



2003 ASSEMBLY BILL 337

May 13, 2003 – Introduced by Representatives POCAN, BOYLE, BERCEAU, BLACK and PLOUFF, cosponsored by Senator RISSER. Referred to Committee on Labor.

1 **AN ACT** *to repeal* 111.86, 111.87 and 111.88; *to amend* 20.512 (1) (km), 20.865
2 (1) (c), 20.865 (1) (i), 20.865 (1) (s), 111.71 (5), 111.84 (2) (e), 111.89 (1), 111.89
3 (2) (intro.), 111.92 (1) (a), 111.92 (4), 111.94 (2) and 904.085 (2) (a); and *to create*
4 20.512 (1) (c), 111.84 (1) (g), 111.84 (2) (g), 111.885 and 111.89 (3) and (4) of the
5 statutes; **relating to:** authorizing binding arbitration and a limited right to
6 strike under the State Employment Labor Relations Act, requiring the exercise
7 of rule-making authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Under the State Employment Labor Relations Act (SELRA), the state and labor unions representing state employees in collective bargaining units are not required to resolve labor disputes through binding arbitration and state employees do not have any right to strike. Instead, mediation and fact-finding are the only means of dispute settlement provided under SELRA. This bill creates a dispute settlement procedure under SELRA that is similar to the one that currently applies to labor disputes involving local government employees under the Municipal Employment Relations Act.

Under the bill, the state and any labor union representing the employees are permitted to agree upon their own dispute settlement procedures, including binding interest arbitration or authorization for a strike. If mediation fails and the parties

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do not agree on their own settlement procedure, the state or the labor union, or the parties jointly, may request the Employment Relations Commission to commence a process of binding arbitration of those issues in dispute. Binding arbitration is required unless both parties agree to a strike. If binding arbitration is used, the arbitrator or arbitration panel must select the complete final offer of one of the parties without change and incorporate that offer into the collective bargaining agreement. If arbitration is not used, each tentative agreement between the parties is submitted to the Joint Committee on Employment Relations and the legislature for approval in a procedure similar to that used under existing law.

Under the dispute resolution procedure created by the bill, strikes are permitted if both parties agree to permit strikes under their own dispute settlement procedure and in one additional circumstance. If both parties withdraw the final offers that they have presented to the arbitrator, the labor union may strike. However, if any authorized strike affects the public health or safety, a court may enjoin the strike and require instead that the dispute be submitted to binding arbitration. All prohibited strikes constitute an unfair labor practice and may be enjoined by a court. Any labor union engaging in a prohibited strike is to be penalized by a one-year suspension of any dues checkoff and maintenance of membership or fair-share agreement between the union and the employer. In addition, the union and its members are subject to monetary penalties for striking after an injunction is issued and special penalties for striking in violation of an arbitration award. Any party refusing to implement an award is civilly liable to the other party for costs incurred to enforce the award. Finally, under the bill, the failure of either party to implement an arbitration award is an unfair labor practice.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.512 (1) (c) of the statutes is created to read:

2 20.512 (1) (c) *Arbitration expenses.* A sum sufficient to pay the employer's
3 share of expenses of arbitration in labor disputes under s. 111.885 (6) (g).

4 **SECTION 2.** 20.512 (1) (km) of the statutes is amended to read:

5 20.512 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
6 the schedule for the payment of the state's share of costs related to collective
7 bargaining grievance arbitrations under s. ~~111.86~~ 111.885 (4). All moneys received
8 from state agencies for the purpose of reimbursing the state's share of the costs

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1 related to grievance arbitrations under s. ~~111.86~~ 111.885 shall be credited to this
2 appropriation account.

3 **SECTION 3.** 20.865 (1) (c) of the statutes is amended to read:

4 20.865 (1) (c) *Compensation and related adjustments.* A sum sufficient to
5 supplement the appropriations to state agencies for the cost of compensation and
6 related adjustments approved ~~by the legislature~~ or awarded under s. 111.885 or
7 111.92 for represented employees and, approved by the joint committee on
8 employment relations under s. 230.12, and approved by the legislature, when
9 required, for nonrepresented employees in the classified service and comparable
10 adjustments for nonrepresented employees in the unclassified service, except those
11 nonrepresented employees specified in ss. 20.923 (4g), (5), and (6) (c) and (m) and
12 230.08 (2) (d) and (f), as determined under s. 20.928, other than adjustments funded
13 under par. (cj). Unclassified employees included under s. 20.923 (2) need not be paid
14 comparable adjustments.

15 **SECTION 4.** 20.865 (1) (i) of the statutes is amended to read:

16 20.865 (1) (i) *Compensation and related adjustments; program revenues.* From
17 the appropriate program revenue and program revenue-service accounts, a sum
18 sufficient to supplement the appropriations to state agencies for the cost of
19 compensation and related adjustments approved ~~by the legislature~~ or awarded
20 under s. 111.885 or 111.92 for represented employees and, approved by the joint
21 committee on employment relations under s. 230.12, and approved by the
22 legislature, when required for nonrepresented employees in the classified service
23 and comparable adjustments for nonrepresented employees in the unclassified
24 service, except those nonrepresented employees specified in ss. 20.923 (4g), (5), and
25 (6) (c) and (m) and 230.08 (2) (d) and (f), as determined under s. 20.928, other than

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1 adjustments funded under par. (cj). Unclassified employees included under s. 20.923
2 (2) need not be paid comparable adjustments.

3 **SECTION 5.** 20.865 (1) (s) of the statutes is amended to read:

4 20.865 (1) (s) *Compensation and related adjustments; segregated revenues.*

5 From the appropriate segregated funds, a sum sufficient to supplement the
6 appropriations to state agencies for the cost of compensation and related
7 adjustments approved by the legislature or awarded under s. 111.885 or 111.92 for
8 represented employees and, approved by the joint committee on employment
9 relations under s. 230.12, and approved by the legislature, when required for
10 nonrepresented employees in the classified service and comparable adjustments for
11 nonrepresented employees in the unclassified service, except those nonrepresented
12 employees specified in ss. 20.923 (4g), (5), and (6) (c) and (m) and 230.08 (2) (d) and
13 (f), as determined under s. 20.928. Unclassified employees under s. 20.923 (2) need
14 not be paid comparable adjustments.

15 **SECTION 6.** 111.71 (5) of the statutes is amended to read:

16 111.71 (5) The commission shall, on a regular basis, provide training programs
17 to prepare individuals for service as arbitrators or arbitration panel members under
18 s. ss. 111.70 (4) (cm) and 111.885. The commission shall engage in appropriate
19 promotional and recruitment efforts to encourage participation in the training
20 programs by individuals throughout the state, including at least 10 residents of each
21 congressional district. The commission may also provide training programs to
22 individuals and organizations on other aspects of collective bargaining, including on
23 areas of management and labor cooperation directly or indirectly affecting collective
24 bargaining. The commission may charge a reasonable fee for participation in the
25 programs.

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1 **SECTION 7.** 111.84 (1) (g) of the statutes is created to read:

2 111.84 (1) (g) To fail to implement an arbitration award lawfully made under
3 s. 111.885.

4 **SECTION 8.** 111.84 (2) (e) of the statutes is amended to read:

5 111.84 (2) (e) ~~To~~ Except as authorized in s. 111.885, to engage in, induce or
6 encourage any employees to engage in a strike, or a concerted refusal to work or
7 perform their usual duties as employees.

8 **SECTION 9.** 111.84 (2) (g) of the statutes is created to read:

9 111.84 (2) (g) To fail to implement an arbitration award lawfully made under
10 s. 111.885.

11 **SECTION 10.** 111.86 of the statutes is repealed.

12 **SECTION 11.** 111.87 of the statutes is repealed.

13 **SECTION 12.** 111.88 of the statutes is repealed.

14 **SECTION 13.** 111.885 of the statutes is created to read:

15 **111.885 Methods for peaceful settlement of disputes. (1) NOTICE OF**
16 **COMMENCEMENT OF CONTRACT NEGOTIATIONS.** For the purpose of advising the
17 commission of the commencement of contract negotiations, whenever either party
18 requests the other to reopen negotiations under a binding collective bargaining
19 agreement, or the parties otherwise commence negotiations if no such agreement
20 exists, the party requesting negotiations shall immediately notify the commission in
21 writing. Upon failure of the requesting party to provide such notice, the other party
22 may so notify the commission. The notice shall specify the expiration date of the
23 existing collective bargaining agreement, if any, and shall set forth any additional
24 information that the commission may require on a form provided by the commission.

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1 **(2) PRESENTATION OF INITIAL PROPOSALS; OPEN MEETINGS.** The meetings between
2 parties to a collective bargaining agreement or proposed collective bargaining
3 agreement under this subchapter that are held for the purpose of presenting initial
4 bargaining proposals, along with supporting rationale, shall be open to the public.
5 Each party shall submit its initial bargaining proposals to the other party in writing.
6 Failure to comply with this subsection is not cause to invalidate a collective
7 bargaining agreement under this subchapter.

8 **(3) MEDIATION.** The commission or its designee shall function as mediator in
9 labor disputes involving employees upon request of one or both of the parties, or upon
10 initiation of the commission. The function of the mediator shall be to encourage
11 voluntary settlement by the parties. No mediator has the power of compulsion.

12 **(4) GRIEVANCE ARBITRATION.** Parties to a dispute pertaining to the meaning or
13 application of the terms of a written collective bargaining agreement may agree in
14 writing to have the commission or any other appropriate agency serve as arbitrator
15 or may designate any other competent, impartial, and disinterested person to so
16 serve.

17 **(5) VOLUNTARY IMPASSE RESOLUTION PROCEDURES.** In addition to the other
18 impasse resolution procedures provided in this section, the employer and labor
19 organization may at any time, as a permissive subject of bargaining, agree in writing
20 to a dispute settlement procedure, including authorization for a strike by employees
21 or binding interest arbitration, that is acceptable to the parties for resolving an
22 impasse over terms of any collective bargaining agreement under this subchapter.
23 A copy of such agreement shall be filed by the parties with the commission. If the
24 parties agree to any form of binding interest arbitration, the arbitrator shall give
25 weight to the factors enumerated under sub. (7).

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1 **(6) INTEREST ARBITRATION.** (a) If a dispute has not been settled after a
2 reasonable period of negotiation and after mediation by the commission under sub.
3 (3) and other settlement procedures, if any, established by the parties have been
4 exhausted, and the parties are deadlocked with respect to any dispute between them
5 over mandatory subjects of bargaining under s. 111.91 to be included in a new
6 collective bargaining agreement, either party, or the parties jointly, may petition the
7 commission, in writing, to initiate compulsory, final, and binding arbitration, as
8 provided in this subsection. At the time that the petition is filed, the petitioning
9 party shall submit in writing to the other party and the commission its preliminary
10 final offer containing its latest proposals on all issues in dispute. Within 14 calendar
11 days after the date of that submission, the other party shall submit in writing its
12 preliminary final offer on all disputed issues to the petitioning party and the
13 commission. If a petition is filed jointly, both parties shall exchange their
14 preliminary final offers in writing and submit copies to the commission at the time
15 that the petition is filed.

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

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1 to submit a single, ultimate final offer, the commission shall close the investigation
2 based on the last written position of the party. Such final offers may include only
3 mandatory subjects of bargaining under s. 111.91, except that a permissive subject
4 of bargaining may be included by a party if the other party does not object and shall
5 then be treated as a mandatory subject. No later than such time, the parties shall
6 also submit to the commission a stipulation, in writing, with respect to all matters
7 which are agreed upon for inclusion in the new or amended collective bargaining
8 agreement. The commission, after receiving a report from its investigator and
9 determining that arbitration should be commenced, shall issue an order requiring
10 arbitration and immediately submit to the parties a list of 7 arbitrators. Upon
11 receipt of such list, the parties shall alternately strike names until a single name is
12 left, who shall be appointed as arbitrator. The petitioning party shall notify the
13 commission in writing of the identity of the arbitrator selected. Upon receipt of such
14 notice, the commission shall formally appoint the arbitrator and submit to him or her
15 the final offers of the parties. The final offers shall be considered public documents
16 and shall be available from the commission. In lieu of a single arbitrator and upon
17 request of both parties, the commission shall appoint a tripartite arbitration panel
18 consisting of one member selected by each of the parties and a neutral person
19 designated by the commission who shall serve as a chairperson. An arbitration panel
20 has the same powers and duties as provided in this section for any other appointed
21 arbitrator, and all arbitration decisions by such panel shall be determined by
22 majority vote. In lieu of selection of the arbitrator by the parties and upon request
23 of both parties, the commission shall establish a procedure for randomly selecting
24 names of arbitrators. Under the procedure, the commission shall submit a list of 7
25 arbitrators to the parties. Each party shall strike one name from the list. From the

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

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

17 (d) 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 thereof, if any, and shall immediately provide written notice of such
20 withdrawal to the other party, the arbitrator, and the commission. If both parties
21 withdraw their final offers and mutually agreed upon modifications, the labor
22 organization, after giving 10 days' advance written notice to the 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 shall be deemed

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

3 (e) The arbitrator shall adopt without further modification the final offer of one
4 of the parties on all disputed issues submitted under par. (b), except those items that
5 the commission determines not to be mandatory subjects of bargaining and those
6 items which have not been treated as mandatory subjects by the parties, and
7 including any prior modifications of such offer mutually agreed upon by the parties
8 under par. (c). The arbitrator's decision shall be final and binding on both parties and
9 shall be incorporated into a written collective bargaining agreement. The arbitrator
10 shall serve a copy of his or her decision on both parties and the commission.

11 (f) Arbitration proceedings shall not be interrupted or terminated by reason of
12 any unfair labor practice complaint filed by either party at any time.

13 (g) The costs of arbitration shall be divided equally between the parties. The
14 arbitrator shall submit a statement of his or her costs to both parties and to the
15 commission.

16 (h) Either party may petition the commission for a declaratory ruling as to
17 whether any proposal made in negotiations is a mandatory, permissive, or prohibited
18 subject of bargaining. The commission shall issue a decision on such a petition within
19 15 days, which shall have the effect of an order issued under s. 111.07. The filing of
20 a petition under this paragraph does not prevent the filing of an unfair labor practice
21 complaint concerning the same activity. If a petition is filed under this paragraph,
22 the proceedings under pars. (d) and (e) shall be delayed until the commission renders
23 a decision in the matter, but not during any appeal of the commission order. The
24 arbitrator's award shall be made in accordance with the commission's ruling, subject
25 to automatic amendment by any subsequent court reversal thereof.

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1 **(7) FACTORS CONSIDERED.** In making any decision under the arbitration
2 procedures authorized by this section, the arbitrator or arbitration panel shall give
3 weight to the following factors:

4 (a) The lawful authority of the municipal employer.

5 (b) Stipulations of the parties.

6 (c) The interests and welfare of the public and the financial ability of the
7 employer to meet the costs of any proposed settlement.

8 (d) Comparison of wages, hours, and conditions of employment of the
9 employees involved in the arbitration proceedings with the wages, hours, and
10 conditions of employment of other employees performing similar services.

11 (e) Comparison of the wages, hours, and conditions of employment of the
12 employees involved in the arbitration proceedings with the wages, hours, and
13 conditions of employment of other employees generally in public employment.

14 (f) Comparison of the wages, hours, and conditions of employment of the
15 employees involved in the arbitration proceedings with the wages, hours, and
16 conditions of employment of other employees in private employment.

17 (g) The average consumer prices for goods and services, commonly known as
18 the cost of living.

19 (h) The overall compensation presently received by the employees, including
20 direct wage compensation, vacation, holidays and excused time, insurance and
21 pensions, medical and hospitalization benefits, the continuity and stability of
22 employment, and all other benefits received by the employees.

23 (i) Changes in any of the circumstances specified in pars. (a) to (h) during the
24 pendency of the arbitration proceedings.

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1 (j) Such other factors as are normally or traditionally taken into consideration
2 in the determination of wages, hours, and conditions of employment through
3 voluntary collective bargaining, mediation, fact-finding, arbitration, or otherwise
4 between the parties, in the public service or in private employment.

5 (8) RULE MAKING. The commission shall adopt rules for the conduct of all
6 arbitration proceedings under sub. (6), including rules for all of the following:

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

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

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

13 (d) Proceedings for the enforcement of arbitration decisions.

14 (9) APPLICATION. Chapter 788 does not apply to arbitration proceedings under
15 sub. (6).

16 **SECTION 14.** 111.89 (1) of the statutes is amended to read:

17 111.89 (1) Upon establishing that a strike not authorized under s. 111.885 is
18 in progress, the employer may either seek an injunction or file an unfair labor
19 practice charge with the commission under s. 111.84 (2) (e) or both. It is the
20 responsibility of the department to decide whether to seek an injunction or to file an
21 unfair labor practice charge or to impose or seek the imposition of penalties under
22 sub. (2) or (4). The existence of an administrative remedy does not constitute grounds
23 for denial of injunctive relief.

24 **SECTION 15.** 111.89 (2) (intro.) of the statutes is amended to read:

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1 111.89 (2) (intro.) The occurrence of a prohibited strike and the participation
2 therein by an employee do not affect the rights of the employer, in law or in equity,
3 to deal with the strike, including:

4 **SECTION 16.** 111.89 (3) and (4) of the statutes are created to read:

5 111.89 (3) At any time after a labor organization gives advance notice of a strike
6 under s. 111.885 (6) that is expressly authorized under s. 111.885 (6), any citizen
7 directly affected by the strike may petition the circuit court to enjoin the strike. If
8 the court finds that the strike poses an imminent threat to the public health or safety,
9 the court shall, within 48 hours after receipt of the petition but after notice to the
10 parties and after holding a hearing, issue an order immediately enjoining the strike,
11 and in addition shall order the parties to submit a new final offer on all disputed
12 issues to the commission for final and binding arbitration as provided in s. 111.885.
13 The commission, upon receipt of the final offers of the parties, shall transmit them
14 to the arbitrator or a successor designated by the commission. The arbitrator shall
15 omit preliminary steps and shall commence immediately to arbitrate the dispute.

16 (4) (a) 1. Notwithstanding s. 111.85, any labor organization that engages in a
17 prohibited strike shall be penalized by the suspension of any dues checkoff
18 agreement and maintenance of membership or fair-share agreement between the
19 employer and that labor organization for a period of one year. At the end of the period
20 of suspension, any such agreement shall be reinstated unless the labor organization
21 is no longer authorized to represent the employees covered by the agreement or the
22 agreement is no longer in effect.

23 2. Any labor organization that engages in a strike after an injunction is issued
24 against the strike shall be required to forfeit \$2 per member per day, but not more
25 than \$10,000 per day. Each day of continued violation constitutes a separate offense.

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1 (b) Any individual who engages in a strike after an injunction is issued against
2 the strike shall be fined \$10. Each day of continued violation constitutes a separate
3 offense. After an injunction is issued, any employee who is absent from work because
4 of purported illness is presumed to be on strike unless the illness is verified by a
5 written report from a physician to the employer. The court shall order that any fine
6 imposed under this paragraph be paid by means of a salary deduction at a rate to be
7 determined by the court.

8 (c) Any person who authorizes or otherwise participates in a strike after the
9 issuance of any final and binding arbitration award under s. 111.885 and prior to the
10 end of the term of the agreement that the award amends or creates shall forfeit not
11 less than \$15. Each day of continued violation constitutes a separate offense.

12 (d) The penalties provided in this subsection do not preclude the imposition by
13 the court of any penalty for contempt provided by law.

14 (e) No employe may be paid wages or any salary by the employer for the period
15 during which he or she engages in any strike prohibited by this subchapter.

16 (f) Any party refusing to include an arbitration award under s. 111.885 in a
17 written collective bargaining agreement or failing to implement the award, unless
18 good cause is shown, is liable for attorney fees, interest on delayed monetary benefits,
19 and other costs incurred in any action by the nonoffending party to enforce the
20 award.

21 **SECTION 17.** 111.92 (1) (a) of the statutes is amended to read:

22 111.92 (1) (a) Any Except where a collective bargaining agreement is placed
23 into effect by an arbitrator's decision under s. 111.885, any tentative agreement
24 reached between the department, acting for the state, and any labor organization
25 representing a collective bargaining unit specified in s. 111.825 (1) or (2) (a) to (e)

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

21 **SECTION 18.** 111.92 (4) of the statutes is amended to read:

22 111.92 (4) It is the declared intention under this subchapter that the
23 negotiation of collective bargaining agreements ~~and their approval by the parties~~
24 should coincide with the overall fiscal planning and processes of the state.

25 **SECTION 19.** 111.94 (2) of the statutes is amended to read:

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1 111.94 (2) The commission shall assess and collect a filing fee for filing a
2 complaint alleging that an unfair labor practice has been committed under s. 111.84.
3 The commission shall assess and collect a filing fee for filing a request that the
4 commission act as an arbitrator to resolve a dispute involving the interpretation or
5 application of a collective bargaining agreement under s. ~~111.86~~. ~~The commission~~
6 ~~shall assess and collect a filing fee for filing a request that the commission initiate~~
7 ~~fact-finding under s. 111.88~~ 111.885 (4). The commission shall assess and collect a
8 filing fee for filing a request that the commission act as a mediator under s. ~~111.87~~
9 111.885 (3). For the performance of commission actions under s. ~~111.86, 111.87 and~~
10 ~~111.88~~ 111.885 (3) and (4), the commission shall require that the parties to the
11 dispute equally share in the payment of the fee and, for the performance of
12 commission actions involving a complaint alleging that an unfair labor practice has
13 been committed under s. 111.84, the commission shall require that the party filing
14 the complaint pay the entire fee. ~~If any party has paid a filing fee requesting the~~
15 ~~commission to act as a mediator for a labor dispute and the parties do not enter into~~
16 ~~a voluntary settlement of the labor dispute, the commission may not subsequently~~
17 ~~assess or collect a filing fee to initiate fact-finding to resolve the same labor dispute.~~
18 ~~If any request concerns issues arising as a result of more than one unrelated event~~
19 ~~or occurrence, each such separate event or occurrence shall be treated as a separate~~
20 ~~request.~~ The commission shall promulgate rules establishing a schedule of filing fees
21 to be paid under this subsection. Fees required to be paid under this subsection shall
22 be paid at the time of filing the complaint or the request for ~~fact-finding~~, mediation
23 or arbitration. A complaint or request for ~~fact-finding~~, mediation or arbitration is
24 not filed until the date such fee or fees are paid. Fees collected under this subsection
25 shall be credited to the appropriation account under s. 20.425 (1) (i).

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1 **SECTION 20.** 904.085 (2) (a) of the statutes is amended to read:

2 904.085 **(2)** (a) "Mediation" means mediation under s. 93.50 (3), conciliation
3 under s. 111.54, mediation under s. 111.11, 111.70 (4) (cm) 3. or ~~111.87~~ 111.885 (3),
4 mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
5 or s. 767.11, or any similar statutory, contractual or court-referred process
6 facilitating the voluntary resolution of disputes. "Mediation" does not include
7 binding arbitration or appraisal.

8 **SECTION 21. Initial applicability.**

9 (1) This act first applies with respect to negotiations for collective bargaining
10 agreements to be entered into for the biennial fiscal period commencing on July 1,
11 2003.

12

(END)