



2009 SENATE BILL 385

November 9, 2009 – Introduced by Senators GROTHMAN, OLSEN, DARLING, COWLES, HARSDORF, KEDZIE, A. LASEE, LAZICH, LEIBHAM and SULLIVAN, cosponsored by Representatives GOTTLIEB, DAVIS, BALLWEG, BROOKS, GUNDERSON, HONADEL, HUEBSCH, KERKMAN, KESTELL, KNODL, LEMAHIEU, LOTHIAN, MEYER, MONTGOMERY, NASS, NERISON, NYGREN, A. OTT, J. OTT, PETERSEN, PETROWSKI, RHOADES, RIPP, STRACHOTA, SUDER, TOWNSEND, VAN ROY, VOS, M. WILLIAMS and ZIEGELBAUER. Referred to Committee on Labor, Elections and Urban Affairs.

1 **AN ACT to amend** 111.70 (4) (cm) 5., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g. and
2 111.70 (4) (cm) 7r. (intro.) of the statutes; **relating to:** factors considered in
3 binding interest arbitration under the Municipal Employment Relations Act.

Analysis by the Legislative Reference Bureau

Under the Municipal Employment Relations Act, in local government employment other than law enforcement and fire fighting, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. An arbitrator's decision is then incorporated into the collective bargaining agreement. In reaching a decision, the arbitrator must give weight to factors. Unless the decision involves a collective bargaining unit consisting of school district employees, the arbitrator must give the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer and must give greater weight to economic conditions in the jurisdiction of the employer than to other factors. For decisions involving a collective bargaining unit consisting of any municipal employees the arbitrator has to give weight to various factors including the authority of the municipal employer; the interests and welfare of the public and the ability of the unit of government to meet the costs of the proposed agreement; comparison of wages, hours, and conditions of employment with those of other employees; and the cost of

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living. This bill eliminates this distinction between school district employees and other municipal employees, so that, for a decision involving a collective bargaining unit consisting of school district employees as well as for a collective bargaining unit consisting of other municipal employees, the arbitrator must give the greatest weight to the factors given the greatest weight under current law to all municipal employees except school district employees and must give greater weight to the factors given greater weight under current law to all municipal employees except school district employees.

For further information see the *state and local* 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.** 111.70 (4) (cm) 5. of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
4 other impasse resolution procedures provided in this paragraph, a municipal
5 employer and labor organization may at any time, as a permissive subject of
6 bargaining, agree in writing to a dispute settlement procedure, including
7 authorization for a strike by municipal employees or binding interest arbitration,
8 which is acceptable to the parties for resolving an impasse over terms of any
9 collective bargaining agreement under this subchapter. A copy of such agreement
10 shall be filed by the parties with the commission. If the parties agree to any form of
11 binding interest arbitration, the arbitrator shall give weight to the factors
12 enumerated under subds. 7. and, 7g. ~~for a collective bargaining unit consisting of~~
13 ~~municipal employees who are not school district employees and under subd., and 7r.~~
14 ~~for a collective bargaining unit consisting of municipal employees.~~

15 **SECTION 2.** 111.70 (4) (cm) 7. of the statutes, as affected by 2009 Wisconsin Act
16 28, is amended to read:

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1 111.70 (4) (cm) 7. ‘Factor given greatest weight.’ In making any decision under
2 the arbitration procedures authorized by this paragraph, ~~except for any decision~~
3 ~~involving a collective bargaining unit consisting of school district employees~~, the
4 arbitrator or arbitration panel shall consider and shall give the greatest weight to
5 any state law or directive lawfully issued by a state legislative or administrative
6 officer, body or agency which places limitations on expenditures that may be made
7 or revenues that may be collected by a municipal employer. The arbitrator or
8 arbitration panel shall give an accounting of the consideration of this factor in the
9 arbitrator’s or panel’s decision.

10 **SECTION 3.** 111.70 (4) (cm) 7g. of the statutes, as affected by 2009 Wisconsin Act
11 28, is amended to read:

12 111.70 (4) (cm) 7g. ‘Factor given greater weight.’ In making any decision under
13 the arbitration procedures authorized by this paragraph, ~~except for any decision~~
14 ~~involving a collective bargaining unit consisting of school district employees~~, the
15 arbitrator or arbitration panel shall consider and shall give greater weight to
16 economic conditions in the jurisdiction of the municipal employer than to any of the
17 factors specified in subd. 7r.

18 **SECTION 4.** 111.70 (4) (cm) 7r. (intro.) of the statutes, as affected by 2009
19 Wisconsin Act 28, is amended to read:

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

23 **SECTION 5. Initial applicability.**

24 (1) This act first applies to petitions for arbitration that relate to collective
25 bargaining agreements that cover periods beginning on or after July 1, 2009, and

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SECTION 5

1 that are filed under section 111.70 (4) (cm) 6. of the statutes on the effective date of
2 this subsection.

3 (END)