMBLY BILL 40**

June 16, 2011 – Offered by Senators WIRCH, HANSEN, MILLER, HOLPERIN, CARPENTER, TAYLOR, JAUCH, LASSA, VINEHOUT, S. COGGS, ERPENBACH, C. LARSON, T. CULLEN and RISSER.

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

3           **1.** Page 5, line 2: after that line insert:

4           “**SECTION 5s.** 7.33 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10,  
5           is amended to read:

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

9           **SECTION 5t.** 7.33 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is  
10          amended to read:

11          7.33 (4) Except as otherwise provided in this subsection, each local  
12          governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon  
13          proper application under sub. (3), permit each of its employees to serve as an election

1 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for  
2 scheduled working hours during the period specified in sub. (3), without loss of pay  
3 for scheduled working hours during the period specified in sub. (3) except as provided  
4 in sub. (5), and without any other penalty. For employees who are included in a  
5 collective bargaining unit for which a representative is recognized or certified under  
6 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a  
7 collective bargaining agreement.”.

8 **2.** Page 15, line 22: after that line insert:

9 “**SECTION 25m.** 13.111 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
10 is amended to read:

11 13.111 (2) DUTIES. The joint committee on employment relations shall perform  
12 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.  
13 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

14 **SECTION 26m.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 10,  
15 is amended to read:

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

22 **3.** Page 18, line 16: after that line insert:

23 “**SECTION 49b.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act  
24 10, is amended to read:

1           13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or  
2 facility that is constructed for the benefit of or use of the state, any state agency,  
3 board, commission or department, the University of Wisconsin Hospitals and Clinics  
4 Authority, the Fox River Navigational System Authority, the Wisconsin Quality  
5 Home Care Authority, the Wisconsin Economic Development Corporation, or any  
6 local professional baseball park district created under subch. III of ch. 229 if the  
7 construction is undertaken by the department of administration on behalf of the  
8 district, shall be in compliance with all applicable state laws, rules, codes and  
9 regulations but the construction is not subject to the ordinances or regulations of the  
10 municipality in which the construction takes place except zoning, including without  
11 limitation because of enumeration ordinances or regulations relating to materials  
12 used, permits, supervision of construction or installation, payment of permit fees, or  
13 other restrictions.”.

14           **4.** Page 22, line 21: after that line insert:

15           “**SECTION 62m.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
16 is amended to read:

17           13.62 (2) “Agency” means any board, commission, department, office, society,  
18 institution of higher education, council, or committee in the state government, or any  
19 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
20 233, 234, 237, 238, or 279, except that the term does not include a council or  
21 committee of the legislature.”.

22           **5.** Page 24, line 4: after that line insert:

23           “**SECTION 69.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act  
24 10, is amended to read:

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

18           **SECTION 69g.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act  
19          10, is amended to read:

20           **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
21          known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau  
22          shall be strictly nonpartisan and shall at all times observe the confidential nature  
23          of the research requests received by it; however, with the prior approval of the  
24          requester in each instance, the bureau may duplicate the results of its research for  
25          distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s

1 designated employees shall at all times, with or without notice, have access to all  
2 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
4 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
5 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
6 Navigational System Authority, and to any books, records, or other documents  
7 maintained by such agencies or authorities and relating to their expenditures,  
8 revenues, operations, and structure.”.

9 **6.** Page 51, line 22: after that line insert:

10 “**SECTION 176.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
11 is amended to read:

12 16.002 (2) “Departments” means constitutional offices, departments, and  
13 independent agencies and includes all societies, associations, and other agencies of  
14 state government for which appropriations are made by law, but not including  
15 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
16 233, 234, 235, 237, 238, or 279.

17 **SECTION 177.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 10,  
18 is amended to read:

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

1           **SECTION 178.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 10,  
2 is amended to read:

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

8           **SECTION 179.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act  
9 10, is amended to read:

10           16.004 (12) (a) In this subsection, “state agency” means an association,  
11 authority, board, department, commission, independent agency, institution, office,  
12 society, or other body in state government created or authorized to be created by the  
13 constitution or any law, including the legislature, the office of the governor, and the  
14 courts, but excluding the University of Wisconsin Hospitals and Clinics 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, and the Fox  
18 River Navigational System Authority.”.

19           **7.** Page 52, line 8: after that line insert:

20           “**SECTION 192m.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin  
21 Act 10, is amended to read:

22           16.045 (1) (a) “Agency” means an office, department, independent agency,  
23 institution of higher education, association, society, or other body in state  
24 government created or authorized to be created by the constitution or any law, that

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
3 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

4 **8.** Page 53, line 22: after that line insert:

5 “**SECTION 202m.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin  
6 Act 10, is amended to read:

7 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
8 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
9 River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
10 Wisconsin Economic Development Corporation, and the Health Insurance  
11 Risk-Sharing Plan Authority.”.

12 **9.** Page 54, line 12: after that line insert:

13 “**SECTION 213m.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 10,  
14 is amended to read:

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

17 **10.** Page 56, line 24: after that line insert:

18 “**SECTION 217m.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin  
19 Act 10, is amended to read:

20 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or  
21 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

22 **11.** Page 59, line 18: after that line insert:

23 “**SECTION 218gm.** 16.50 (3) (e) of the statutes, as affected by 2011 Wisconsin  
24 Act 10, is amended to read:

1           16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
2 the pay ranges prescribed in the compensation plan or as provided in a collective  
3 bargaining agreement under subch. V or VI of ch. 111.”.

4           **12.** Page 63, line 4: after that line insert:

5           “**SECTION 221t.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 10,  
6 is amended to read:

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

17           **SECTION 221u.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act  
18 10, is amended to read:

19           **16.528 (1) (a)** “Agency” means an office, department, independent agency,  
20 institution of higher education, association, society, or other body in state  
21 government created or authorized to be created by the constitution or any law, that  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
24 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.



1           **SECTION 221w.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
2 is amended to read:

3           **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed  
4 invoice, the agency shall notify the sender of the invoice within 10 working days after  
5 it receives the invoice of the reason it is improperly completed. In this subsection,  
6 “agency” means an office, department, independent agency, institution of higher  
7 education, association, society, or other body in state government created or  
8 authorized to be created by the constitution or any law, that is entitled to expend  
9 moneys appropriated by law, including the legislature and the courts, but not  
10 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
11 52, 231, 233, 234, 237, 238, or 279.

12           **SECTION 221x.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act  
13 10, is amended to read:

14           **16.54 (9) (a) 1.** “Agency” means an office, department, independent agency,  
15 institution of higher education, association, society or other body in state  
16 government created or authorized to be created by the constitution or any law, which  
17 is entitled to expend moneys appropriated by law, including the legislature and the  
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
19 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.”.

20           **13.** Page 63, line 5: after that line insert:

21           **“SECTION 221y.** 16.70 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
22 is amended to read:

23           **16.70 (2)** “Authority” means a body created under subch. II of ch. 114 or subch.  
24 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.”.

1           **14.** Page 63, line 15: after that line insert:

2           “**SECTION 236m.** 16.705 (3) of the statutes is created to read:

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

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

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

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

12          **15.** Page 69, line 8: after that line insert:

13          “**SECTION 262b.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act  
14          10, is amended to read:

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

1 orientation, obligating the contractor to take affirmative action to ensure equal  
2 employment opportunities.

3 **SECTION 262e.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
4 is amended to read:

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

23 **SECTION 262h.** 16.765 (4) of the statutes, as affected by 2011 Wisconsin Act 10,  
24 is amended to read:

1           16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
3 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
4 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and  
5 the Bradley Center Sports and Entertainment Corporation shall take appropriate  
6 action to revise the standard government contract forms under this section.

7           **SECTION 262L.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 10,  
8 is amended to read:

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

1 affirmative action provisions of contracts. The department shall promulgate such  
2 rules as may be necessary for the performance of its functions under this section.

3 **SECTION 262p.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 10,  
4 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 262r.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin  
16 Act 10, is amended to read:

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

1 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
2 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center  
3 Sports and Entertainment Corporation shall:

4 **SECTION 262u.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act  
5 10, is amended to read:

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

14 **SECTION 262y.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 10,  
15 is amended to read:

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

11 **16.** Page 73, line 13: after that line insert:

12 “**SECTION 267m.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
13 is amended to read:

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

24 **17.** Page 75, line 25: after that line insert:

1           “**SECTION 290m.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act  
2 10, is amended to read:

3           16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
4 proportionate share of the estimated costs attributable to programs administered by  
5 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
6 may charge premiums to agencies to finance costs under this subsection and pay the  
7 costs from the appropriation on an actual basis. The department shall deposit all  
8 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
9 Costs assessed under this subsection may include judgments, investigative and  
10 adjustment fees, data processing and staff support costs, program administration  
11 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
12 subsection, “agency” means an office, department, independent agency, institution  
13 of higher education, association, society, or other body in state government created  
14 or authorized to be created by the constitution or any law, that is entitled to expend  
15 moneys appropriated by law, including the legislature and the courts, but not  
16 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
17 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

18           **18.** Page 83, line 14: after that line insert:

19           “**SECTION 354z.** 19.42 (10) (s) of the statutes is created to read:

20           19.42 (10) (s) The executive director and members of the board of directors of  
21 the Wisconsin Quality Home Care Authority.”.

22           **19.** Page 86, line 6: after that line insert:

23           “**SECTION 362m.** 19.82 (1) of the statutes, as affected by 2011 Wisconsin Act 10,  
24 is amended to read:



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

10           **20.** Page 86, line 7: after that line insert:

11           “**SECTION 364g.** 19.85 (3) of the statutes, as affected by 2011 Wisconsin Act 10,  
12 is amended to read:

13           19.85 (3) Nothing in this subchapter shall be construed to authorize a  
14 governmental body to consider at a meeting in closed session the final ratification or  
15 approval of a collective bargaining agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111  
16 which has been negotiated by such body or on its behalf.

17           **SECTION 364r.** 19.86 of the statutes, as affected by 2011 Wisconsin Act 10, is  
18 amended to read:

19           **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
20 19.82 (1), where notice has been given by either party to a collective bargaining  
21 agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111 to reopen such agreement at its  
22 expiration date, the employer shall give notice of such contract reopening as provided  
23 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
24 by the employer’s chief officer or such person’s designee.”.

1           **21.** Page 339, line 7: after that line insert:

2           “**SECTION 634g.** 20.425 (1) (a) of the statutes, as affected by 2011 Wisconsin Act  
3 10, is amended to read:

4           20.425 (1) (a) *General program operations.* The amounts in the schedule for  
5 the purposes provided in subchs. I, IV, ~~and V, and VI~~ of ch. 111 and s. 230.45 (1).

6           **SECTION 634r.** 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act  
7 10, is amended to read:

8           20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

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

21           **22.** Page 364, line 23: after that line insert:

22           “**SECTION 748t.** 20.545 (1) (k) of the statutes, as affected by 2011 Wisconsin Act  
23 10, is amended to read:

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

7           **SECTION 748w.** 20.545 (1) (km) of the statutes, as affected by 2011 Wisconsin  
8 Act 10, is amended to read:

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

20           **23.** Page 371, line 23: delete the material beginning with that line and ending  
21 with page 372, line 5, and substitute:

22           **“SECTION 775m.** 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is amended to read:

1           20.865 (1) (ci) ~~Nonrepresented university system senior executive, faculty and~~  
2 ~~academic~~ University pay adjustments. A sum sufficient to pay the cost of pay and  
3 related adjustments approved by the joint committee on employment relations under  
4 s. 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  
6 unit for which a representative is certified under subch. V or VI of ch. 111, as  
7 determined under s. 20.928, other than adjustments funded under par. (cj).”.

8           **24.** Page 372, line 5: after that line insert:

9           “**SECTION 775n.** 20.865 (1) (cm) of the statutes is created to read:

10           20.865 (1) (cm) *Represented university faculty and academic staff pay*  
11 *adjustments.* A sum sufficient to supplement the appropriations to the Board of  
12 Regents of the University of Wisconsin System for the cost of compensation and  
13 related adjustments approved by the legislature under s. 111.9991 for University of  
14 Wisconsin System employees under s. 230.08 (2) (d) who are included within a  
15 collective bargaining unit for which a representative is certified under subch. VI of  
16 ch. 111, as determined under s. 20.928.”.

17           **25.** Page 372, line 18: delete the material beginning with that line and ending  
18 with page 373, line 2, and substitute:

19           “**SECTION 775s.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act  
20 10, is amended to read:

21           20.865 (1) (ic) ~~Nonrepresented university system senior executive, faculty and~~  
22 ~~academic~~ University pay adjustments. From the appropriate program revenue and  
23 program revenue-service accounts, a sum sufficient to supplement the  
24 appropriations to the University of Wisconsin System to pay the cost of pay and

1 related adjustments approved by the joint committee on employment relations under  
2 s. 230.12 (3) (e) for University of Wisconsin System employees under ~~ss. 20.923 (4g),~~  
3 ~~(5) and (6) (m) and 230.08 (2) (d)~~ who are not included within a collective bargaining  
4 unit for which a representative is certified under subch. V or VI of ch. 111, as  
5 determined under s. 20.928, other than adjustments funded under par. (cj).

6 **SECTION 775t.** 20.865 (1) (im) of the statutes is created to read:

7 20.865 (1) (im) *Represented university system faculty and academic staff pay*  
8 *adjustments; program revenue.* From the appropriate program revenue and program  
9 revenue-service accounts, a sum sufficient to supplement the appropriations to the  
10 Board of Regents of the University of Wisconsin System for the cost of compensation  
11 and related adjustments for University of Wisconsin System employees under s.  
12 230.08 (2) (d) who are included within a collective bargaining unit for which a  
13 representative is certified under subch. VI of ch. 111, as determined under s. 20.928.”.

14 **26.** Page 373, line 14: delete the material beginning with that line and ending  
15 with line 22 and substitute:

16 “**SECTION 775ym.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin  
17 Act 10, is amended to read:

18 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*  
19 *academic University pay adjustments.* From the appropriate segregated funds, a  
20 sum sufficient to supplement the appropriations to the University of Wisconsin  
21 System to pay the cost of pay and related adjustments approved by the joint  
22 committee on employment relations under s. 230.12 (3) (e) for University of  
23 Wisconsin System employees under ~~ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d)~~

1 who are not included within a collective bargaining unit for which a representative  
2 is certified under subch. V or VI of ch. 111, as determined under s. 20.928.

3 **SECTION 775z.** 20.865 (1) (sm) of the statutes is created to read:

4 20.865 (1) (sm) *Represented university faculty and academic staff pay*  
5 *adjustments; segregated revenues.* From the appropriate segregated funds, a sum  
6 sufficient to supplement the appropriations to the Board of Regents of the University  
7 of Wisconsin System for the cost of compensation and related adjustments for  
8 University of Wisconsin System employees under s. 230.08 (2) (d) who are included  
9 within a collective bargaining unit for which a representative is certified under  
10 subch. VI of ch. 111, as determined under s. 20.928.”.

11 **27.** Page 390, line 5: after that line insert:

12 “**SECTION 804p.** 20.917 (3) (b) of the statutes, as affected by 2011 Wisconsin Act  
13 10, is amended to read:

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

18 **SECTION 804s.** 20.921 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin  
19 Act 10, is amended to read:

20 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~  
21 ~~(15r), payment~~ Payment of dues to employee organizations.

22 **SECTION 804x.** 20.921 (1) (b) of the statutes, as affected by 2011 Wisconsin Act  
23 10, is amended to read:

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

8           **28.** Page 391, line 17: after that line insert:

9           “**SECTION 809w.** 20.923 (6) (intro.) of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is amended to read:

11           20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
12 following positions may be set by the appointing authority, subject to restrictions  
13 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
14 where the salaries are a subject of bargaining with a certified representative of a  
15 collective bargaining unit under s. 111.91 or 111.998:”.

16           **29.** Page 394, line 13: after that line insert:

17           “**SECTION 817r.** 20.928 (1) of the statutes, as affected by 2011 Wisconsin Act 10,  
18 is amended to read:

19           20.928 (1) Each state agency head shall certify to the department of  
20 administration, at such time and in such manner as the secretary of administration  
21 prescribes, the sum of money needed by the state agency from the appropriations  
22 under s. 20.865 (1) (c), (ci), (cm), (cj), (d), (i), (ic), (im), (j), (s), (si), (sm), and (t). Upon  
23 receipt of the certifications together with such additional information as the

1 secretary of administration prescribes, the secretary shall determine the amounts  
2 required from the respective appropriations to supplement state agency budgets.”.

3 **30.** Page 443, line 4: delete the material beginning with that line and ending  
4 with page 444, line 9, and substitute:

5 “**SECTION 951L.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act  
6 10, is amended to read:

7 36.09 (1) (j) Except where such matters are a subject of bargaining with a  
8 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the  
9 board shall establish salaries for persons not in the classified staff prior to July 1 of  
10 each year for the next fiscal year, and shall designate the effective dates for payment  
11 of the new salaries. In the first year of the biennium, payments of the salaries  
12 established for the preceding year shall be continued until the biennial budget bill  
13 is enacted. If the budget is enacted after July 1, payments shall be made following  
14 enactment of the budget to satisfy the obligations incurred on the effective dates, as  
15 designated by the board, for the new salaries, subject only to the appropriation of  
16 funds by the legislature and s. 20.928 (3). This paragraph does not limit the  
17 authority of the board to establish salaries for new appointments. The board may  
18 not increase the salaries of employees ~~specified in ss. 20.923 (5) and (6) (m) and~~  
19 ~~230.08 (2) (d)~~ under this paragraph unless the salary increase conforms to the  
20 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary  
21 increase to correct salary inequities under par. (h), to fund job reclassifications or  
22 promotions, or to recognize competitive factors. The board may not increase the  
23 salary of any position identified in s. 20.923 (4g) under this paragraph unless the  
24 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the



1 board authorizes the salary increase to correct a salary inequity or to recognize  
2 competitive factors. ~~The board may not increase the salary of any position identified~~  
3 ~~in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the~~  
4 ~~appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless~~  
5 ~~the increase is approved by the office of state employment relations.~~ The granting  
6 of salary increases to recognize competitive factors does not obligate inclusion of the  
7 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
8 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
9 report to the joint committee on finance and the secretary of administration and  
10 director of the office of state employment relations concerning the amounts of any  
11 salary increases granted to recognize competitive factors, and the institutions at  
12 which they are granted, for the 12-month period ending on the preceding June 30.”.

13 **31.** Page 480, line 6: after that line insert:

14 “**SECTION 1139b.** 40.02 (25) (b) 8. of the statutes, as affected by 2011 Wisconsin  
15 Act 10, is amended to read:

16 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
17 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or  
18 under s. 230.12 or 233.10.”.

19 **32.** Page 482, line 6: delete the material beginning with that line and ending  
20 with page 483, line 13, and substitute:

21 “**SECTION 1145m.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act  
22 10, is renumbered 40.05 (1) (b) 1. and amended to read:

23 40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining  
24 agreement entered into under subch. I, IV or, V, or VI of ch. 111 and except as provided

1 in subd. 2., an employer may not pay, on behalf of a participating employee, any of  
2 the contributions required by par. (a).

3 **SECTION 1145mp.** 40.05 (1) (b) 2. of the statutes is created to read:

4 40.05 (1) (b) 2. a. A municipal employer shall pay, on behalf of a nonrepresented  
5 law enforcement or fire fighting managerial employee, who was initially employed  
6 by the municipal employer before the effective date of this subd. 2. a. .... [LRB inserts  
7 date], the same contributions required by par. (a) that are paid by the municipal  
8 employer for represented law enforcement or fire fighting personnel who were  
9 initially employed by the municipal employer before the effective date of this subd.  
10 2. a. .... [LRB inserts date].

11 b. An employer shall pay, on behalf of a nonrepresented managerial employee  
12 in a position described under s. 40.02 (48) (am) 7. or 8., who was initially employed  
13 by the state before the effective date of this subd. 2. b. .... [LRB inserts date], in a  
14 position described under s. 40.02 (48) (am) 7. or 8. the same contributions required  
15 by par. (a) that are paid by the employer for represented employees in positions  
16 described under s. 40.02 (48) (am) 7. or 8. who were initially employed by the state  
17 before the effective date of this subd. 2. b. .... [LRB inserts date].

18 c. A municipal employer shall pay, on behalf of a represented law enforcement  
19 or fire fighting employee, who was initially employed by the municipal employer  
20 before the effective date of this subd. 2. c. .... [LRB inserts date], and who on or after  
21 the effective date of this subd. 2. c. .... [LRB inserts date], became employed in a  
22 nonrepresented law enforcement or fire fighting managerial position with the same  
23 municipal employer, or a successor municipal employer in the event of a combined  
24 department that is created on or after the effective date of this subd. 2. c. .... [LRB  
25 inserts date], the same contributions required by par. (a) that are paid by the

1 employer for represented law enforcement or fire fighting personnel who were  
2 initially employed by a municipal employer before the effective date of this subd. 2.  
3 c. .... [LRB inserts date].

4 **SECTION 1145n.** 40.05 (4) (ag) (intro.) of the statutes, as affected by 2011  
5 Wisconsin Act 10, is amended to read:

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

9 **33.** Page 483, line 22: delete the material beginning with that line and ending  
10 with page 485, line 5, and substitute:

11 **"SECTION 1146.** 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Act  
12 10, 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

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

22 **34.** Page 1185, line 20: after that line insert:

23 “**SECTION 1148.** 40.05 (4) (bw) of the statutes, as affected by 2011 Wisconsin Act  
24 10, is amended to read:

1           40.05 (4) (bw) On converting accumulated unused sick leave to credits for the  
2           payment of health insurance premiums under par. (b), the department shall add  
3           additional credits, calculated in the same manner as are credits under par. (b), that  
4           are based on a state employee's accumulated sabbatical leave or earned vacation  
5           leave from the state employee's last year of service prior to retirement, or both. The  
6           department shall apply the credits awarded under this paragraph for the payment  
7           of health insurance premiums only after the credits awarded under par. (b) are  
8           exhausted. This paragraph applies only to state employees who are eligible for  
9           accumulated unused sick leave conversion under par. (b) and who are entitled to the  
10          benefits under this paragraph pursuant to a collective bargaining agreement under  
11          subch. V or VI of ch. 111.

12           **SECTION 1149.** 40.05 (4g) (a) 4. of the statutes, as affected by 2011 Wisconsin  
13          Act 10, is amended to read:

14           40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
15          or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111  
16          or under rules promulgated by the director of the office of state employment relations  
17          or is eligible for reemployment with the state under s. 321.64 after completion of his  
18          or her service in the U.S. armed forces.

19           **SECTION 1150.** 40.05 (5) (intro.) of the statutes, as affected by 2011 Wisconsin  
20          Act 10, is amended to read:

21           40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
22          continuation insurance provided under subch. V the employee shall pay the amount  
23          remaining after the employer has contributed the following or, if different, the  
24          amount determined under a collective bargaining agreement under subch. I, V, or VI  
25          of ch. 111 or s. 230.12 or 233.10:".

1           **35.** Page 485, line 21: delete lines 21 to 24 and substitute:

2           “**SECTION 1153g.** 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin  
3 Act 10, is amended to read:

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

7           **SECTION 1153h.** 40.05 (6) (a) of the statutes, as affected by 2011 Wisconsin Act  
8 10, is amended to read:

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

17           **36.** Page 491, line 12: delete lines 12 to 16 and substitute:

18           “**SECTION 1161.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10,  
19 is amended to read:

20           40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
21 of the department, any collective bargaining agreement under subch. I, V, or VI of  
22 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),  
23 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

1           **SECTION 1161g.** 40.80 (3) of the statutes, as affected by 2011 Wisconsin Act 10,  
2 is amended to read:

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

5           **SECTION 1161h.** 40.81 (3) of the statutes, as affected by 2011 Wisconsin Act 10,  
6 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           **37.** Page 491, line 19: after that line insert:

10           “**SECTION 1163m.** 40.95 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin  
11 Act 10, is amended to read:

12           40.95 (1) (a) 2. The employee has his or her compensation established in a  
13 collective bargaining agreement under subch. V or VI of ch. 111.”.

14           **38.** Page 512, line 19: after that line insert:

15           “**SECTION 1304p.** 46.284 (4) (m) of the statutes is created to read:

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

20           **39.** Page 513, line 2: after that line insert:

21           “**SECTION 1305d.** 46.2895 (8) (a) 1. of the statutes, as affected by 2011 Wisconsin  
22 Act 10, is amended to read:

23           46.2895 (8) (a) 1. If the long-term care district offers employment to any  
24 individual who was previously employed by a county, which participated in creating

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

14 **SECTION 1305p.** 46.2898 of the statutes is created to read:

15 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

23 c. A county in which the Program of All-Inclusive Care for the Elderly under  
24 42 USC 1396u-4 is available.



1           d. A county in which the self-directed services option program under 42 USC  
2 1396n (c) is available or in which a program operated under an amendment to the  
3 state medical assistance plan under 42 USC 1396n (j) is available.

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

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

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

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

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

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

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

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

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

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

24           b. A personal care provider agency.

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

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

2 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or  
3 51.437.

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

6 (f) "Qualified provider" means a provider who meets the qualifications for  
7 payment through the Family Care Program under s. 46.286, the Program for  
8 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment  
9 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance  
10 waiver program operated under a waiver from the secretary of the U.S. department  
11 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)  
12 and any qualification criteria established in the rules promulgated under sub. (7)  
13 and who the authority determines is eligible for placement on the registry  
14 maintained by the authority under s. 52.20 (1).

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

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

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

24 **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,  
25 and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision

1 of home care services to consumers shall provide to the authority the name, address,  
2 telephone number, date of hire, and date of termination of any provider hired by an  
3 individual receiving home care services.

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

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

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

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

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

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

20 **40.** Page 513, line 17: after that line insert:

21 **“SECTION 1308d.** 46.48 (9m) of the statutes is created to read:

22 46.48 **(9m) QUALITY HOME CARE.** The department shall award a grant to the  
23 Wisconsin Quality Home Care Authority for the purpose of providing services to  
24 recipients and providers of home care under s. 46.2898 and ch. 52 and may award

1 grants to counties to facilitate transition to procedures established under s.  
2 46.2898.”.

3 **41.** Page 624, line 7: after that line insert:

4 “**SECTION 1545nd.** 49.825 (3) (b) 4. of the statutes is created to read:

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

11 **42.** Page 626, line 7: after that line insert:

12 “**SECTION 1545v.** 49.826 (3) (b) 4. of the statutes is created to read:

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

19 **43.** Page 637, line 20: after that line insert:

20 “**SECTION 1667h.** Chapter 52 of the statutes is created to read:

21 **CHAPTER 52**

22 **QUALITY HOME CARE**

23 **52.01 Definitions.** In this chapter:

24 (1) “Authority” means the Wisconsin Quality Home Care Authority.

- 1           (2) “Board” means the board of directors of the authority.
- 2           (3) “Care management organization” has the meaning given in s. 46.2805 (1).
- 3           (3m) “Consumer” has the meaning given in s. 46.2898 (1) (cm).
- 4           (4) “Department” means the department of health services.
- 5           (5) “Family Care Program” means the benefit program described in s. 46.286.
- 6           (6) “Home care provider” means an individual who is a qualified provider under
- 7 s. 46.2898 (1) (f).
- 8           (7) “Medical assistance waiver program” means a program operated under a
- 9 waiver from the secretary of the U.S. department of health and human services
- 10 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).
- 11           (8) “Program of All-Inclusive Care for the Elderly” means the program
- 12 operated under 42 USC 1396u-4.

13           **52.05 Creation and organization of authority. (1) CREATION AND**

14 **MEMBERSHIP OF BOARD.** There is created a public body corporate and politic to be

15 known as the “Wisconsin Quality Home Care Authority.” The members of the board

16 shall consist of the following members:

- 17           (a) The secretary of the department of health services or his or her designee.
- 18           (b) The secretary of the department of workforce development or his or her
- 19 designee.
- 20           (c) The following, to be appointed by the governor to serve 3-year terms:
- 21           1. One representative from the state assembly.
- 22           2. One representative from the state senate.
- 23           3. One representative of care management organizations.

1           4. One representative of county departments, under s. 46.215, 46.22, 46.23,  
2           51.42, or 51.437, selected from counties where the Family Care Program is not  
3           available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           **52.10 Powers of authority.** The authority shall have all the powers  
21 necessary or convenient to carry out the purposes and provisions of this chapter and  
22 s. 46.2898. In addition to all other powers granted the authority under this chapter,  
23 the authority may:

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

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

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

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

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

7           (6) Sue and be sued.

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

10          (8) Collect fees for its services.

11          **52.20 Duties of authority.** The authority shall:

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

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

23          (3) Comply with any conditions necessary for consumers receiving home care  
24 services to receive federal medical assistance funding through a medical assistance  
25 waiver program, the Family Care Program, an amendment to the state medical



1 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the  
2 Elderly.

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

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

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

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

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

16 (9) Inform consumers of the experience and qualifications of home care  
17 providers on the registry and home care providers identified by consumers of home  
18 care services for employment.

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

21 (11) Report annually to the governor on the number of home care providers on  
22 the registry and the number of home care providers providing services under the  
23 authority.

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

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

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

7           **52.40 Health data.** Any health data or identifying information collected by  
8 the authority is collected for the purpose of government regulatory and management  
9 functions.”.

10           **44.** Page 658, line 17: after that line insert:

11           “**SECTION 1721d.** 66.0506 of the statutes, as created by 2011 Wisconsin Act 10,  
12 is repealed.

13           **SECTION 1721f.** 66.0508 of the statutes, as created by 2011 Wisconsin Act 10,  
14 is repealed.

15           **SECTION 1721h.** 66.0509 (1m) of the statutes, as created by 2011 Wisconsin Act  
16 10, is repealed.”.

17           **45.** Page 682, line 3: after that line insert:

18           “**SECTION 1748db.** 70.11 (41s) of the statutes is created to read:

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

22           **46.** Page 753, line 11: after that line insert:

23           “**SECTION 1894s.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin  
24 Act 10, is amended to read:

1           71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
2           Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
3           Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
4           Navigational System Authority, of the Wisconsin Economic Development  
5           Corporation, and of the Wisconsin Aerospace Authority.”.

6           **47.** Page 864, line 6: after that line insert:

7           “**SECTION 2135d.** 73.03 (68) of the statutes, as created by 2011 Wisconsin Act  
8           10, is repealed.”.

9           **48.** Page 875, line 19: after that line insert:

10          “**SECTION 2180h.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin  
11          Act 10, is amended to read:

12          77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
13          Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
14          Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
15          Authority, the Wisconsin Economic Development Corporation, and the Fox River  
16          Navigational System Authority.”.

17          **49.** Page 934, line 10: after that line insert:

18          “**SECTION 2311j.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin  
19          Act 10, is amended to read:

20          100.45 (1) (dm) “State agency” means any office, department, agency,  
21          institution of higher education, association, society or other body in state  
22          government created or authorized to be created by the constitution or any law which  
23          is entitled to expend moneys appropriated by law, including the legislature and the  
24          courts, the Wisconsin Housing and Economic Development Authority, the Bradley

1 Center Sports and Entertainment Corporation, the University of Wisconsin  
2 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
3 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
4 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
5 Navigational System Authority.”.

6 **50.** Page 951, line 22: after that line insert:

7 “**SECTION 2378d.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin  
8 Act 10, is amended to read:

9 101.177 (1) (d) “State agency” means any office, department, agency,  
10 institution of higher education, association, society, or other body in state  
11 government created or authorized to be created by the constitution or any law, that  
12 is entitled to expend moneys appropriated by law, including the legislature and the  
13 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
14 Center Sports and Entertainment Corporation, the University of Wisconsin  
15 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin  
16 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
17 and the Wisconsin Health and Educational Facilities Authority, but excluding the  
18 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River  
19 Remediation Authority.”.

20 **51.** Page 971, line 14: after that line insert:

21 “**SECTION 2403x.** 109.03 (1) (b) of the statutes, as affected by 2011 Wisconsin  
22 Act 10, is amended to read:

23 109.03 (1) (b) School district and private school employees who voluntarily  
24 request payment over a 12-month period for personal services performed during the

1 school year, unless, ~~with respect to private school employees, the such~~ employees are  
2 covered under a valid collective bargaining agreement which precludes this method  
3 of payment.”.

4 **52.** Page 973, line 10: after that line insert:

5 “**SECTION 2404rd.** 111.02 (1) of the statutes, as affected by 2011 Wisconsin Act  
6 10, is amended to read:

7 111.02 (1) “All-union agreement” means an agreement between an employer  
8 other than the University of Wisconsin Hospitals and Clinics Authority and the  
9 representative of the employer’s employees in a collective bargaining unit whereby  
10 all or any of the employees in such unit are required to be members of a single labor  
11 organization.

12 **SECTION 2404re.** 111.02 (2) of the statutes, as affected by 2011 Wisconsin Act  
13 10, is amended to read:

14 111.02 (2) “Collective bargaining” means the negotiation by an employer and  
15 a majority of the employer’s employees in a collective bargaining unit, or their  
16 representatives, concerning representation or terms and conditions of employment  
17 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a  
18 mutually genuine effort to reach an agreement with reference to the subject under  
19 negotiation.

20 **SECTION 2404rf.** 111.02 (3) of the statutes, as affected by 2011 Wisconsin Act  
21 10, is amended to read:

22 111.02 (3) “Collective bargaining unit” means all of the employees of one  
23 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and  
24 except that where a majority of the employees engaged in a single craft, division,

1 department or plant have voted by secret ballot as provided in s. 111.05 (2) to  
2 constitute such group a separate bargaining unit they shall be so considered, but, in  
3 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to  
4 111.19, the commission may find, where agreeable to all parties affected in any way  
5 thereby, an industry, trade or business comprising more than one employer in an  
6 association in any geographical area to be a “collective bargaining unit”. A collective  
7 bargaining unit thus established by the commission shall be subject to all rights by  
8 termination or modification given by ss. 111.01 to 111.19 in reference to collective  
9 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more  
10 collective bargaining units may bargain collectively through the same  
11 representative where a majority of the employees in each separate unit have voted  
12 by secret ballot as provided in s. 111.05 (2) so to do.

13 **SECTION 2404rg.** 111.02 (6) (am) of the statutes is created to read:

14 111.02 (6) (am) “Employee” includes a child care provider certified under s.  
15 48.651 and a child care provider licensed under s. 48.65 who provides care and  
16 supervision for not more than 8 children who are not related to the child care  
17 provider.

18 **SECTION 2404rh.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a)  
19 (intro.) and amended to read:

20 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of  
21 an employee, and includes ~~a~~ all of the following:

22 1. A person acting on behalf of an employer within the scope of his or her  
23 authority, express or implied.

24 **SECTION 2404ri.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

25 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

1           3. A local cultural arts district created under subch. V of ch. 229.

2           4. With respect to an employee under sub. (6) (am), the state, counties, and  
3 other administrative entities involved in regulation and subsidization of employees  
4 under sub. (6) (am).

5           **SECTION 2404rj.** 111.02 (7) (b) 1. of the statutes, as affected by 2011 Wisconsin  
6 Act 10, is amended to read:

7           111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political  
8 subdivision thereof.

9           **SECTION 2404rk.** 111.02 (7m), (9m) and (10m) of the statutes are created to  
10 read:

11           111.02 (7m) “Fair-share agreement” means an agreement between the  
12 University of Wisconsin Hospitals and Clinics Authority and a labor organization  
13 representing employees of that authority, or between an employer defined under sub.  
14 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under  
15 which all of the employees in a collective bargaining unit are required to pay their  
16 proportionate share of the cost of the collective bargaining process and contract  
17 administration measured by the amount of dues uniformly required of all members.

18           **(9m)** “Maintenance of membership agreement” means any of the following:

19           (a) An agreement between the University of Wisconsin Hospitals and Clinics  
20 Authority and a labor organization representing employees of that authority which  
21 requires that all of the employees whose dues are being deducted from earnings  
22 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall  
23 continue to have dues deducted for the duration of the agreement and that dues shall  
24 be deducted from the earnings of all employees who are hired on or after the effective  
25 date of the agreement.

1 (b) An agreement between an employer under sub. (7) (a) 4. and a labor  
2 organization representing employees under sub. (6) (am) which requires that all of  
3 the employees whose dues are being deducted from earnings under s. 111.06 (1) (i)  
4 at the time the agreement takes effect shall continue to have dues deducted for the  
5 duration of the agreement and that dues shall be deducted from the earnings of all  
6 employees who are hired on or after the effective date of the agreement.

7 (10m) "Referendum" means a proceeding conducted by the commission in  
8 which employees of the University of Wisconsin Hospitals and Clinics Authority in  
9 a collective bargaining unit or in which employees under sub. (6) (am) in a collective  
10 bargaining unit may cast a secret ballot on the question of directing the labor  
11 organization and the employer to enter into a fair-share or maintenance of  
12 membership agreement or to terminate such an agreement.

13 **SECTION 2404rL.** 111.05 (2) of the statutes, as affected by 2011 Wisconsin Act  
14 10, is amended to read:

15 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a  
16 question arises concerning the determination of a collective bargaining unit, it shall  
17 be determined by secret ballot, and the commission, upon request, shall cause the  
18 ballot to be taken in such manner as to show separately the wishes of the employees  
19 in any craft, division, department or plant as to the determination of the collective  
20 bargaining unit.

21 **SECTION 2404rm.** 111.05 (3g) of the statutes is created to read:

22 111.05 (3g) Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a  
23 representative recognized or certified to represent any of the units specified in s.  
24 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the  
25 employees in the corresponding collective bargaining units specified in sub. (5) (a)



1 1. to 3., without the necessity of filing a petition or conducting an election, subject to  
2 the right of any person to file a petition under this section on or after October 1, 1998.

3 **SECTION 2404rn.** 111.05 (5) of the statutes is created to read:

4 111.05 (5) (a) Collective bargaining units for representation of the employees  
5 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit  
6 for employees engaged in each of the following functions:

7 1. Fiscal and staff services.

8 2. Patient care.

9 3. Science.

10 4. Clerical and related.

11 5. Blue collar and nonbuilding trades.

12 6. Building trades crafts.

13 7. Security and public safety.

14 8. Technical.

15 (b) Collective bargaining units for representation of the employees of the  
16 University of Wisconsin Hospitals and Clinics Authority who are engaged in a  
17 function not specified in par. (a) shall be determined in the manner provided in this  
18 section. The creation of any collective bargaining unit for such employees is subject  
19 to approval of the commission. The commission shall not permit fragmentation of  
20 such collective bargaining units or creation of any such collective bargaining unit  
21 that is too small to provide adequate representation of employees. In approving such  
22 collective bargaining units, the commission shall give primary consideration to the  
23 authority's needs to fulfill its statutory missions.

24 **SECTION 2404ro.** 111.05 (6) of the statutes is created to read:

1           111.05 (6) If a single representative is recognized or certified to represent more  
2 than one of the collective bargaining units specified in sub. (5), that representative  
3 and the employer may jointly agree to combine the collective bargaining units,  
4 subject to the right of the employees in any of the collective bargaining units that  
5 were combined to petition for an election under subs. (3) and (3g). Any agreement  
6 under this subsection is effective upon written notice of the agreement by the parties  
7 to the commission and terminates upon written notice of termination by the parties  
8 to the commission or upon decertification of the representative entering into the  
9 agreement as representative of one of the combined collective bargaining units,  
10 whichever occurs first.

11           **SECTION 2404rp.** 111.05 (7) of the statutes is created to read:

12           111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective  
13 bargaining unit.

14           **SECTION 2404rq.** 111.06 (1) (c) 1. of the statutes, as affected by 2011 Wisconsin  
15 Act 10, is amended to read:

16           111.06 (1) (c) 1. To encourage or discourage membership in any labor  
17 organization, employee agency, committee, association or representation plan by  
18 discrimination in regard to hiring, tenure or other terms or conditions of employment  
19 except in a collective bargaining unit where an all-union, fair-share, or  
20 maintenance of membership agreement is in effect. An employer is not prohibited  
21 from entering into an all-union agreement with the voluntarily recognized  
22 representative of the employees in a collective bargaining unit, where at least a  
23 majority of such employees voting have voted affirmatively, by secret ballot, in favor  
24 of the all-union agreement in a referendum conducted by the commission, except  
25 that where the bargaining representative has been certified by either the

1 commission or the national labor relations board as the result of a representation  
2 election, no referendum is required to authorize the entry into an all-union  
3 agreement. An authorization of an all-union agreement continues, subject to the  
4 right of either party to the all-union agreement to petition the commission to conduct  
5 a new referendum on the subject. Upon receipt of the petition, the commission shall  
6 determine whether there is reasonable ground to believe that the employees  
7 concerned have changed their attitude toward the all-union agreement and upon so  
8 finding the commission shall conduct a referendum. If the continuance of the  
9 all-union agreement is supported on a referendum by a vote at least equal to that  
10 provided in this subdivision for its initial authorization, it may continue, subject to  
11 the right to petition for a further vote by the procedure under this subdivision. If the  
12 continuance of the all-union agreement is not supported on a referendum, it  
13 terminates at the expiration of the contract of which it is then a part or at the end  
14 of one year from the date of the announcement by the commission of the result of the  
15 referendum, whichever is earlier. The commission shall declare any all-union  
16 agreement terminated whenever it finds that the labor organization involved has  
17 unreasonably refused to receive as a member any employee of such employer, and  
18 each such all-union agreement is subject to this duty of the commission. Any person  
19 interested may come before the commission as provided in s. 111.07 and ask the  
20 performance of this duty. Any all-union agreement in effect on October 4, 1975,  
21 made in accordance with the law in effect at the time it is made is valid.

22 **SECTION 2404rr.** 111.06 (1) (d) of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is amended to read:

24 111.06 (1) (d) To refuse to bargain collectively with the representative of a  
25 majority of the employer's employees in any collective bargaining unit with respect

1 to representation or terms and conditions of employment, except as provided under  
2 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with  
3 the commission a petition requesting a determination as to majority representation,  
4 the employer shall not be deemed to have refused to bargain until an election has  
5 been held and the result thereof has been certified to the employer by the  
6 commission.

7 **SECTION 2404rs.** 111.06 (1) (i) of the statutes, as affected by 2011 Wisconsin Act  
8 10, is amended to read:

9 111.06 (1) (i) To deduct labor organization dues or assessments from an  
10 employee's earnings, unless the employer has been presented with an individual  
11 order therefor, signed by the employee personally, and terminable at the end of any  
12 year of its life by the employee giving at least thirty days' written notice of such  
13 termination unless there is an all-union, fair-share or maintenance of membership  
14 agreement in effect. The employer shall give notice to the labor organization of  
15 receipt of such notice of termination.

16 **SECTION 2404rt.** 111.06 (1) (m) of the statutes is created to read:

17 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout  
18 provided in s. 111.115 (2).

19 **SECTION 2404ru.** 111.06 (2) (i) of the statutes, as affected by 2011 Wisconsin  
20 Act 10, is amended to read:

21 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided  
22 in s. 111.115 (2) or (3).

23 **SECTION 2404rv.** 111.075 of the statutes is created to read:

24 **111.075 Fair-share and maintenance of membership agreements. (1)**

25 (a) No fair-share or maintenance of membership agreement is effective unless

1 authorized by a referendum. The commission shall order a referendum whenever it  
2 receives a petition supported by proof that at least 30 percent of the employees in a  
3 collective bargaining unit desire that a fair-share or maintenance of membership  
4 agreement be entered into between the employer and a labor organization. A petition  
5 may specify that a referendum is requested on a maintenance of membership  
6 agreement only, in which case the ballot shall be limited to that question.

7 (b) For a fair-share agreement to be authorized, at least two-thirds of the  
8 eligible employees voting in a referendum must vote in favor of the agreement. For  
9 a maintenance of membership agreement to be authorized, at least a majority of the  
10 eligible employees voting in a referendum must vote in favor of the agreement. In  
11 a referendum on a fair-share agreement, if less than two-thirds but more than  
12 one-half of the eligible employees vote in favor of the agreement, a maintenance of  
13 membership agreement is authorized.

14 (c) If a fair-share or maintenance of membership agreement is authorized in  
15 a referendum, the employer shall enter into a fair-share or maintenance of  
16 membership agreement with the labor organization named on the ballot in the  
17 referendum. Each fair-share or maintenance of membership agreement must  
18 contain a provision requiring the employer to deduct the amount of dues as certified  
19 by the labor organization from the earnings of the employees affected by the  
20 agreement and to pay the amount deducted to the labor organization. Unless the  
21 parties agree to an earlier date, the agreement takes effect 60 days after certification  
22 by the commission that the referendum vote authorized the agreement. The  
23 employer shall be held harmless against any claims, demands, suits, and other forms  
24 of liability made by employees or local labor organizations which may arise for  
25 actions taken by the employer in compliance with this section. All lawful claims,

1 demands, suits, and other forms of liability are the responsibility of the labor  
2 organization entering into the agreement.

3 (d) Under each fair-share or maintenance of membership agreement, an  
4 employee who has religious convictions against dues payments to a labor  
5 organization based on teachings or tenets of a church or religious body of which he  
6 or she is a member shall, on request to the labor organization, have his or her dues  
7 paid to a charity mutually agreed upon by the employee and the labor organization.  
8 Any dispute concerning this paragraph may be submitted to the commission for  
9 adjudication.

10 (2) (a) Once authorized, a fair-share or maintenance of membership  
11 agreement continues, subject to the right of the employer or labor organization  
12 concerned to petition the commission to conduct a new referendum. The petition  
13 must be supported by proof that at least 30 percent of the employees in the collective  
14 bargaining unit desire that the fair-share or maintenance of membership agreement  
15 be discontinued. Upon so finding, the commission shall conduct a new referendum.  
16 If the continuance of the fair-share or maintenance of membership agreement is  
17 approved in the referendum by at least the percentage of eligible voting employees  
18 required for its initial authorization, it shall continue, subject to the right of the  
19 employer or labor organization to later initiate a further vote following the procedure  
20 prescribed in this subsection. If the continuation of the agreement is not supported  
21 in any referendum, it terminates at the expiration of the collective bargaining  
22 agreement, or one year from the date of the certification of the result of the  
23 referendum, whichever is earlier.

24 (b) The commission shall declare any fair-share or maintenance of  
25 membership agreement suspended upon such conditions and for such time as the

1 commission decides whenever it finds that the labor organization involved has  
2 refused on the basis of race, color, sexual orientation, or creed to receive as a member  
3 any employee in the collective bargaining unit involved, and the agreement shall be  
4 subject to the findings and orders of the commission. Any of the parties to the  
5 agreement, or any employee covered thereby, may come before the commission, as  
6 provided in s. 111.07, and petition the commission to make such a finding.

7 (3) A stipulation for a referendum executed by an employer and a labor  
8 organization may not be filed until after the representation election has been held  
9 and the results certified.

10 (4) The commission may, under rules adopted for that purpose, appoint as its  
11 agent an official of the University of Wisconsin Hospitals and Clinics Authority to  
12 conduct the referenda provided for in this section.

13 (5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair-share or  
14 maintenance of membership agreement in effect in any of the collective bargaining  
15 units specified in s. 111.825 (1) (f) 1., 5. or 9., that fair-share or maintenance of  
16 membership agreement shall apply to the corresponding collective bargaining unit  
17 under s. 111.05 (5) (a) 1. to 3. without the necessity of filing a petition or conducting  
18 a referendum, subject to the right of the employees in each collective bargaining unit  
19 to file a petition requesting a referendum under sub. (2) (a).

20 (6) This section applies only in collective bargaining units comprised of  
21 employees of the University of Wisconsin Hospitals and Clinics Authority.

22 **SECTION 2404rw.** 111.115 (title) of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is amended to read:

24 **111.115 (title) Notice of certain proposed lockouts or strikes.**

1           **SECTION 2404rx.** 111.115 (1) of the statutes, as affected by 2011 Wisconsin Act  
2 10, is renumbered 111.115 (1) (intro.) and amended to read:

3           111.115 (1) (intro.) In this section, ~~“strike”~~ subsection:

4           (b) “Strike” includes any concerted stoppage of work by employees, and any  
5 concerted slowdown or other concerted interruption of operations or services by  
6 employees, or any concerted refusal of employees to work or perform their usual  
7 duties as employees, for the purpose of enforcing demands upon an employer.

8           **SECTION 2404ry.** 111.115 (1) (a) of the statutes is created to read:

9           111.115 (1) (a) “Lockout” means the barring of one or more employees from their  
10 employment in an establishment by an employer as a part of a labor dispute, which  
11 is not directly subsequent to a strike or other job action of a labor organization or  
12 group of employees of the employer, or which continues or occurs after the  
13 termination of a strike or other job action of a labor organization or group of  
14 employees of the employer.

15           **SECTION 2404rz.** 111.115 (2) of the statutes is created to read:

16           111.115 (2) If no collective bargaining agreement is in effect between the  
17 University of Wisconsin Hospitals and Clinics Authority and the recognized or  
18 certified representative of employees of that authority in a collective bargaining unit,  
19 the employer may not engage in a lockout affecting employees in that collective  
20 bargaining unit without first giving 10 days’ written notice to the representative of  
21 its intention to engage in a lockout, and the representative may not engage in a strike  
22 without first giving 10 days’ written notice to the employer of its intention to engage  
23 in a strike.

24           **SECTION 2404rza.** 111.17 of the statutes, as affected by 2011 Wisconsin Act 10,  
25 is renumbered 111.17 (intro.) and amended to read:



1           **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of  
2 the provisions of other statutes or laws conflict with the application of the provisions  
3 of this subchapter, this subchapter shall prevail, ~~except that in~~ for the following:

4           (1) In any situation where the provisions of this subchapter cannot be validly  
5 enforced the provisions of such other statutes or laws shall apply.

6           **SECTION 2404rzb.** 111.17 (2) of the statutes is created to read:

7           111.17 (2) All fringe benefits authorized or required to be provided by the  
8 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.  
9 40 shall be governed exclusively by ch. 40, except that if any provision of ch. 40  
10 specifically permits a collective bargaining agreement under this subchapter to  
11 govern the eligibility for or the application, cost, or terms of a fringe benefit under  
12 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe  
13 benefit under ch. 40 shall be governed by a collective bargaining agreement under  
14 this subchapter, a collective bargaining agreement may contain a provision so  
15 governing and such a provision supersedes any provision of ch. 40 with respect to the  
16 employees to whom the agreement applies. The employer is prohibited from  
17 engaging in collective bargaining concerning any matter governed exclusively by ch.  
18 40 under this subsection.”.

19           **53.** Page 973, line 21: delete the material beginning with that line and ending  
20 with page 975, line 8, and substitute:

21           **“SECTION 2405b.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin  
22 Act 10, is amended to read:

23           111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
24 obligation of a municipal employer, through its officers and agents, and the

1 representative of its municipal employees in a collective bargaining unit, to meet and  
2 confer at reasonable times, in good faith, with the intention of reaching an  
3 agreement, or to resolve questions arising under such an agreement, with respect to  
4 wages, hours, and conditions of employment ~~for public safety employees and with~~  
5 ~~respect to wages for general municipal employees,~~ and with respect to a requirement  
6 of the municipal employer for a municipal employee to perform law enforcement and  
7 fire fighting services under s. ~~60.553, 61.66, or 62.13 (2e) and for a school district with~~  
8 ~~respect to any matter under sub. (4) (n) or (o), except as provided in sub. subs. (3m),~~  
9 ~~(3p), and (4) (mb) (m) and (mc) and s. 40.81 (3) and except that a municipal employer~~  
10 shall not meet and confer with respect to any proposal to diminish or abridge the  
11 rights guaranteed to ~~any public safety~~ municipal employees under ch. 164.  
12 Collective bargaining includes the reduction of any agreement reached to a written  
13 and signed document.

14 **SECTION 2405c.** 111.70 (1) (cm) of the statutes, as created by 2011 Wisconsin  
15 Act 10, is repealed.

16 **SECTION 2405d.** 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin Act  
17 10, is amended to read:

18 111.70 (1) (f) "Fair-share agreement" means an agreement between a  
19 municipal employer and a labor organization ~~that represents public safety~~  
20 ~~employees~~ under which all or any of the ~~public safety~~ employees in the collective  
21 bargaining unit are required to pay their proportionate share of the cost of the  
22 collective bargaining process and contract administration measured by the amount  
23 of dues uniformly required of all members.

24 **SECTION 2405e.** 111.70 (1) (fm) of the statutes, as created by 2011 Wisconsin  
25 Act 10, is repealed.

1           **SECTION 2406mb.** 111.70 (1) (j) of the statutes, as affected by 2011 Wisconsin  
2 Act 10, is amended to read:

3           111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
4 metropolitan sewerage district, school district, long-term care district, transit  
5 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under  
6 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality  
7 of one or more political subdivisions of the state, that engages the services of an  
8 employee and includes any person acting on behalf of a municipal employer within  
9 the scope of the person’s authority, express or implied, but specifically does not  
10 include a local cultural arts district created under subch. V of ch. 229.

11           **SECTION 2406n.** 111.70 (1) (mm) of the statutes, as created by 2011 Wisconsin  
12 Act 10, is repealed.

13           **SECTION 2406o.** 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin Act  
14 10, is amended to read:

15           111.70 (1) (n) “Referendum” means a proceeding conducted by the commission  
16 in which ~~public safety~~ employees in a collective bargaining unit may cast a secret  
17 ballot on the question of authorizing a labor organization and the employer to  
18 continue a fair-share agreement ~~that covers public safety employees.~~

19           **SECTION 2406p.** 111.70 (1g) of the statutes is created to read:

20           111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor  
21 disputes arising in municipal employment is to encourage voluntary settlement  
22 through the procedures of collective bargaining. Accordingly, it is in the public  
23 interest that municipal employees so desiring be given an opportunity to bargain  
24 collectively with the municipal employer through a labor organization or other  
25 representative of the employees’ own choice. If such procedures fail, the parties

1 should have available to them a fair, speedy, effective and, above all, peaceful  
2 procedure for settlement as provided in this subchapter.

3 (b) In creating this subchapter the legislature recognizes that the municipal  
4 employer must exercise its powers and responsibilities to act for the government and  
5 good order of the jurisdiction which it serves, its commercial benefit and the health,  
6 safety, and welfare of the public to assure orderly operations and functions within its  
7 jurisdiction, subject to those rights secured to municipal employees by the  
8 constitutions of this state and of the United States and by this subchapter.

9 **SECTION 2406q.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act  
10 10, is amended to read:

11 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right  
12 of self-organization, and the right to form, join, or assist labor organizations, to  
13 bargain collectively through representatives of their own choosing, and to engage in  
14 lawful, concerted activities for the purpose of collective bargaining or other mutual  
15 aid or protection. Municipal employees have the right to refrain from any and all  
16 such activities. ~~A general municipal employee has the right to refrain from paying~~  
17 ~~dues while remaining a member of a collective bargaining unit. A public safety~~  
18 ~~employee, however, except that employees may be required to pay dues in the~~  
19 ~~manner provided in a fair-share agreement; a fair-share agreement covering a~~  
20 ~~public safety employee must contain a provision requiring the municipal employer~~  
21 ~~to deduct the amount of dues as certified by the labor organization from the earnings~~  
22 ~~of the public safety municipal employee affected by the fair-share agreement and to~~  
23 ~~pay the amount deducted to the labor organization. A fair-share agreement covering~~  
24 ~~a public safety employee is subject to the right of the municipal employer or a labor~~  
25 organization to petition the commission to conduct a referendum. Such petition must

1 be supported by proof that at least 30% of the ~~public safety~~ employees in the collective  
2 bargaining unit desire that the fair-share agreement be terminated. Upon so  
3 finding, the commission shall conduct a referendum. If the continuation of the  
4 agreement is not supported by at least the majority of the eligible ~~public safety~~  
5 employees, it shall terminate. The commission shall declare any fair-share  
6 agreement suspended upon such conditions and for such time as the commission  
7 decides whenever it finds that the labor organization involved has refused on the  
8 basis of race, color, sexual orientation, creed, or sex to receive as a member any ~~public~~  
9 ~~safety~~ employee of the municipal employer in the bargaining unit involved, and such  
10 agreement is subject to this duty of the commission. Any of the parties to such  
11 agreement or any ~~public safety~~ municipal employee covered by the agreement may  
12 come before the commission, as provided in s. 111.07, and ask the performance of this  
13 duty.

14 **SECTION 2406r.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin  
15 Act 10, is amended to read:

16 111.70 (3) (a) 3. To encourage or discourage a membership in any labor  
17 organization by discrimination in regard to hiring, tenure, or other terms or  
18 conditions of employment; but the prohibition shall not apply to a fair-share  
19 agreement ~~that covers public safety employees.~~

20 **SECTION 2406s.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin  
21 Act 10, is amended to read:

22 111.70 (3) (a) 5. To violate any collective bargaining agreement previously  
23 agreed upon by the parties with respect to wages, hours and conditions of  
24 employment affecting ~~public safety~~ municipal employees, including an agreement to  
25 arbitrate questions arising as to the meaning or application of the terms of a

1 collective bargaining agreement or to accept the terms of such arbitration award,  
2 where previously the parties have agreed to accept such award as final and binding  
3 upon them ~~or to violate any collective bargaining agreement affecting general~~  
4 ~~municipal employees, that was previously agreed upon by the parties with respect~~  
5 ~~to wages.~~

6 **SECTION 2406t.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin  
7 Act 10, is amended to read:

8 111.70 (3) (a) 6. To deduct labor organization dues from the an employee's or  
9 supervisor's earnings of a public safety employee, unless the municipal employer has  
10 been presented with an individual order therefor, signed by the ~~public safety~~  
11 municipal employee personally, and terminable by at least the end of any year of its  
12 life or earlier by the ~~public safety~~ municipal employee giving at least 30 days' written  
13 notice of such termination to the municipal employer and to the representative  
14 organization, except when a fair-share agreement is in effect.

15 **SECTION 2406u.** 111.70 (3) (a) 7. of the statutes is created to read:

16 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision  
17 lawfully made under sub. (4) (cm).

18 **SECTION 2406v.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin  
19 Act 10, is amended to read:

20 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~  
21 ~~employee, after~~ After a collective bargaining agreement expires and before another  
22 collective bargaining agreement takes effect, to fail to follow any fair-share  
23 agreement in the expired collective bargaining agreement.

24 **SECTION 2406w.** 111.70 (3) (b) 6. of the statutes is created to read:

1           111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision  
2 lawfully made under sub. (4) (cm).

3           **SECTION 2406x.** 111.70 (3g) of the statutes, as created by 2011 Wisconsin Act  
4 10, is repealed.

5           **SECTION 2406y.** 111.70 (3m) of the statutes is created to read:

6           111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective  
7 bargaining agreement that covers municipal employees performing services for the  
8 Milwaukee County enrollment services unit under s. 49.825 shall contain a provision  
9 that permits the terms of the agreement to be modified with respect to hours and  
10 conditions of employment by a memorandum of understanding under s. 49.825 (3)  
11 (b) 4.

12           **SECTION 2406z.** 111.70 (3p) of the statutes is created to read:

13           111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining  
14 agreement that covers municipal employees performing services for the child care  
15 provider services unit under s. 49.826 shall contain a provision that permits the  
16 terms of the agreement to be modified with respect to hours and conditions of  
17 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

18           **SECTION 2407b.** 111.70 (4) (c) (title) of the statutes, as affected by 2011  
19 Wisconsin Act 10, is amended to read:

20           111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~public safety~~*  
21 *employees law enforcement and fire fighting personnel.*

22           **SECTION 2407ba.** 111.70 (4) (c) 1. of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is renumbered 111.70 (4) (c) 1m. and amended to read:

24           111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in  
25 labor disputes ~~involving a collective bargaining unit containing a public safety~~

1 employee. Such mediation may be carried on by a person designated to act by the  
2 commission upon request of one or both of the parties or upon initiation of the  
3 commission. The function of the mediator is to encourage voluntary settlement by  
4 the parties but no mediator has the power of compulsion.

5 **SECTION 2407bb.** 111.70 (4) (c) 1g. of the statutes is created to read:

6 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal  
7 employees who are engaged in law enforcement or fire fighting functions."

8 **54.** Page 975, line 6: delete lines 6 and 7 and substitute:

9 "SECTION 2407dg. 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is renumbered 111.70 (4) (c) 2. and amended to read:

11 111.70 (4) (c) 2. Parties to a dispute pertaining to the meaning or application  
12 of the terms of a written collective bargaining agreement ~~involving a collective~~  
13 ~~bargaining unit containing a public safety employee~~ may agree in writing to have the  
14 commission or any other appropriate agency serve as arbitrator or may designate  
15 any other competent, impartial and disinterested person to so serve."

16 **55.** Page 975, line 8: after that line insert:

17 "SECTION 2407di. 111.70 (4) (c) 3. (intro.) of the statutes, as affected by 2011  
18 Wisconsin Act 10, is amended to read:

19 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute  
20 ~~involving a collective bargaining unit containing a public safety employee~~ has not  
21 been settled after a reasonable period of negotiation and after the settlement  
22 procedures, if any, established by the parties have been exhausted, and the parties  
23 are deadlocked with respect to any dispute between them arising in the collective  
24 bargaining process, either party, or the parties jointly, may petition the commission,



1 in writing, to initiate fact-finding, and to make recommendations to resolve the  
2 deadlock, as follows:

3 **SECTION 2407dj.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes, as  
4 affected by 2011 Wisconsin Act 10, are amended to read:

5 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*  
6 *municipal-employees other personnel.*

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

17 2. 'Presentation of initial proposals; open meetings.' The meetings between  
18 parties to a collective bargaining agreement or proposed collective bargaining  
19 agreement under this subchapter that ~~involve a collective bargaining unit~~  
20 ~~containing a general municipal employee and that~~ are held for the purpose of  
21 presenting initial bargaining proposals, along with supporting rationale, shall be  
22 open to the public. Each party shall submit its initial bargaining proposals to the  
23 other party in writing. Failure to comply with this subdivision is not cause to  
24 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 2407dk.** 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 2407dL.** 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,

1 ultimate final offer, the commission shall close the investigation based on the last  
2 written position of the party. Such final offers may include only mandatory subjects  
3 of bargaining, except that a permissive subject of bargaining may be included by a  
4 party if the other party does not object and shall then be treated as a mandatory  
5 subject. No later than such time, the parties shall also submit to the commission a  
6 stipulation, in writing, with respect to all matters that are agreed upon for inclusion  
7 in the new or amended collective bargaining agreement. The commission, after  
8 receiving a report from its investigator and determining that arbitration should be  
9 commenced, shall issue an order requiring arbitration and immediately submit to  
10 the parties a list of 7 arbitrators. The parties shall alternately strike names from the  
11 list until a single name is left, who shall be appointed as arbitrator. The petitioning  
12 party shall notify the commission in writing of the identity of the arbitrator selected.  
13 Upon receipt of the notice, the commission shall formally appoint the arbitrator and  
14 submit to him or her the final offers of the parties. The final offers are public  
15 documents and shall be available from the commission. In lieu of a single arbitrator  
16 and upon request of both parties, the commission shall appoint a tripartite  
17 arbitration panel consisting of one member selected by each of the parties and a  
18 neutral person designated by the commission who shall serve as a chairperson. An  
19 arbitration panel has the same powers and duties as provided in this section for any  
20 other appointed arbitrator, and all arbitration decisions by a panel shall be  
21 determined by majority vote. In place of selection of the arbitrator by the parties and  
22 upon request of both parties, the commission shall establish a procedure for  
23 randomly selecting names of arbitrators. Under the procedure, the commission shall  
24 submit a list of 7 arbitrators to the parties. Each party shall strike one name from  
25 the list. From the remaining 5 names, the commission shall randomly appoint an

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

6 b. The arbitrator shall, within 10 days of his or her appointment, establish a  
7 date and place for the conduct of the arbitration hearing. Upon petition of at least  
8 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days  
9 after the date on which the arbitrator is appointed, the arbitrator shall hold a public  
10 hearing in the jurisdiction to provide the opportunity to both parties to explain or  
11 present supporting arguments for their positions and to members of the public to  
12 offer their comments and suggestions. The final offers of the parties, as transmitted  
13 by the commission to the arbitrator, are the basis for continued negotiations, if any,  
14 between the parties with respect to the issues in dispute. At any time prior to the  
15 arbitration hearing, either party, with the consent of the other party, may modify its  
16 final offer 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 mutually agreed upon  
19 modifications, if any, and shall immediately provide written notice of any withdrawal  
20 to the other party, the arbitrator, and the commission. If both parties withdraw their  
21 final offers and mutually agreed upon modifications, the labor organization, after  
22 giving 10 days' written advance notice to the municipal employer and the  
23 commission, may strike. Unless both parties withdraw their final offers and  
24 mutually agreed upon modifications, the final offer of neither party is considered

1 withdrawn and the arbitrator shall proceed to resolve the dispute by final and  
2 binding arbitration as 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 the opportunity to both parties 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 further modification the final offer  
8 of one of the parties on all disputed issues submitted under subd. 6. am., except those  
9 items that the commission determines not to be mandatory subjects of bargaining  
10 and 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., which 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 pursuant to par. (b). If either party to the  
22 dispute petitions the commission for a declaratory ruling under par. (b), the  
23 proceedings under subd. 6. c. and d. may not occur until the commission renders a  
24 decision in the matter and the decision is final. The arbitrator's award shall be made

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

3 **SECTION 2407dm.** 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 arbitrator's or panel's  
12 decision.

13 **SECTION 2407dn.** 111.70 (4) (cm) 7g. of the statutes is created to read:

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

20 **SECTION 2407dp.** 111.70 (4) (cm) 7r. of the statutes is created to read:

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

- 24 a. The lawful authority of the municipal employer.  
25 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 2407dq.** 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, but not limited to,  
6 rules for:

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 2407dr.** 111.70 (4) (cm) 8m. of the statutes, as affected by 2011  
15 Wisconsin Act 10, is amended to read:

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

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

7 **SECTION 2407ds.** 111.70 (4) (cm) 9. of the statutes is created to read:

8 111.70 (4) (cm) 9. 'Application.'

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

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

12 **SECTION 2407dt.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011  
13 Wisconsin Act 10, is amended to read:

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

1 a majority of the professional employees vote for inclusion in the unit. The  
2 commission may not decide that any group of municipal employees constitutes an  
3 appropriate collective bargaining unit if the group includes both school district  
4 employees and general municipal employees who are not school district employees.  
5 ~~The commission may not decide that any group of municipal employees constitutes~~  
6 ~~an appropriate collective bargaining unit if the group includes both public safety~~  
7 ~~employees and general municipal employees.~~ The commission may not decide that  
8 any group of municipal employees constitutes an appropriate collective bargaining  
9 unit if the group includes both craft employees and noncraft employees unless a  
10 majority of the craft employees vote for inclusion in the unit. The commission shall  
11 place the professional employees who are assigned to perform any services at a  
12 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit  
13 from a unit that includes any other professional employees whenever at least 30%  
14 of those professional employees request an election to be held to determine that issue  
15 and a majority of the professional employees at the charter school who cast votes in  
16 the election decide to be represented in a separate collective bargaining unit. Upon  
17 the expiration of any collective bargaining agreement in force, the commission shall  
18 combine into a single collective bargaining unit 2 or more collective bargaining units  
19 consisting of school district employees if a majority of the employees voting in each  
20 collective bargaining unit vote to combine.

21 **SECTION 2407du.** 111.70 (4) (d) 3. a. and c. of the statutes, as affected by 2011  
22 Wisconsin Act 10, are consolidated, renumbered 111.70 (4) (d) 3. and amended to  
23 read:

24 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning  
25 representation or appropriate unit, calling for a vote, the commission shall certify the

1 results in writing to the municipal employer and the labor organization involved and  
2 to any other interested parties. e. Any ballot used in a representation proceeding  
3 under this subdivision shall include the names of all persons having an interest in  
4 representing or the results. The ballot should be so designed as to permit a vote  
5 against representation by any candidate named on the ballot. The findings of the  
6 commission, on which a certification is based, shall be conclusive unless reviewed as  
7 provided by s. 111.07 (8).

8 **SECTION 2407dv.** 111.70 (4) (d) 3. b. of the statutes, as created by 2011  
9 Wisconsin Act 10, is repealed.”.

10 **56.** Page 975, line 18: after that line insert:

11 “**SECTION 2408d.** 111.70 (4) (L) of the statutes, as affected by 2011 Wisconsin  
12 Act 10, is amended to read:

13 111.70 (4) (L) *Strikes prohibited.* Nothing Except as authorized under par. (cm)  
14 5. and 6. c., nothing contained in this subchapter constitutes a grant of the right to  
15 strike by any municipal employee or labor organization, and such strikes are hereby  
16 expressly prohibited. Paragraph (cm) does not authorize any strike after an  
17 injunction has been issued against such strike under sub. (7m).

18 **SECTION 2408f.** 111.70 (4) (m) of the statutes is created to read:

19 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*  
20 *employers.* In a school district, the municipal employer is prohibited from bargaining  
21 collectively with respect to:

22 1. Reassignment of municipal employees who perform services for a board of  
23 school directors under ch. 119, with or without regard to seniority, as a result of a  
24 decision of the board of school directors to contract with an individual or group to

1 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school  
2 to a charter school, or the impact of any such reassignment on the wages, hours, or  
3 conditions of employment of the municipal employees who perform those services.

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

9 4. Any decision of a board of school directors to contract with a school or agency  
10 to provide educational programs under s. 119.235, or the impact of any such decision  
11 on the wages, hours, or conditions of employment of the municipal employees who  
12 perform services for the board.

13 6. Solicitation of sealed bids for the provision of group health care benefits for  
14 school district employees as provided in s. 120.12 (24).

15 **SECTION 2408h.** 111.70 (4) (mb) of the statutes, as created by 2011 Wisconsin  
16 Act 10, is repealed.

17 **SECTION 2409cn.** 111.70 (4) (mc) (intro.) of the statutes, as affected by 2011  
18 Wisconsin Act 10, is amended to read:

19 111.70 (4) (mc) *Prohibited subjects of bargaining; ~~public safety employees.~~*  
20 (intro.) The municipal employer is prohibited from bargaining collectively with a  
21 ~~collective bargaining unit containing a public safety employee~~ with respect to any of  
22 the following:".

23 **57.** Page 975, line 19: after that line insert:

24 **"SECTION 2409ca.** 111.70 (4) (mc) 4. of the statutes is created to read:

1           111.70 (4) (mc) 4. The judge's authority over the supervisory tasks provided in  
2 s. 755.10, if the municipal employee is a clerk who is not an employee of a city of the  
3 first class."

4           **58.** Page 976, line 11: after that line insert:

5           **"SECTION 2409da.** 111.70 (4) (n) and (o) of the statutes are created to read:

6           111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition  
7 to any subject of bargaining on which the municipal employer is required to bargain  
8 under sub. (1) (a), the municipal employer is required to bargain collectively with  
9 respect to time spent during the school day, separate from pupil contact time, to  
10 prepare lessons, labs, or educational materials, to confer or collaborate with other  
11 staff, or to complete administrative duties.

12           (o) *Mandatory subjects of bargaining.* In a school district, in addition to any  
13 subject of bargaining on which the municipal employer is required to bargain under  
14 sub. (1) (a), the municipal employer is required to bargain collectively with respect  
15 to the development of or any changes to a teacher evaluation plan under s. 118.225.

16           **SECTION 2409db.** 111.70 (4) (p) of the statutes, as affected by 2011 Wisconsin  
17 Act 10, is amended to read:

18           111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety~~*  
19 *employees.* A municipal employer is not required to bargain with ~~public safety~~  
20 ~~employees~~ on subjects reserved to management and direction of the governmental  
21 unit except insofar as the manner of exercise of such functions affects the wages,  
22 hours, and conditions of employment of the ~~public safety~~ municipal employees in a  
23 collective bargaining unit.

24           **SECTION 2409de.** 111.70 (7) of the statutes is created to read:

1           111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an  
2 injunction against such a strike has been issued shall be fined \$10. After the  
3 injunction has been issued, any employee who is absent from work because of  
4 purported illness shall be presumed to be on strike unless the illness is verified by  
5 a written report from a physician to the employer. Each day of continued violation  
6 constitutes a separate offense. The court shall order that any fine imposed under this  
7 subsection be paid by means of a salary deduction at a rate to be determined by the  
8 court.

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

11           **SECTION 2409df.** 111.70 (7m) (b) of the statutes is created to read:

12           111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after  
13 a labor organization gives advance notice of a strike under sub. (4) (cm) which is  
14 expressly authorized under sub. (4) (cm), the municipal employer or any citizen  
15 directly affected by the strike may petition the circuit court to enjoin the strike. If  
16 the court finds that the strike poses an imminent threat to the public health or safety,  
17 the court shall, within 48 hours after the receipt of the petition but after notice to the  
18 parties and after holding a hearing, issue an order immediately enjoining the strike,  
19 and in addition shall order the parties to submit a new final offer on all disputed  
20 issues to the commission for final and binding arbitration as provided in sub. (4) (cm).  
21 The commission, upon receipt of the final offers of the parties, shall transmit them  
22 to the arbitrator or a successor designated by the commission. The arbitrator shall  
23 omit preliminary steps and shall commence immediately to arbitrate the dispute.

24           **SECTION 2409dg.** 111.70 (7m) (c) 1. a. of the statutes, as affected by 2011  
25 Wisconsin Act 10, is amended to read:

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

9           **SECTION 2409dh.** 111.70 (7m) (c) 3. of the statutes is created to read:

10           111.70 (7m) (c) 3. 'Strike in violation of award.' Any person who authorizes or  
11 otherwise participates in a strike after the issuance of any final and binding  
12 arbitration award or decision under sub. (4) (cm) and prior to the end of the term of  
13 the agreement which the award or decision amends or creates shall forfeit not less  
14 than \$15. Each day of continued violation constitutes a separate offense.

15           **SECTION 2409di.** 111.70 (7m) (e) of the statutes is created to read:

16           111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration  
17 award or decision under sub. (4) (cm) in a written collective bargaining agreement  
18 or failing to implement the award or decision, unless good cause is shown, shall be  
19 liable for attorney fees, interest on delayed monetary benefits, and other costs  
20 incurred in any action by the nonoffending party to enforce the award or decision.

21           **SECTION 2409dj.** 111.70 (7m) (f) of the statutes is created to read:

22           111.70 (7m) (f) *Application.* This subsection does not apply to strikes involving  
23 municipal employees who are engaged in law enforcement or fire fighting functions.

24           **SECTION 2409dja.** 111.70 (8) (a) of the statutes, as affected by 2011 Wisconsin  
25 Act 10, is amended to read:



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

7           **SECTION 2409dk.** 111.71 (2) of the statutes, as affected by 2011 Wisconsin Act  
8 10, is amended to read:

9           111.71 (2) The commission shall assess and collect a filing fee for filing a  
10 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
11 The commission shall assess and collect a filing fee for filing a request that the  
12 commission act as an arbitrator to resolve a dispute involving the interpretation or  
13 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.  
14 The commission shall assess and collect a filing fee for filing a request that the  
15 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall  
16 assess and collect a filing fee for filing a request that the commission act as a  
17 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect  
18 a filing fee for filing a request that the commission initiate compulsory, final and  
19 binding arbitration under s. 111.70 (4) (cm) 6. or (jm) or 111.77 (3). For the  
20 performance of commission actions under ss. 111.70 (4) (c) ~~1., 2., and 3., (cm) 3.~~  
21 ~~and, 4., and 6.,~~ and (jm) and 111.77 (3), the commission shall require that the parties  
22 to the dispute equally share in the payment of the fee and, for the performance of  
23 commission actions involving a complaint alleging that a prohibited practice has  
24 been committed under s. 111.70 (3), the commission shall require that the party filing  
25 the complaint pay the entire fee. If any party has paid a filing fee requesting the

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

18 **SECTION 2409dL.** 111.71 (4) of the statutes is created to read:

19 111.71 (4) The commission shall collect on a systematic basis information on  
20 the operation of the arbitration law under s. 111.70 (4) (cm). The commission shall  
21 report on the operation of the law to the legislature on an annual basis. The report  
22 shall be submitted to the chief clerk of each house of the legislature for distribution  
23 to the legislature under s. 13.172 (2).

24 **SECTION 2409dm.** 111.71 (5) of the statutes is created to read:

1           111.71 (5) The commission shall, on a regular basis, provide training programs  
2 to prepare individuals for service as arbitrators or arbitration panel members under  
3 s. 111.70 (4) (cm). The commission shall engage in appropriate promotional and  
4 recruitment efforts to encourage participation in the training programs by  
5 individuals throughout the state, including at least 10 residents of each  
6 congressional district. The commission may also provide training programs to  
7 individuals and organizations on other aspects of collective bargaining, including on  
8 areas of management and labor cooperation directly or indirectly affecting collective  
9 bargaining. The commission may charge a reasonable fee for participation in the  
10 programs.

11           **SECTION 2409im.** 111.77 (intro.) of the statutes, as affected by 2011 Wisconsin  
12 Act 10, 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           **59.** Page 976, line 20: after that line insert:

20           **"SECTION 2409iw.** 111.77 (8) (a) of the statutes, as affected by 2011 Wisconsin  
21 Act 10, is amended to read:

22           111.77 (8) (a) This section applies to ~~public safety employees who are~~ law  
23 enforcement supervisors employed by a county having a population of 500,000 or

1 more. For purposes of such application, the term “municipal employee” includes  
2 such a supervisor.

3 **SECTION 2409j.** 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 2409k.** 111.81 (1) of the statutes, as affected by 2011 Wisconsin Act  
11 10, is amended to read:

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

22 **SECTION 2409p.** 111.81 (3h) of the statutes is created to read:

23 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

24 **SECTION 2409w.** 111.81 (3n) of the statutes, as created by 2011 Wisconsin Act  
25 10, is repealed."

1           **60.** Page 977, line 5: delete the material beginning with that line and ending  
2 with page 978, line 19, and substitute:

3           “**SECTION 2410bb.** 111.81 (7) (g) of the statutes is created to read:

4           111.81 (7) (g) For purposes of this subchapter only, home care providers. This  
5 paragraph does not make home care providers state employees for any other purpose  
6 except collective bargaining.

7           **SECTION 2410bg.** 111.81 (9) of the statutes, as affected by 2011 Wisconsin Act  
8 10, is amended to read:

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

15           **SECTION 2410bi.** 111.81 (9g) of the statutes, as created by 2011 Wisconsin Act  
16 10, is repealed.

17           **SECTION 2410bk.** 111.81 (9k) of the statutes is created to read:

18           111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898  
19 (1) (f).

20           **SECTION 2410bn.** 111.81 (12) (intro.) of the statutes, as affected by 2011  
21 Wisconsin Act 10, is amended to read:

22           111.81 (12) (intro.) “Labor organization” means any employee organization  
23 whose purpose is to represent employees in collective bargaining with the employer,  
24 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~

1 or (3), ~~whichever is applicable~~ pertaining to terms and conditions of employment; but  
2 the term shall not include any organization:

3 **SECTION 2410bp.** 111.81 (12m) of the statutes, as affected by 2011 Wisconsin  
4 Act 10, is amended to read:

5 111.81 (12m) "Maintenance of membership agreement" means an agreement  
6 between the employer and a labor organization representing ~~public safety~~ employees  
7 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~  
8 employees or supervisors whose dues are being deducted from earnings under s.  
9 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to  
10 have dues deducted for the duration of the agreement, and that dues shall be  
11 deducted from the earnings of all ~~public safety~~ employees or supervisors who are  
12 hired on or after the effective date of the agreement.

13 **SECTION 2410br.** 111.81 (15r) of the statutes, as created by 2011 Wisconsin Act  
14 10, is repealed.

15 **SECTION 2410bu.** 111.81 (16) of the statutes, as affected by 2011 Wisconsin Act  
16 10, is amended to read:

17 111.81 (16) "Referendum" means a proceeding conducted by the commission in  
18 which ~~public safety~~ employees, or supervisors specified in s. 111.825 (5), in a  
19 collective bargaining unit may cast a secret ballot on the question of directing the  
20 labor organization and the employer to enter into a fair-share or maintenance of  
21 membership agreement or to terminate such an agreement.

22 **SECTION 2410bw.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act  
23 10, is amended to read:

24 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
25 as a single employer and employment relations policies and practices throughout the

1 state service shall be as consistent as practicable. The office shall negotiate and  
2 administer collective bargaining agreements except that the department of health  
3 services, subject to the approval of the federal centers for medicare and medicaid  
4 services to use collective bargaining as the method of setting rates for  
5 reimbursement of home care providers, shall negotiate and administer collective  
6 bargaining agreements entered into with the collective bargaining unit specified in  
7 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,  
8 the office, or the department of health services with regard to collective bargaining  
9 agreements entered into with the collective bargaining unit specified in s. 111.825  
10 (2g), shall maintain close liaison with the legislature relative to the negotiation of  
11 agreements and the fiscal ramifications of those agreements. Except with respect  
12 to the collective bargaining unit units specified in s. 111.825 (2) (f) (1r), (1t), and (2g),  
13 the office is responsible for the employer functions of the executive branch under this  
14 subchapter, and shall coordinate its collective bargaining activities with operating  
15 state agencies on matters of agency concern. The legislative branch shall act upon  
16 those portions of tentative agreements negotiated by the office that require  
17 legislative action. With respect to the collective bargaining unit specified in s.  
18 111.825 (2) (f), the governing board of the charter school established by contract  
19 under s. 118.40 (2r) (cm) is responsible for the employer functions under this  
20 subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g),  
21 the department of health services is responsible for the employer functions of the  
22 executive branch under this subchapter.

23 **SECTION 2410bx.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act

24 10, is amended to read:



1           111.815 (2) ~~The~~ In the furtherance of the policy under s. 111.80 (4), the director  
2 of the office shall, together with the appointing authorities or their representatives,  
3 represent the state in its responsibility as an employer under this subchapter except  
4 with respect to negotiations in the collective bargaining unit units specified in s.  
5 111.825 ~~(2) (f) (1r), (1t), and (2g)~~. The director of the office shall establish and  
6 maintain, wherever practicable, consistent employment relations policies and  
7 practices throughout the state service.

8           **SECTION 2410by.** 111.82 of the statutes, as affected by 2011 Wisconsin Act 10,  
9 is amended to read:

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

17           **SECTION 2410bz.** 111.825 (1) (g) of the statutes, as created by 2011 Wisconsin  
18 Act 10, is repealed.”.

19           **61.** Page 981, line 3: delete lines 3 to 5 and substitute:

20           **“SECTION 2410jm.** 111.825 (2g) of the statutes is created to read:

21           111.825 (2g) A collective bargaining unit for employees who are home care  
22 providers shall be structured as a single statewide collective bargaining unit.

23           **SECTION 2410jr.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act  
24 10, is amended to read:

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

3           **62.** Page 981, line 15: delete the material beginning with that line and ending  
4 with page 982, line 11, and substitute:

5           “**SECTION 2410Lm.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin  
6 Act 10, is amended to read:

7           111.825 (4) Any labor organization may petition for recognition as the exclusive  
8 representative of a collective bargaining unit specified in sub. (1) ~~or, (1r), (1t), (2), or~~  
9 (2g) in accordance with the election procedures set forth in s. 111.83, provided the  
10 petition is accompanied by a 30% showing of interest in the form of signed  
11 authorization cards. Each additional labor organization seeking to appear on the  
12 ballot shall file petitions within 60 days of the date of filing of the original petition  
13 and prove, through signed authorization cards, that at least 10% of the employees  
14 in the collective bargaining unit want it to be their representative.

15           **SECTION 2410Lp.** 111.825 (5) of the statutes, as affected by 2011 Wisconsin Act  
16 10, is amended to read:

17           111.825 (5) Although supervisors are not considered employees for purposes  
18 of this subchapter, the commission may consider a petition for a statewide collective  
19 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
20 supervisors in the classified service, but the representative of supervisors may not  
21 be affiliated with any labor organization representing employees. For purposes of  
22 this subsection, affiliation does not include membership in a national, state, county  
23 or municipal federation of national or international labor organizations. The  
24 certified representative of supervisors ~~who are not public safety employees~~ may not

1 bargain collectively with respect to any matter other than wages and fringe benefits  
2 as provided in s. 111.91 (3), and the certified representative of supervisors who are  
3 public safety employees may not bargain collectively with respect to any matter other  
4 than wages and fringe benefits as provided in s. 111.91 (1).

5 **SECTION 2410Lr.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin  
6 Act 10, is renumbered 111.825 (6).

7 **SECTION 2410Lu.** 111.825 (6) (b) of the statutes, as created by 2011 Wisconsin  
8 Act 10, is repealed.”.

9 **63.** Page 982, line 19: after that line insert:

10 “**SECTION 2410oc.** 111.83 (1) of the statutes, as affected by 2011 Wisconsin Act  
11 10, is amended to read:

12 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative  
13 chosen for the purposes of collective bargaining by a majority of the employees voting  
14 in a collective bargaining unit shall be the exclusive representative of all of the  
15 employees in such unit for the purposes of collective bargaining. Any individual  
16 employee, or any minority group of employees in any collective bargaining unit, may  
17 present grievances to the employer in person, or through representatives of their own  
18 choosing, and the employer shall confer with said employee or group of employees in  
19 relation thereto if the majority representative has been afforded the opportunity to  
20 be present at the conference. Any adjustment resulting from such a conference may  
21 not be inconsistent with the conditions of employment established by the majority  
22 representative and the employer.

23 **SECTION 2410og.** 111.83 (3) (a) of the statutes, as affected by 2011 Wisconsin  
24 Act 10, is renumbered 111.83 (3).

1           **SECTION 2410ot.** 111.83 (3) (b) of the statutes, as created by 2011 Wisconsin Act  
2 10, is repealed.

3           **SECTION 2410ov.** 111.83 (4) of the statutes, as affected by 2011 Wisconsin Act  
4 10, is amended to read:

5           111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
6 the name of more than one proposed representative appears on the ballot and results  
7 in no conclusion, the commission may, if requested by any party to the proceeding  
8 within 30 days from the date of the certification of the results of the election, conduct  
9 a runoff election. In that runoff election, the commission shall drop from the ballot  
10 the name of the representative who received the least number of votes at the original  
11 election. The commission shall drop from the ballot the privilege of voting against  
12 any representative if the least number of votes cast at the first election was against  
13 representation by any named representative.”.

14           **64.** Page 983, line 21: delete the material beginning with that line and ending  
15 with page 985, line 8, and substitute:

16           **SECTION 2410ra.** 111.83 (5m) of the statutes is created to read:

17           111.83 (5m) (a) This subsection applies only to a collective bargaining unit  
18 specified in s. 111.825 (2g).

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

22           a. The labor organization demonstrates a showing of interest of at least 3  
23 percent of home care providers included in the collective bargaining unit under s.  
24 111.825 (2g) to be represented by that labor organization.

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

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

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

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

19           (c) If at an election held under par. (b), a majority of home care providers voting  
20 in the collective bargaining unit vote for a single labor organization, the labor  
21 organization shall be the exclusive representative for all home care providers in that  
22 collective bargaining unit. If no single labor organization receives a majority of the  
23 votes cast, the commission may hold one or more runoff elections under sub. (4) until  
24 one labor organization receives a majority of the votes cast.

25           **SECTION 2410rb.** 111.83 (7) of the statutes is created to read:

1           111.83 (7) Notwithstanding subs. (1), (3), and (6) and s. 111.825 (4), if on July  
2 1, 1997, there is a representative recognized or certified to represent the employees  
3 in any of the collective bargaining units specified in s. 111.825 (1) (a) to (e), that  
4 representative shall become the representative of the employees in the  
5 corresponding collective bargaining units specified in s. 111.825 (1m) (a) to (e),  
6 without the necessity of filing a petition or conducting an election, subject to the right  
7 of any person to file a petition under this section during October 1998 or at any  
8 subsequent time when sub. (6) applies.

9           **SECTION 2410rc.** 111.84 (1) (b) of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is amended to read:

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

1 maintain membership in professional or craft organizations; however, as members  
2 of such organizations they shall be prohibited from those activities related to  
3 collective bargaining in which the organizations may engage.

4 **SECTION 2410rd.** 111.84 (1) (d) of the statutes, as affected by 2011 Wisconsin  
5 Act 10, is amended to read:

6 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91  
7 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its  
8 employees in an appropriate collective bargaining unit. Where the employer has a  
9 good faith doubt as to whether a labor organization claiming the support of a majority  
10 of its employees in appropriate collective bargaining unit does in fact have that  
11 support, it may file with the commission a petition requesting an election as to that  
12 claim. It is not deemed to have refused to bargain until an election has been held and  
13 the results thereof certified to it by the commission. A violation of this paragraph  
14 includes, but is not limited to, the refusal to execute a collective bargaining  
15 agreement previously orally agreed upon.

16 **SECTION 2410re.** 111.84 (1) (f) of the statutes, as affected by 2011 Wisconsin Act  
17 10, is amended to read:

18 111.84 (1) (f) To deduct labor organization dues from ~~the~~ an employee's  
19 earnings of a ~~public safety employee~~, unless the employer has been presented with  
20 an individual order therefor, signed by the ~~public safety~~ employee personally, and  
21 terminable by at least the end of any year of its life or earlier by the ~~public safety~~  
22 employee giving at least 30 but not more than 120 days' written notice of such  
23 termination to the employer and to the representative labor organization, except if  
24 there is a fair-share or maintenance of membership agreement in effect. The

1 employer shall give notice to the labor organization of receipt of such notice of  
2 termination.

3 **SECTION 2410rf.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act  
4 10, is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
6 (1) ~~or (3), whichever is appropriate,~~ with the duly authorized officer or agent of the  
7 employer which is the recognized or certified exclusive collective bargaining  
8 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
9 bargaining unit or with the certified exclusive collective bargaining representative  
10 of employees specified in s. 111.81 (7) (b) to ~~(f)~~ (g) in an appropriate collective  
11 bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
12 refusal to execute a collective bargaining agreement previously orally agreed upon.

13 **SECTION 2410rg.** 111.84 (3) of the statutes, as affected by 2011 Wisconsin Act  
14 10, is amended to read:

15 111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
16 on behalf of or in the interest of employers or employees, or in connection with or to  
17 influence the outcome of any controversy as to employment relations, any act  
18 prohibited by ~~sub.~~ subs. (1) ~~or~~ and (2).

19 **SECTION 2410rh.** 111.845 of the statutes, as created by 2011 Wisconsin Act 10,  
20 is repealed.

21 **SECTION 2410ri.** 111.85 (1), (2) and (4) of the statutes, as affected by 2011  
22 Wisconsin Act 10, are amended to read:

23 111.85 (1) (a) No fair-share or maintenance of membership agreement  
24 covering ~~public safety employees~~ may become effective unless authorized by a  
25 referendum. The commission shall order a referendum whenever it receives a



1 petition supported by proof that at least 30% of the ~~public safety~~ employees or  
2 supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a  
3 fair-share or maintenance of membership agreement be entered into between the  
4 employer and a labor organization. A petition may specify that a referendum is  
5 requested on a maintenance of membership agreement only, in which case the ballot  
6 shall be limited to that question.

7 (b) For a fair-share agreement to be authorized, at least two-thirds of the  
8 eligible ~~public safety~~ employees or supervisors voting in a referendum shall vote in  
9 favor of the agreement. For a maintenance of membership agreement to be  
10 authorized, at least a majority of the eligible ~~public safety~~ employees or supervisors  
11 voting in a referendum shall vote in favor of the agreement. In a referendum on a  
12 fair-share agreement, if less than two-thirds but more than one-half of the eligible  
13 ~~public safety~~ employees or supervisors vote in favor of the agreement, a maintenance  
14 of membership agreement is authorized.

15 (c) If a fair-share or maintenance of membership agreement is authorized in  
16 a referendum, the employer shall enter into such an agreement with the labor  
17 organization named on the ballot in the referendum. Each fair-share or  
18 maintenance of membership agreement shall contain a provision requiring the  
19 employer to deduct the amount of dues as certified by the labor organization from the  
20 earnings of the ~~public safety~~ employees or supervisors affected by the agreement and  
21 to pay the amount so deducted to the labor organization. Unless the parties agree  
22 to an earlier date, the agreement shall take effect 60 days after certification by the  
23 commission that the referendum vote authorized the agreement. The employer shall  
24 be held harmless against any claims, demands, suits and other forms of liability  
25 made by ~~public safety~~ employees or supervisors or local labor organizations which

1 may arise for actions taken by the employer in compliance with this section. All such  
2 lawful claims, demands, suits and other forms of liability are the responsibility of the  
3 labor organization entering into the agreement.

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

11 **(2)** (a) Once authorized, a fair-share or maintenance of membership  
12 agreement ~~covering public safety employees~~ shall continue in effect, subject to the  
13 right of the employer or labor organization concerned to petition the commission to  
14 conduct a new referendum. Such petition must be supported by proof that at least  
15 30% of the ~~public safety employees~~ or supervisors in the collective bargaining unit  
16 desire that the fair-share or maintenance of membership agreement be  
17 discontinued. Upon so finding, the commission shall conduct a new referendum. If  
18 the continuance of the fair-share or maintenance of membership agreement is  
19 approved in the referendum by at least the percentage of eligible voting ~~public safety~~  
20 employees or supervisors required for its initial authorization, it shall be continued  
21 in effect, subject to the right of the employer or labor organization to later initiate a  
22 further vote following the procedure prescribed in this subsection. If the  
23 continuation of the agreement is not supported in any referendum, it is deemed  
24 terminated at the termination of the collective bargaining agreement, or one year  
25 from the date of the certification of the result of the referendum, whichever is earlier.

1 (b) The commission shall declare any fair-share or maintenance of  
2 membership agreement suspended upon such conditions and for such time as the  
3 commission decides whenever it finds that the labor organization involved has  
4 refused on the basis of race, color, sexual orientation or creed to receive as a member  
5 any ~~public safety employee~~ or supervisor in the collective bargaining unit involved,  
6 and the agreement shall be made subject to the findings and orders of the  
7 commission. Any of the parties to the agreement, or any ~~public safety employee~~ or  
8 supervisor covered thereby, may come before the commission, as provided in s.  
9 111.07, and petition the commission to make such a finding.

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

13 **SECTION 2410rj.** 111.85 (5) of the statutes is created to read:

14 111.85 (5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair-share or  
15 maintenance of membership agreement in effect in any of the collective bargaining  
16 units specified in s. 111.825 (1) (a) to (e), that fair-share or maintenance of  
17 membership agreement shall apply to the corresponding collective bargaining unit  
18 under s. 111.825 (1m) (a) to (e) without the necessity of filing a petition or conducting  
19 a referendum, subject to the right of the employees in each collective bargaining unit  
20 to file a petition requesting a referendum under sub. (2) (a).

21 **SECTION 2410rL.** 111.90 (2) of the statutes, as affected by 2011 Wisconsin Act  
22 10, is amended to read:

23 111.90 (2) ~~Manage~~ Subject to s. 111.91 (1) (am), manage the employees of a state  
24 agency; hire, promote, transfer, assign or retain employees in positions within the  
25 agency; and in that regard establish reasonable work rules.

1           **SECTION 2410rm.** 111.905 of the statutes is created to read:

2           **111.905 Rights of consumer. (1)** This subchapter does not interfere with the  
3 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,  
4 or discipline home care providers or to set conditions and duties of employment.

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

7           **SECTION 2410rn.** 111.91 (1) (a) of the statutes, as affected by 2011 Wisconsin  
8 Act 10, is amended to read:

9           111.91 **(1)** (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~  
10 ~~bargaining unit under s. 111.825 (1) (g) (e)~~, matters subject to collective bargaining  
11 to the point of impasse are wage rates, consistent with sub. (2), the assignment and  
12 reassignment of classifications to pay ranges, determination of an incumbent's pay  
13 status resulting from position reallocation or reclassification, and pay adjustments  
14 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher  
15 classification or downward reallocations of a classified ~~public safety~~ employee's  
16 position; fringe benefits consistent with sub. (2); hours and conditions of  
17 employment.

18           **SECTION 2410ro.** 111.91 (1) (b) of the statutes, as affected by 2011 Wisconsin  
19 Act 10, is amended to read:

20           111.91 **(1)** (b) The employer is not required to bargain ~~with a collective~~  
21 ~~bargaining unit under s. 111.825 (1) (g)~~ on management rights under s. 111.90, except  
22 that procedures for the adjustment or settlement of grievances or disputes arising  
23 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of  
24 bargaining.

1           **SECTION 2410rp.** 111.91 (1) (c) of the statutes, as affected by 2011 Wisconsin  
2 Act 10, is amended to read:

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

5           **SECTION 2410rq.** 111.91 (1) (cg) of the statutes is created to read:

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

9           **SECTION 2410rr.** 111.91 (1) (cm) of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is amended to read:

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

17           **SECTION 2410rs.** 111.91 (1) (d) of the statutes, as affected by 2011 Wisconsin  
18 Act 10, is amended to read:

19           111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~  
20 ~~demands~~ Demands relating to retirement and group insurance shall be submitted  
21 to the employer at least one year prior to commencement of negotiations.

22           **SECTION 2410rt.** 111.91 (1) (e) of the statutes is created to read:

23           111.91 (1) (e) The employer shall not be required to bargain on matters related  
24 to employee occupancy of houses or other lodging provided by the state.

1           **SECTION 2410ru.** 111.91 (2) (intro.) of the statutes, as affected by 2011  
2 Wisconsin Act 10, is amended to read:

3           111.91 (2) (intro.) The employer is prohibited from bargaining with a collective  
4 bargaining unit under s. 111.825 (1) (g) with respect to all of the following:".

5           **65.** Page 985, line 15: after that line insert:

6           “**SECTION 2425d.** 111.91 (2) (gu) of the statutes, as affected by 2011 Wisconsin  
7 Act 10, is amended to read:

8           111.91 (2) (gu) The right of ~~a public safety employee, who is an employee, as~~  
9 defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,  
10 first responder, or ambulance driver for a volunteer fire department or fire company,  
11 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined  
12 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

13           **SECTION 2425m.** 111.91 (2c) of the statutes is created to read:

14           111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer  
15 is prohibited from bargaining with a collective bargaining unit formed under s.  
16 111.825 (2g) on any of the following:

17           (a) Policies.

18           (b) Work rules.

19           (c) Hours of employment.

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

21           **SECTION 2425q.** 111.91 (3) of the statutes, as created by 2011 Wisconsin Act 10,  
22 is repealed.

23           **SECTION 2425v.** 111.91 (3q) of the statutes, as created by 2011 Wisconsin Act  
24 10, is repealed.”.

1           **66.** Page 986, line 1: delete the material beginning with that line and ending  
2 with page 987, line 17, and substitute:

3           “**SECTION 2426d.** 111.92 (1) (a) of the statutes, as affected by 2011 Wisconsin  
4 Act 10, is amended to read:

5           111.92 (1) (a) Any tentative agreement reached between the office, or, as  
6 provided in s. 111.815 (1), the department of health services, acting for the state, and  
7 any labor organization representing a collective bargaining unit specified in s.  
8 111.825 (1) ~~or, (2) (a) to (d) or (e), or (2g)~~ shall, after official ratification by the labor  
9 organization, be submitted by the office or department of health services to the joint  
10 committee on employment relations, which shall hold a public hearing before  
11 determining its approval or disapproval.

12           4. If the committee approves the a tentative agreement under subd. 1., 2., or  
13 3., it shall introduce in a bill or companion bills, to be put on the calendar or referred  
14 to the appropriate scheduling committee of each house, that portion of the tentative  
15 agreement which requires legislative action for implementation, such as salary and  
16 wage adjustments, changes in fringe benefits, and any proposed amendments,  
17 deletions or additions to existing law. Such bill or companion bills are not subject to  
18 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit  
19 suitable portions of the tentative agreement to appropriate legislative committees  
20 for advisory recommendations on the proposed terms. The committee shall  
21 accompany the introduction of such proposed legislation with a message that informs  
22 the legislature of the committee's concurrence with the matters under consideration  
23 and which recommends the passage of such legislation without change. If the joint  
24 committee on employment relations does not approve the tentative agreement, it

1 shall be returned to the parties for renegotiation. If the legislature does not adopt  
2 without change that portion of the tentative agreement introduced by the joint  
3 committee on employment relations, the tentative agreement shall be returned to  
4 the parties for renegotiation.”.

5 **67.** Page 987, line 24: after that line insert:

6 “**SECTION 2426o.** 111.92 (2m) of the statutes is created to read:

7 111.92 (**2m**) A collective bargaining agreement entered into by a collective  
8 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

9 **SECTION 2426q.** 111.92 (3) (a) of the statutes, as affected by 2011 Wisconsin Act  
10 10, is renumbered 111.92 (3) and amended to read:

11 111.92 (**3**) Agreements covering a collective bargaining unit specified under s.  
12 ~~111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.

13 **SECTION 2426r.** 111.92 (3) (b) of the statutes, as created by 2011 Wisconsin Act  
14 10, is repealed.”.

15 **68.** Page 987, line 25: delete the material beginning with that line and ending  
16 with page 988, line 9, and substitute:

17 “**SECTION 2426s.** 111.93 (3) (intro.) and (a) of the statutes, as affected by 2011  
18 Wisconsin Act 10, are consolidated, renumbered 111.93 (3) and amended to read:

19 111.93 (**3**) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
20 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply: (a) If if a~~  
21 collective bargaining agreement exists between the employer and a labor  
22 organization representing employees in a collective bargaining unit ~~under s. 111.825~~  
23 ~~(1) (g)~~, the provisions of that agreement shall supersede the provisions of civil service  
24 and other applicable statutes, as well as rules and policies of the University of



1 Wisconsin -Madison and the board of regents of the University of Wisconsin System,  
2 related to wages, fringe benefits, hours, and conditions of employment whether or  
3 not the matters contained in those statutes, rules, and policies are set forth in the  
4 collective bargaining agreement.

5 **SECTION 2426sd.** 111.93 (3) (b) of the statutes, as created by 2011 Wisconsin  
6 Act 10, is repealed.”.

7 **69.** Page 988, line 17: after that line insert:

8 “**SECTION 2430d.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes  
9 is created to read:

10 **CHAPTER 111**  
11 **SUBCHAPTER VI**  
12 **UNIVERSITY OF WISCONSIN SYSTEM**  
13 **FACULTY AND ACADEMIC STAFF**  
14 **LABOR RELATIONS**

15 **111.95 Declaration of policy.** The public policy of the state as to labor  
16 relations and collective bargaining involving faculty and academic staff at the  
17 University of Wisconsin System, in furtherance of which this subchapter is enacted,  
18 is as follows:

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

22 (2) It recognizes that there are 3 major interests involved: that of the public,  
23 that of the employee, and that of the employer. These 3 interests are to a considerable

1 extent interrelated. It is the policy of this state to protect and promote each of these  
2 interests with due regard to the rights of the others.

3 **111.96 Definitions.** In this subchapter:

4 (1) "Academic staff" has the meaning given under s. 36.05 (1), but does not  
5 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who  
6 is appointed to a visiting faculty position.

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

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

16 (4) "Collective bargaining unit" means a unit established under s. 111.98 (1).

17 (5) "Commission" means the employment relations commission.

18 (6) "Election" means a proceeding conducted by the commission in which the  
19 employees in a collective bargaining unit cast a secret ballot for collective bargaining  
20 representatives, or for any other purpose specified in this subchapter.

21 (7) "Employee" includes:

22 (a) All faculty, including specifically faculty who are supervisors or  
23 management employees, but not including faculty holding a limited appointment  
24 under s. 36.17 or deans.

1 (b) All academic staff, except for supervisors, management employees, and  
2 individuals who are privy to confidential matters affecting the employer-employee  
3 relationship.

4 (8) "Employer" means the state of Wisconsin.

5 (9) "Faculty" has the meaning given in s. 36.05 (8), except for an individual  
6 holding an appointment under s. 36.15.

7 (10) "Fair-share agreement" means an agreement between the employer and  
8 a labor organization representing employees under which all of the employees in a  
9 collective bargaining unit are required to pay their proportionate share of the cost  
10 of the collective bargaining process and contract administration measured by the  
11 amount of dues uniformly required of all members.

12 (11) "Institution" has the meaning given in s. 36.05 (9).

13 (12) "Labor dispute" means any controversy with respect to the subjects of  
14 bargaining provided in this subchapter.

15 (13) "Labor organization" means any employee organization whose purpose is  
16 to represent employees in collective bargaining with the employer, or its agents, on  
17 matters pertaining to terms and conditions of employment, but does not include any  
18 organization that does any of the following:

19 (a) Advocates the overthrow of the constitutional form of government in the  
20 United States.

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

23 (14) "Maintenance of membership agreement" means an agreement between  
24 the employer and a labor organization representing employees that requires that all  
25 of the employees whose dues are being deducted from earnings under s. 20.921 (1)

1 or 111.992 at or after the time the agreement takes effect shall continue to have dues  
2 deducted for the duration of the agreement and that dues shall be deducted from the  
3 earnings of all employees who are hired on or after the effective date of the  
4 agreement.

5 (15) "Management employees" includes those personnel engaged  
6 predominately in executive and managerial functions.

7 (16) "Office" means the office of state employment relations in the department  
8 of administration.

9 (17) "Referendum" means a proceeding conducted by the commission in which  
10 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit  
11 may cast a secret ballot on the question of directing the labor organization and the  
12 employer to enter into a fair-share agreement or to terminate a fair-share  
13 agreement.

14 (18) "Representative" includes any person chosen by an employee to represent  
15 the employee.

16 (19) "Strike" includes any strike or other concerted stoppage of work by  
17 employees, any concerted slowdown or other concerted interruption of operations or  
18 services by employees, or any concerted refusal to work or perform their usual duties  
19 as employees of the state.

20 (20) "Supervisor" means any individual whose principal work is different from  
21 that of the individual's subordinates and who has authority, in the interest of the  
22 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,  
23 reward, or discipline employees, or to adjust their grievances, or to authoritatively  
24 recommend such action, if the individual's exercise of such authority is not of a  
25 merely routine or clerical nature, but requires the use of independent judgment.

1           **(21)** “Unfair labor practice” means any unfair labor practice specified in s.  
2 111.991.

3           **111.965 Duties of the state. (1)** In the furtherance of this subchapter, the  
4 state shall be considered as a single employer. The board shall negotiate and  
5 administer collective bargaining agreements. To coordinate the employer position  
6 in the negotiation of agreements, the board shall maintain close liaison with the  
7 office relative to the negotiation of agreements and the fiscal ramifications of those  
8 agreements. The board shall coordinate its collective bargaining activities with the  
9 office. The legislative branch shall act upon those portions of tentative agreements  
10 negotiated by the board that require legislative action.

11           **(2)** The board shall establish a collective bargaining capacity and shall  
12 represent the state in its responsibility as an employer under this subchapter. The  
13 board shall coordinate its actions with the director of the office.

14           **111.97 Rights of employees.** Employees shall have the right of  
15 self-organization and the right to form, join, or assist labor organizations, to bargain  
16 collectively through representatives of their own choosing under this subchapter,  
17 and to engage in lawful, concerted activities for the purpose of collective bargaining  
18 or other mutual aid or protection. Employees shall also have the right to refrain from  
19 any such activities.

20           **111.98 Collective bargaining units. (1)** Collective bargaining units for  
21 faculty and staff in the unclassified service of the state shall be structured with a  
22 collective bargaining unit for each of the following groups:

- 23           (a) Faculty of the University of Wisconsin-Madison.  
24           (b) Faculty of the University of Wisconsin-Milwaukee.  
25           (c) Faculty of the University of Wisconsin-Extension.

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

1 (q) Academic staff of the University of Wisconsin-Superior.

2 (qm) Academic staff of the University of Wisconsin-Whitewater.

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

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

18 (b) If 2 or more collective bargaining units have combined under par. (a), the  
19 commission shall, upon petition of at least 30 percent of the employees in any of the  
20 original units, hold an election of the employees in the original unit to determine  
21 whether the employees in that unit desire to withdraw from the combined collective  
22 bargaining unit. If a majority of the employees voting desire to withdraw from the  
23 combined collective bargaining unit, separate units consisting of the unit in which  
24 the election was held and a unit composed of the remainder of the combined unit shall  
25 be formed. The new collective bargaining units shall be formed immediately if there

1 is no collective bargaining agreement in force for the combined unit. If there is a  
2 collective bargaining agreement in force for the combined collective bargaining unit,  
3 the new units shall be formed upon the expiration of the agreement. While there is  
4 a collective bargaining agreement in force for the combined collective bargaining  
5 unit, a petition for an election under this paragraph may be filed only during October  
6 in the calendar year prior to the expiration of the agreement.

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

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

24 **111.990 Representatives and elections.** (1) A representative chosen for the  
25 purposes of collective bargaining by a majority of the employees voting in a collective



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

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

22 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit  
23 composed of employees who are members of the faculty or academic staff, whenever  
24 more than one representative qualifies to appear on the ballot, the ballot shall be so  
25 prepared as to provide separate votes on 2 questions. The first question shall be:

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

11 2. For elections in a collective bargaining unit composed of employees who are  
12 members of the faculty or academic staff, whenever more than one representative  
13 qualifies to appear on the ballot and a question of whether to combine collective  
14 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,  
15 the ballot shall be so prepared as to provide separate votes on 3 questions and each  
16 ballot shall identify the collective bargaining unit to which each voter currently  
17 belongs. The first question shall be: “Shall the employees of the .... (name of the  
18 voter’s current collective bargaining unit) participate in collective bargaining?” The  
19 2nd question shall be “Shall the employees of the .... (names of all of the collective  
20 bargaining units that qualify to appear on the ballot, including the name of the  
21 voter’s current collective bargaining unit) combine to participate in collective  
22 bargaining?” The 3rd question shall be: “If the employees of the .... (name of the  
23 voter’s current collective bargaining unit) elect to participate in collective  
24 bargaining, which labor organization do you favor to act as representative of the  
25 employees?” The 3rd question shall not include a choice for no representative. All

1 employees in the collective bargaining unit may vote on all questions. Unless a  
2 majority of those employees voting in the election vote to participate in collective  
3 bargaining, no votes for combination or for a particular representative may be  
4 counted. If a majority of those employees voting in the election vote to participate  
5 in collective bargaining, the ballots for combination shall be counted. If the ballots  
6 for combination are counted and a majority of those employees voting from each  
7 collective bargaining unit listed in the 2nd question on the ballot vote to combine,  
8 then the ballots for representatives of the combined collective bargaining unit shall  
9 be counted. If the ballots for combination are counted and a majority of those  
10 employees voting from each collective bargaining unit listed in the 2nd question on  
11 the ballot do not vote to combine, then the ballots for representatives of each current  
12 collective bargaining unit shall be counted.

13 (c) The commission's certification of the results of any election is conclusive as  
14 to the findings included therein unless reviewed under s. 111.07 (8).

15 **(3)** Whenever an election has been conducted under sub. (2) in which the ballots  
16 for representatives have been counted but in which no named representative is  
17 favored by a majority of the employees voting, the commission may, if requested by  
18 a party to the proceeding within 30 days from the date of the certification of the  
19 results of the election, conduct a runoff election. In that runoff election, the  
20 commission shall drop from the ballot the name of the representative who received  
21 the least number of votes at the original election.

22 **(4)** While a collective bargaining agreement between a labor organization and  
23 an employer is in force under this subchapter, a petition for an election in the  
24 collective bargaining unit to which the agreement applies may be filed only during  
25 October in the calendar year prior to the expiration of that agreement. An election

1 held under that petition may be held only if the petition is supported by proof that  
2 at least 30 percent of the employees in the collective bargaining unit desire a change  
3 or discontinuance of existing representation. Within 60 days of the time that an  
4 original petition is filed, another petition may be filed supported by proof that at least  
5 10 percent of the employees in the same collective bargaining unit desire a different  
6 representative. If a majority of the employees in the collective bargaining unit vote  
7 for a change or discontinuance of representation by any named representative, the  
8 decision takes effect upon expiration of any existing collective bargaining agreement  
9 between the employer and the existing representative.

10 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an  
11 employer individually or in concert with others:

12 (a) To interfere with, restrain, or coerce employees in the exercise of their rights  
13 guaranteed under s. 111.97.

14 (b) Except as otherwise provided in this paragraph, to initiate, create,  
15 dominate, or interfere with the formation or administration of any labor or employee  
16 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)  
17 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement  
18 System under ch. 40 and no action by the employer that is authorized by such a law  
19 is a violation of this paragraph unless an applicable collective bargaining agreement  
20 specifically prohibits the change or action. No such change or action affects the  
21 continuing duty to bargain collectively regarding the Wisconsin Retirement System  
22 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice  
23 for the employer to reimburse an employee at his or her prevailing wage rate for the  
24 time spent during the employee's regularly scheduled hours conferring with the

1 employer's officers or agents and for attendance at commission or court hearings  
2 necessary for the administration of this subchapter.

3 (c) To encourage or discourage membership in any labor organization by  
4 discrimination in regard to hiring, tenure, or other terms or conditions of  
5 employment. This paragraph does not apply to fair-share or maintenance of  
6 membership agreements.

7 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a  
8 representative of a majority of its employees in an appropriate collective bargaining  
9 unit. Whenever the employer has a good faith doubt as to whether a labor  
10 organization claiming the support of a majority of its employees in an appropriate  
11 collective bargaining unit does in fact have that support, it may file with the  
12 commission a petition requesting an election as to that claim. The employer is not  
13 considered to have refused to bargain until an election has been held and the results  
14 of the election are certified to the employer by the commission. A violation of this  
15 paragraph includes the refusal to execute a collective bargaining agreement  
16 previously orally agreed upon.

17 (e) To violate any collective bargaining agreement previously agreed upon by  
18 the parties with respect to wages, hours, and conditions of employment affecting the  
19 employees, including an agreement to arbitrate or to accept the terms of an  
20 arbitration award, when previously the parties have agreed to accept such award as  
21 final and binding upon them.

22 (f) To deduct labor organization dues from an employee's earnings, unless the  
23 employer has been presented with an individual order therefor, signed by the  
24 employee personally, and terminable by at least the end of any year of its life or  
25 earlier by the employee giving at least 30 but not more than 120 days' written notice

1 of such termination to the employer and to the representative labor organization,  
2 except if there is a fair-share or maintenance of membership agreement in effect.  
3 The employer shall give notice to the labor organization of receipt of such notice of  
4 termination.

5 (g) To use any moneys received for any purpose to discourage, to train any  
6 supervisor, management employee, or other employee to discourage, or to contract  
7 with any person for the purposes of discouraging, employees in the exercise of their  
8 rights guaranteed under s. 111.97.

9 (1m) Notwithstanding sub. (1), it is not an unfair labor practice for the board  
10 to implement changes in salaries or conditions of employment for members of the  
11 faculty or academic staff at one institution, and not for other members of the faculty  
12 or academic staff at another institution, but this may be done only if the differential  
13 treatment is based on comparisons with the compensation and working conditions  
14 of employees performing similar services for comparable higher education  
15 institutions or based upon other competitive factors.

16 (2) It is unfair practice for an employee individually or in concert with others:

17 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal  
18 rights, including those guaranteed under s. 111.97.

19 (b) To coerce, intimidate, or induce any officer or agent of the employer to  
20 interfere with any of the employer's employees in the enjoyment of their legal rights  
21 including those guaranteed under s. 111.97 or to engage in any practice with regard  
22 to its employees which would constitute an unfair labor practice if undertaken by the  
23 officer or agent on the officer's or agent's own initiative.

24 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the  
25 authorized officer or agent of the employer that is the recognized or certified

1 exclusive collective bargaining representative of employees in an appropriate  
2 collective bargaining unit. Such refusal to bargain shall include a refusal to execute  
3 a collective bargaining agreement previously orally agreed upon.

4 (d) To violate the provisions of any written agreement with respect to terms and  
5 conditions of employment affecting employees, including an agreement to arbitrate  
6 or to accept the terms of an arbitration award, when previously the parties have  
7 agreed to accept such awards as final and binding upon them.

8 (e) To engage in, induce, or encourage any employees to engage in a strike or  
9 a concerted refusal to work or perform their usual duties as employees.

10 (f) To coerce or intimidate a supervisory employee, officer, or agent of the  
11 employer, working at the same trade or profession as the employer's employees, to  
12 induce the person to become a member of or act in concert with the labor organization  
13 of which the employee is a member.

14 **(3)** It is an unfair labor practice for any person to do or cause to be done on  
15 behalf of or in the interest of employers or employees, or in connection with or to  
16 influence the outcome of any controversy as to employment relations, any act  
17 prohibited by subs. (1) and (2).

18 **(3m)** This section does not interfere with a faculty member's right of academic  
19 freedom.

20 **(4)** Any controversy concerning unfair labor practices may be submitted to the  
21 commission as provided in s. 111.07, except that the commission shall schedule a  
22 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after  
23 filing of a complaint, and notice shall be given to each party interested by service on  
24 the party personally, or by telegram, advising the party of the nature of the complaint  
25 and of the date, time, and place of hearing. The commission may appoint a substitute

1 tribunal to hear unfair labor practice charges by either appointing a 3-member panel  
2 or submitting a 7-member panel to the parties and allowing each to strike 2 names.  
3 Any such panel shall report its finding to the commission for appropriate action.

4 **111.992 Fair-share and maintenance of membership agreements. (1)**

5 (a) 1. No fair-share agreement may become effective unless authorized by a  
6 referendum. The commission shall order a referendum whenever it receives a  
7 petition supported by proof that at least 30 percent of the employees or supervisors  
8 specified in s. 111.98 (5) in a collective bargaining unit desire that a fair-share  
9 agreement be entered into between the employer and a labor organization.

10 2. For a fair-share agreement to be authorized, at least a majority of the eligible  
11 employees or supervisors voting in a referendum shall vote in favor of the agreement.

12 (b) No maintenance of membership agreement may be effective unless  
13 authorized. For a maintenance of membership agreement to be authorized, the  
14 employer and the labor organization representing the employees must voluntarily  
15 agree to establish the maintenance of membership agreement.

16 (c) If a fair-share agreement is authorized in a referendum, the employer shall  
17 enter into a fair-share agreement with the labor organization named on the ballot  
18 in the referendum. If a maintenance of membership agreement is authorized under  
19 par. (b), the employer shall enter into the maintenance of membership agreement  
20 with the labor union that voluntarily agreed to establish the agreement. Each  
21 fair-share or maintenance of membership agreement shall contain a provision  
22 requiring the employer to deduct the amount of dues as certified by the labor  
23 organization from the earnings of the employees or supervisors affected by the  
24 agreement and to pay the amount so deducted to the labor organization. Unless the  
25 parties agree to an earlier date, a fair-share agreement shall take effect 60 days after



1 the commission certifies that the referendum vote authorized the fair-share  
2 agreement and a maintenance of membership agreement shall take effect 60 days  
3 after the commission certifies that the parties have voluntarily agreed to establish  
4 the maintenance of membership agreement. The employer shall be held harmless  
5 against any claims, demands, suits, and other forms of liability made by employees  
6 or supervisors or local labor organizations which may arise for actions taken by the  
7 employer in compliance with this section. All such lawful claims, demands, suits,  
8 and other forms of liability are the responsibility of the labor organization entering  
9 into the agreement.

10 (d) Under each fair-share or maintenance of membership agreement, an  
11 employee or supervisor who has religious convictions against dues payments to a  
12 labor organization based on teachings or tenets of a church or religious body of which  
13 he or she is a member shall, on request to the labor organization, have his or her dues  
14 paid to a charity mutually agreed upon by the employee or supervisor and the labor  
15 organization. Any dispute concerning this paragraph may be submitted to the  
16 commission for adjudication.

17 **(2)** (a) 1. Once authorized, a fair-share agreement shall continue in effect,  
18 subject to the right of the employer or labor organization concerned to petition the  
19 commission to conduct a new referendum. Such a petition must be supported by  
20 proof that at least 30 percent of the employees or supervisors in the collective  
21 bargaining unit desire that the fair-share agreement be discontinued. Upon so  
22 finding, the commission shall conduct a new referendum. If the continuance of the  
23 fair-share agreement is approved in the referendum by at least the percentage of  
24 eligible voting employees or supervisors required for its initial authorization, it shall  
25 be continued in effect, subject to the right of the employer or labor organization to

1 later initiate a further vote following the procedure prescribed in this subsection. If  
2 the continuance of the fair-share agreement is not supported in any referendum, it  
3 is considered terminated at the termination of the collective bargaining agreement,  
4 or one year from the date of the certification of the result of the referendum,  
5 whichever is earlier.

6 2. Once authorized, a maintenance of membership agreement shall continue  
7 in effect, subject to the right of the employer or the labor organization concerned to  
8 notify the commission that it no longer voluntarily agrees to continue the agreement.  
9 After the commission is notified, the maintenance of membership agreement is  
10 terminated at the termination of the collective bargaining agreement or one year  
11 from the notification, whichever is earlier.

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

21 (3) A stipulation for a referendum executed by an employer and a labor  
22 organization may not be filed until after the representation election has been held  
23 and the results certified.

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

4           **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the  
5 interpretation of a collective bargaining agreement may agree in writing to have the  
6 commission or any other appointing state agency serve as arbitrator or may  
7 designate any other competent, impartial, and disinterested persons to so serve.  
8 Such arbitration proceedings shall be governed by ch. 788.

9           (2) The board shall charge an institution for the employer's share of the cost  
10 related to grievance arbitration under sub. (1) for any arbitration that involves one  
11 or more employees of the institution. Each institution so charged shall pay the  
12 amount that the board charges from the appropriation account or accounts used to  
13 pay the salary of the grievant. Funds received under this subsection shall be credited  
14 to the appropriation account under s. 20.545 (1) (km).

15           **111.994 Mediation.** The commission may appoint any competent, impartial,  
16 disinterested person to act as mediator in any labor dispute either upon its own  
17 initiative or upon the joint request of both parties to the dispute. It is the function  
18 of a mediator to bring the parties together voluntarily under such favorable auspices  
19 as will tend to effectuate settlement of the dispute, but neither the mediator nor the  
20 commission shall have any power of compulsion in mediation proceedings.

21           **111.995 Fact-finding.** (1) If a dispute has not been settled after a reasonable  
22 period of negotiation and after the settlement procedures, if any, established by the  
23 parties have been exhausted, the representative that has been certified by the  
24 commission after an election, as the exclusive representative of employees in an  
25 appropriate bargaining unit, and the employer, its officers, and agents, after a

1 reasonable period of negotiation, are deadlocked with respect to any dispute between  
2 them arising in the collective bargaining process, either party, or the parties jointly,  
3 may petition the commission, in writing, to initiate fact-finding under this section,  
4 and to make recommendations to resolve the deadlock.

5 (2) Upon receipt of a petition to initiate fact-finding, the commission shall  
6 make an investigation with or without a formal hearing, to determine whether a  
7 deadlock in fact exists. The commission shall certify the results of the investigation.  
8 If the commission decides that fact-finding should be initiated, it shall appoint a  
9 qualified, disinterested person or, when jointly requested by the parties, a 3-member  
10 panel to function as a fact finder.

11 (3) The fact finder may establish dates and place of hearings and shall conduct  
12 the hearings under rules established by the commission. Upon request, the  
13 commission shall issue subpoenas for hearings conducted by the fact finder. The fact  
14 finder may administer oaths. Upon completion of the hearing, the fact finder shall  
15 make written findings of fact and recommendations for solution of the dispute and  
16 shall cause the same to be served on the parties and the commission. In making  
17 findings and recommendations, the fact finder shall take into consideration among  
18 other pertinent factors the principles vital to the public interest in efficient and  
19 economical governmental administration. Upon the request of either party, the fact  
20 finder may orally present the recommendations in advance of service of the written  
21 findings and recommendations. Cost of fact-finding proceedings shall be divided  
22 equally between the parties. At the time the fact finder submits a statement of his  
23 or her costs to the parties, the fact finder shall submit a copy thereof to the  
24 commission at its Madison office.

1           (4) A fact finder may mediate a dispute at any time prior to the issuance of the  
2 fact finder's recommendations.

3           (5) Within 30 days of the receipt of the fact finder's recommendations or within  
4 a time period mutually agreed upon by the parties, each party shall advise the other,  
5 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact  
6 finder's recommendations and, at the same time, send a copy of the notification to  
7 the commission at its Madison office. Failure to comply with this subsection, by the  
8 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

9           **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,  
10 the employer may either seek an injunction or file an unfair labor practice charge  
11 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the  
12 board to decide whether to seek an injunction or file an unfair labor practice charge.  
13 The existence of an administrative remedy does not constitute grounds for denial of  
14 injunctive relief.

15           (2) The occurrence of a strike and the participation in the strike by an employee  
16 do not affect the rights of the employer, in law or in equity, to deal with the strike,  
17 including all of the following:

18           (a) The right to impose discipline, including discharge, or suspension without  
19 pay, of any employee participating in the strike.

20           (b) The right to cancel the reinstatement eligibility of any employee engaging  
21 in the strike.

22           (c) The right of the employer to request the imposition of fines, either against  
23 the labor organization or the employee engaging in the strike, or to sue for damages  
24 because of such strike activity.

1           **111.997 Management rights.** Nothing in this subchapter shall interfere with  
2 the right of the board, in accordance with this subchapter, to do any of the following:

3           (1) Carry out the statutory mandate and goals assigned to the board by the  
4 most appropriate and efficient methods and means and utilize personnel in the most  
5 appropriate and efficient manner possible.

6           (2) Suspend, demote, discharge, or take other appropriate disciplinary action  
7 against the employee; or to lay off employees in the event of lack of work or funds or  
8 under conditions where continuation of such work would be inefficient and  
9 nonproductive.

10           **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to  
11 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe  
12 benefits consistent with sub. (2); and hours and conditions of employment.

13           (b) The board is not required to bargain on management rights under s.  
14 111.997, except that procedures for the adjustment or settlement of grievances or  
15 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of  
16 bargaining.

17           (c) The board is prohibited from bargaining on matters contained in sub. (2).

18           (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)  
19 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all  
20 actions of the board that are authorized under any such law which apply to  
21 nonrepresented individuals employed by the state shall apply to similarly situated  
22 employees, unless otherwise specifically provided in a collective bargaining  
23 agreement that applies to those employees.

24           (e) Demands relating to retirement and group insurance shall be submitted to  
25 the board at least one year prior to commencement of negotiations.

1 (f) The board is not required to bargain on matters related to employee  
2 occupancy of houses or other lodging provided by the state.

3 (2) The board is prohibited from bargaining on:

4 (a) The mission and goals of the board as set forth in the statutes; the  
5 diminution of the right of tenure provided the faculty under s. 36.13, the rights  
6 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the  
7 rights of appointment provided academic staff under s. 36.15; or academic freedom.

8 (b) Amendments to this subchapter.

9 (c) Family leave and medical leave rights below the minimum afforded under  
10 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights  
11 to family leave or medical leave which are more generous to the employee than the  
12 rights provided under s. 103.10.

13 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)  
14 3.

15 (e) The rights of employees to have retirement benefits computed under s.  
16 40.30.

17 (f) Honesty testing requirements that provide fewer rights and remedies to  
18 employees than are provided under s. 111.37.

19 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

20 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)  
21 to (8) and (10), 632.747, and 632.748.

22 (j) Compliance with the insurance requirements under s. 631.95.

23 (k) The definition of earnings under s. 40.02 (22).

24 (L) The maximum benefit limitations under s. 40.31

25 (m) The limitations on contributions under s. 40.32.

1 (n) The provision to employees of the health insurance coverage required under  
2 s. 632.895 (11) to (14).

3 (o) The requirements related to coverage of and prior authorization for  
4 treatment of an emergency medical condition under s. 632.85.

5 (p) The requirements related to coverage of drugs and devices under s. 632.853.

6 (q) The requirements related to experimental treatment under s. 632.855.

7 (r) The requirements under s. 609.10 related to offering a point-of-service  
8 option plan.

9 (s) The requirements related to internal grievance procedures under s. 632.83  
10 and independent review of certain health benefit plan determinations under s.  
11 632.835.

12 (3) Upon request, the chancellor at each institution, or his or her designee,  
13 shall meet and confer with the collective bargaining representative, if any, with  
14 regard to any issue that is a permissive subject of bargaining, except when the issue  
15 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

16 **111.999 Labor proposals.** The board shall notify and consult with the joint  
17 committee on employment relations, in such form and detail as the committee  
18 requests, regarding substantial changes in wages, employee benefits, personnel  
19 management, and program policy contract provisions to be included in any contract  
20 proposal to be offered to any labor organization by the state or to be agreed to by the  
21 state before such proposal is actually offered or accepted.

22 **111.9991 Agreements. (1)** Any tentative agreement reached between the  
23 board, acting for the state, and any labor organization representing a collective  
24 bargaining unit specified in s. 111.98 shall, after official ratification by the labor  
25 organization, be submitted by the board to the joint committee on employment



1 relations, which shall hold a public hearing before determining its approval or  
2 disapproval. If the committee approves the tentative agreement, it shall introduce  
3 in a bill or companion bills, to be put on the calendar or referred to the appropriate  
4 scheduling committee of each house, that portion of the tentative agreement which  
5 requires legislative action for implementation, such as salary and wage adjustments,  
6 changes in fringe benefits, and any proposed amendments, deletions, or additions to  
7 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)  
8 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of  
9 the tentative agreement to appropriate legislative committees for advisory  
10 recommendations on the proposed terms. The committee shall accompany the  
11 introduction of such proposed legislation with a message that informs the legislature  
12 of the committee's concurrence with the matters under consideration and that  
13 recommends the passage of such legislation without change. If the joint committee  
14 on employment relations does not approve the tentative agreement, it shall be  
15 returned to the parties for renegotiation. If the legislature does not adopt without  
16 change that portion of the tentative agreement introduced by the joint committee on  
17 employment relations, the tentative agreement shall be returned to the parties for  
18 renegotiation.

19 (2) No portion of any tentative agreement shall become effective separately.

20 (3) Agreements shall coincide with the fiscal year or biennium.

21 (4) The negotiation of collective bargaining agreements and their approval by  
22 the parties should coincide with the overall fiscal planning and processes of the state.

23 (5) All compensation adjustments for employees shall be effective on the  
24 beginning date of the pay period nearest the statutory or administrative date.

1           **111.9992 Status of existing benefits and rights.** Unless a prohibited  
2 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),  
3 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules  
4 governing the salaries, fringe benefits, hours, and conditions of employment apply  
5 to each employee, unless otherwise provided in a collective bargaining agreement.

6           **111.9993 Rules, transcripts, fees. (1)** The commission may adopt  
7 reasonable and proper rules relative to the exercise of its powers and authority and  
8 proper rules to govern its proceedings and to regulate the conduct of all elections and  
9 hearings under this subchapter. The commission shall, upon request, provide a  
10 transcript of a proceeding to any party to the proceeding for a fee, established by rule,  
11 by the commission at a uniform rate per page. All transcript fees shall be credited  
12 to the appropriation account under s. 20.425 (1) (i).

13           **(2)** The commission shall assess and collect a filing fee for filing a complaint  
14 alleging that an unfair labor practice has been committed under s. 111.991. The  
15 commission shall assess and collect a filing fee for filing a request that the  
16 commission act as an arbitrator to resolve a dispute involving the interpretation or  
17 application of a collective bargaining agreement under s. 111.993. The commission  
18 shall assess and collect a filing fee for filing a request that the commission initiate  
19 fact-finding under s. 111.995. The commission shall assess and collect a filing fee  
20 for filing a request that the commission act as a mediator under s. 111.994. For the  
21 performance of commission actions under ss. 111.993, 111.994, and 111.995, the  
22 commission shall require that the parties to the dispute equally share in the payment  
23 of the fee and, for the performance of commission actions involving a complaint  
24 alleging that an unfair labor practice has been committed under s. 111.991, the  
25 commission shall require that the party filing the complaint pay the entire fee. If any

1 party has paid a filing fee requesting the commission to act as a mediator for a labor  
2 dispute and the parties do not enter into a voluntary settlement of the labor dispute,  
3 the commission may not subsequently assess or collect a filing fee to initiate  
4 fact-finding to resolve the same labor dispute. If any request concerns issues arising  
5 as a result of more than one unrelated event or occurrence, each such separate event  
6 or occurrence shall be treated as a separate request. The commission shall  
7 promulgate rules establishing a schedule of filing fees to be paid under this  
8 subsection. Fees required to be paid under this subsection shall be paid at the time  
9 of filing the complaint or the request for fact-finding, mediation, or arbitration. A  
10 complaint or request for fact-finding, mediation, or arbitration is not filed until the  
11 date such fee or fees are paid. Fees collected under this subsection shall be credited  
12 to the appropriation account under s. 20.425 (1) (i).”

13 **70.** Page 995, line 7: after that line insert:

14 “**SECTION 2484c.** 118.22 (4) of the statutes is created to read:

15 118.22 (4) A collective bargaining agreement may modify, waive, or replace any  
16 of the provisions of this section as they apply to teachers in the collective bargaining  
17 unit, but neither the employer nor the bargaining agent for the employees is required  
18 to bargain such modification, waiver, or replacement.

19 **SECTION 2484e.** 118.223 of the statutes, as created by 2011 Wisconsin Act 10,  
20 is repealed.

21 **SECTION 2484g.** 118.23 (5) of the statutes is created to read:

22 118.23 (5) A collective bargaining agreement may modify, waive, or replace any  
23 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 2484k.** 118.245 of the statutes, as created by 2011 Wisconsin Act 10,  
4 is repealed.”.

5 **71.** Page 1001, line 5: after that line insert:

6 “**SECTION 2494d.** 118.40 (2r) (b) 3. a. of the statutes, as affected by 2011  
7 Wisconsin Act 10, is amended to read:

8 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the  
9 board of regents’ authority to establish and adjust all compensation and fringe  
10 benefits of instructional staff, subject to the terms of any collective bargaining  
11 agreement under subch. V of ch. 111 that covers the instructional staff. In the  
12 absence of a collective bargaining agreement, the governing board may establish and  
13 adjust all compensation and fringe benefits of the instructional staff only with the  
14 approval of the chancellor of the University of Wisconsin–Parkside.”.

15 **72.** Page 1002, line 19: after that line insert:

16 “**SECTION 2507ad.** 118.42 (3) (a) 4. of the statutes, as affected by 2011 Wisconsin  
17 Act 10, is amended to read:

18 118.42 (3) (a) 4. Implement changes in administrative and personnel  
19 structures that are consistent with applicable collective bargaining agreements.

20 **SECTION 2507ag.** 118.42 (5) of the statutes, as affected by 2011 Wisconsin Act  
21 10, 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.”.

1           **73.** Page 1045, line 18: delete the material beginning with that line and  
2 ending with page 1046, line 3, and substitute:

3           “**SECTION 2533g.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act  
4 10, is amended to read:

5           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
7 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), ~~115.445~~, 115.45, 118.001 to 118.04, 118.045,  
8 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
9 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, ~~118.223~~,  
10 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258, 118.291,  
11 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (~~4m~~), (5), and (15) to (27),  
12 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and  
13 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district  
14 and board.”

15           **74.** Page 1057, line 6: after that line insert:

16           “**SECTION 2560g.** 120.12 (4m) of the statutes, as created by 2011 Wisconsin Act  
17 10, is repealed.

18           **SECTION 2560m.** 120.12 (15) of the statutes, as affected by 2011 Wisconsin Act  
19 10, is amended to read:

20           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
21 school day. The school board may differentiate between the various elementary and  
22 high school grades in scheduling the school day. The equivalent of 180 such days, as  
23 defined in s. 115.01 (10), shall be held during the school term. This subsection does  
24 not eliminate a school district’s duty to bargain with the employee’s collective

1 bargaining representative over any calendaring proposal that is primarily related to  
2 wages, hours, or conditions of employment.

3 **SECTION 2560r.** 120.18 (1) (gm) of the statutes, as affected by 2011 Wisconsin  
4 Act 10, is amended to read:

5 120.18 (1) (gm) Payroll and related benefit costs for all school district  
6 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees  
7 shall be based upon the costs of wages of any collective bargaining agreements  
8 covering such employees for the previous school year. If, as of the time specified by  
9 the department for filing the report, the school district has not entered into a  
10 collective bargaining agreement for any portion of the previous school year with the  
11 recognized or certified representative of any of its employees and the school district  
12 and the representative have been required to submit final offers under s. 111.70 (4)  
13 (cm) 6., increased costs of wages limited to the lower of the school district's offer or  
14 the representative's offer shall be reflected in the report shall be equal to the  
15 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
16 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
17 reflect any change in such costs as a result of any collective bargaining agreement  
18 entered into award or settlement under s. 111.70 (4) (cm) 6. between the date of filing  
19 the report and October 1. Any such amendment shall be concurred in by the certified  
20 public accountant licensed or certified under ch. 442 certifying the school district  
21 audit."

22 **75.** Page 1146, line 3: after that line insert:

23 "SECTION 2751d. 230.01 (3) of the statutes, as affected by 2011 Wisconsin Act  
24 10, is amended to read:

1           230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
2 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.”.

3           **76.** Page 1146, line 4: delete lines 4 to 15 and substitute:

4           “**SECTION 2751e.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act  
5 10, is amended to read:

6           230.03 (3) “Agency” means any board, commission, committee, council, or  
7 department in state government or a unit thereof created by the constitution or  
8 statutes if such board, commission, committee, council, department, unit, or the  
9 head thereof, is authorized to appoint subordinate staff by the constitution or  
10 statute, except the Board of Regents of the University of Wisconsin System, a  
11 legislative or judicial board, commission, committee, council, department, or unit  
12 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or  
13 under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279. “Agency” does not mean any  
14 local unit of government or body within one or more local units of government that  
15 is created by law or by action of one or more local units of government.”.

16           **77.** Page 1147, line 2: after that line insert:

17           “**SECTION 2751md.** 230.046 (10) (a) of the statutes, as affected by 2011  
18 Wisconsin Act 10, is amended to read:

19           230.046 (10) (a) Conduct off-the-job employee development and training  
20 programs relating to functions under this chapter or subch. V or VI of ch. 111.”.

21           **78.** Page 1149, line 20: after that line insert:

22           “**SECTION 2763pm.** 230.10 (1) of the statutes, as affected by 2011 Wisconsin Act  
23 10, is amended to read:

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

8           **79.** Page 1153, line 9: delete lines 9 to 19 and substitute:

9           “**SECTION 2766g.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is amended to read:

11           230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
12 status in class in the classified service and all employees who have served with the  
13 state as an assistant district attorney for a continuous period of 12 months or more,  
14 except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit  
15 for which a representative is recognized or certified, or for employees specified in s.  
16 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is  
17 certified, if a collective bargaining agreement is in effect covering employees in the  
18 collective bargaining unit, the provisions of the collective bargaining agreement  
19 govern just cause and all aspects of the appeal procedure.

20           **SECTION 2766j.** 230.35 (1s) of the statutes, as affected by 2011 Wisconsin Act  
21 10, is amended to read:

22           230.35 (1s) Annual leave of absence with pay for instructional staff employed  
23 by the board of regents of the University of Wisconsin System who provide services  
24 for a charter school established by contract under s. 118.40 (2r) (cm) shall be



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

5 **SECTION 2766k.** 230.35 (2d) (e) of the statutes, as affected by 2011 Wisconsin  
6 Act 10, 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 2766m.** 230.35 (3) (e) 6. of the statutes, as affected by 2011 Wisconsin  
12 Act 10, is amended to read:

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

17 **80.** Page 1153, line 24: after that line insert:

18 “**SECTION 2767q.** 230.88 (2) (b) of the statutes, as affected by 2011 Wisconsin  
19 Act 10, is amended to read:

20 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an  
21 employee under this subchapter. However, nothing in this subchapter affects any  
22 right of an employee to pursue a grievance procedure under a collective bargaining  
23 agreement under subch. V or VI of ch. 111, and if the division of equal rights  
24 determines that a grievance arising under such a collective bargaining agreement

1 involves the same parties and matters as a complaint under s. 230.85, it shall order  
2 the arbitrator's final award on the merits conclusive as to the rights of the parties  
3 to the complaint, on those matters determined in the arbitration which were at issue  
4 and upon which the determination necessarily depended.”.

5 **81.** Page 1158, line 15: after that line insert:

6 “**SECTION 2810d.** 233.02 (1) (h) of the statutes is created to read:

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

13 **SECTION 2810g.** 233.02 (8) of the statutes, as affected by 2011 Wisconsin Act  
14 10, is amended to read:

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

1           **SECTION 2810j.** 233.03 (7) of the statutes, as affected by 2011 Wisconsin Act 10,  
2 is amended to read:

3           233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
4 9159 (4) and the duty to engage in collective bargaining with employees in a collective  
5 bargaining unit for which a representative is recognized or certified under subch. I  
6 of ch. 111, employ any agent, employee or special advisor that the authority finds  
7 necessary and fix his or her compensation and provide any employee benefits,  
8 including an employee pension plan.

9           **SECTION 2810m.** 233.10 (2) (intro.) of the statutes, as affected by 2011  
10 Wisconsin Act 10, is amended to read:

11           233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to  
12 engage in collective bargaining with employees in a collective bargaining unit for  
13 which a representative is recognized or certified under subch. I of ch. 111, the  
14 authority shall establish any of the following:".

15           **82.** Page 1193, line 12: after that line insert:

16           “**SECTION 2928d.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin  
17 Act 10, is amended to read:

18           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
19 233, 234, 237, or 238.”.

20           **83.** Page 1199, line 18: after that line insert:

21           “**SECTION 2954g.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin  
22 Act 10, is amended to read:

23           285.59 (1) (b) “State agency” means any office, department, agency, institution  
24 of higher education, association, society or other body in state government created

1 or authorized to be created by the constitution or any law which is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
3 Housing and Economic Development Authority, the Bradley Center Sports and  
4 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
5 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
6 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
7 Development Corporation, and the Wisconsin Health and Educational Facilities  
8 Authority.”.

9 **84.** Page 1371, line 3: after that line insert:

10 “**SECTION 3474g.** 704.31 (3) of the statutes, as affected by 2011 Wisconsin Act  
11 10, is amended to read:

12 704.31 (3) This section does not apply to a lease to which a local professional  
13 baseball park district created under subch. III of ch. 229, the Wisconsin Quality  
14 Home Care Authority, or the Fox River Navigational System Authority is a party.”.

15 **85.** Page 1375, line 24: after that line insert:

16 “**SECTION 3493g.** 851.71 (4) of the statutes, as affected by 2011 Wisconsin Act  
17 10, is amended to read:

18 851.71 (4) In counties having a population of 500,000 or more, the appointment  
19 under subs. (1) and (2) shall be made as provided in those subsections but the judges  
20 shall not remove the register in probate and deputy registers, except through charges  
21 for dismissal made and sustained under s. 63.10 or an applicable collective  
22 bargaining agreement.”.

23 **86.** Page 1399, line 6: after that line insert:

1           “**SECTION 3561g.** 978.12 (1) (c) of the statutes, as affected by 2011 Wisconsin  
2 Act 10, is amended to read:

3           978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
4 employed outside the classified service. For purposes of salary administration, the  
5 director of the office of state employment relations shall establish one or more  
6 classifications for assistant district attorneys in accordance with the classification  
7 or classifications allocated to assistant attorneys general. Except as provided in s.  
8 111.93 (3) (b), the salaries of assistant district attorneys shall be established and  
9 adjusted in accordance with the state compensation plan for assistant attorneys  
10 general whose positions are allocated to the classification or classifications  
11 established by the director of the office of state employment relations.”.

12           **87.** Page 1401, line 6: after that line insert:

13           “**SECTION 3570d.** 2011 Wisconsin Act 10, section 9132 is repealed.

14           **SECTION 3570g.** 2011 Wisconsin Act 10, section 9155 is repealed.”.

15           **88.** Page 1522, line 21: after that line insert:

16           “(3u) COLLECTIVE BARGAINING. The repeal of sections 66.0506, 66.0508, 66.0509  
17 (1m), 73.03 (68), 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70 (3g), 111.70  
18 (4) (d) 3. b., 111.70 (4) (mb), 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825 (1) (g),  
19 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (3), 111.91 (3q), 111.92 (3) (b), 111.93 (3)  
20 (b), 118.223, 118.245 and 120.12 (4m) of the statutes; the renumbering of sections  
21 111.825 (6) (a) and 111.83 (3) (a) of the statutes; the renumbering and amendment  
22 of sections 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c) 1. and 111.92 (3) (a) of the  
23 statutes; the consolidation, renumbering and amendment of sections 111.70 (4) (d)  
24 3. a. and c. and 111.93 (3) (intro.) and (a) of the statutes; the amendment of sections

1 7.33 (1) (c), 7.33 (4), 13.111 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1.,  
2 13.95 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15  
3 (1) (ab), 16.41 (4), 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54  
4 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6), 16.765 (7)  
5 (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85 (3), 19.86,  
6 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1) (ci), 20.865 (1)  
7 (ic), 20.865 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.),  
8 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (1) (b), 40.05 (4) (ag) (intro.), 40.05 (4)  
9 (b), 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62  
10 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 66.1104 (1) (a), 71.26 (1) (be),  
11 77.54 (9a) (a), 100.45 (1) (dm), 101.177 (1) (d), 109.03 (1) (b), 111.02 (1), 111.02 (2),  
12 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i),  
13 111.06 (2) (i), 111.115 (title), 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n),  
14 111.70 (2), 111.70 (3) (a) 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70  
15 (4) (c) (title), 111.70 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 1., 2., 3.  
16 and 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (mc) (intro.),  
17 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8)  
18 (a), 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (1),  
19 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.84  
20 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1), (2) and (4),  
21 111.90 (2), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1) (d),  
22 111.91 (2) (intro.), 111.91 (2) (gu), 111.92 (1) (a), 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4.,  
23 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046 (10)  
24 (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e), 230.35 (3)  
25 (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.), 281.75 (4) (b) 3., 285.59

1 (1) (b), 704.31 (3), 851.71 (4) and 978.12 (1) (c) of the statutes; the creation of sections  
2 16.705 (3), 19.42 (10) (s), 20.865 (1) (cm), 20.865 (1) (im), 20.865 (1) (sm), 46.284 (4)  
3 (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4., chapter 52, 70.11 (41s),  
4 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m), (9m) and (10m), 111.05 (3g),  
5 111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m), 111.075, 111.115 (1) (a), 111.115 (2),  
6 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p),  
7 111.70 (4) (c) 1g., 111.70 (4) (cm) 5., 111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm)  
8 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm) 8., 111.70 (4) (cm) 9., 111.70 (4) (m), 111.70 (4)  
9 (mc) 4., 111.70 (4) (n) and (o), 111.70 (7), 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m)  
10 (e), 111.70 (7m) (f), 111.71 (4), 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81  
11 (9k), 111.825 (2g), 111.83 (5m), 111.83 (7), 111.85 (5), 111.905, 111.91 (1) (cg), 111.91  
12 (1) (e), 111.91 (2c), 111.92 (2m), subchapter VI of chapter 111 [precedes 111.95], 118.22  
13 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and the repeal of 2011 Wisconsin Act  
14 10, section 9132 and 2011 Wisconsin Act 10, section 9155 first apply to an employee  
15 who is covered by a collective bargaining agreement under subchapter IV of chapter  
16 111 of the statutes that contains provisions inconsistent with this act on the day on  
17 which the agreement expires or is terminated, extended, modified, or renewed,  
18 whichever occurs first.”.

19

(END)