



2013 SENATE BILL 530

January 30, 2014 - Introduced by Senators ERPENBACH, RISSER and MILLER, cosponsored by Representatives POPE, HESSELBEIN, CLARK, C. TAYLOR, SARGENT, RINGHAND, HULSEY, BERCEAU, HEBL and KAHL. Referred to Committee on Judiciary and Labor.

1 **AN ACT to amend** 19.82 (1), 19.86, 40.95 (1) (a) 3., 73.03 (68) and 233.10 (2) (a);
2 **and to create** 233.04 (8) and 233.10 (5) of the statutes; **relating to:** collective
3 bargaining for employees of the University of Wisconsin Hospitals and Clinics
4 Authority.

Analysis by the Legislative Reference Bureau

This bill allows employees of the University of Wisconsin Hospitals and Clinics Authority (UWHCA) to collectively bargain with UWHCA. This bill limits the subjects on which the employees and UWHCA may collectively bargain to a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Under this bill, the term of a collective bargaining agreement covering the UWHCA employees must coincide with the fiscal year, and no term of a collective bargaining agreement covering UWHCA employees may be for longer than one year or be extended.

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

5 **SECTION 1.** 19.82 (1) of the statutes is amended to read:
6 19.82 (1) "Governmental body" means a state or local agency, board,
7 commission, committee, council, department or public body corporate and politic

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1 created by constitution, statute, ordinance, rule or order; a governmental or
2 quasi-governmental corporation except for the Bradley center sports and
3 entertainment corporation; a local exposition district under subch. II of ch. 229; a
4 long-term care district under s. 46.2895; or a formally constituted subunit of any of
5 the foregoing, but excludes any such body or committee or subunit of such body which
6 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
7 or V of ch. 111 or s. 233.10 (5).

8 **SECTION 2.** 19.86 of the statutes is amended to read:

9 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
10 19.82 (1), where notice has been given by either party to a collective bargaining
11 agreement under subch. I, IV, or V of ch. 111 or s. 233.10 (5) to reopen such agreement
12 at its expiration date, the employer shall give notice of such contract reopening as
13 provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall
14 be given by the employer's chief officer or such person's designee.

15 **SECTION 3.** 40.95 (1) (a) 3. of the statutes is amended to read:

16 40.95 (1) (a) 3. The employee has his or her compensation established in a
17 collective bargaining agreement under ~~subch. I of ch. 111 and the employee is~~
18 ~~employed by the University of Wisconsin Hospitals and Clinics Authority~~ s. 233.10
19 (5).

20 **SECTION 4.** 73.03 (68) of the statutes is amended to read:

21 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
22 as provided under s. 111.91 (3q) or 233.10 (5) (g), to determine the average annual
23 percentage change in the U.S. consumer price index for all urban consumers, U.S.
24 city average, as determined by the federal department of labor, for the 12 months

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1 immediately preceding the request from the Wisconsin Employment Relations
2 Commission.

3 **SECTION 5.** 233.04 (8) of the statutes is created to read:

4 233.04 (8) If employees comprising a collective bargaining unit under s. 233.10
5 (5) (c) choose a representative for collective bargaining purposes, negotiate and
6 administer collective bargaining agreements, as provided under s. 233.10 (5).

7 **SECTION 6.** 233.10 (2) (a) of the statutes is amended to read:

8 233.10 (2) (a) The Subject to sub. (5), the compensation of the employees of the
9 authority.

10 **SECTION 7.** 233.10 (5) of the statutes is created to read:

11 233.10 (5) (a) In this subsection:

12 1. "Collective bargaining" means the performance of the mutual obligation of
13 the authority and the representatives of its employees to meet and confer at
14 reasonable times, in good faith, with respect to the subjects of bargaining provided
15 in par. (f), with the intention of reaching an agreement, or to resolve questions arising
16 under such an agreement. The duty to bargain does not compel either party to agree
17 to a proposal or require the making of a concession. Collective bargaining includes
18 the reduction of any agreement reached to a written and signed document.

19 2. "Commission" means the employment relations commission.

20 (b) Employees of the authority have the right of self-organization and the right
21 to form, join, or assist labor organizations, to bargain collectively through
22 representatives of their own choosing, and to engage in lawful, concerted activities
23 for the purpose of collective bargaining or other mutual aid or protection. Employees
24 also have the right to refrain from any such activities. An employee has the right to
25 refrain from paying dues while remaining a member of a collective bargaining unit.

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1 (c) Collective bargaining units for employees who are employed by the
2 authority are structured with one collective bargaining unit for each of the following
3 occupational groups:

- 4 1. Clerical and related.
- 5 2. Blue collar and nonbuilding trades.
- 6 3. Building trades crafts.
- 7 4. Security and public safety.
- 8 5. Technical.
- 9 6. Fiscal and staff services.
- 10 7. Patient care.
- 11 8. Science.

12 (d) A representative chosen for the purposes of collective bargaining by a
13 majority of the employees voting in a collective bargaining unit is the exclusive
14 representative of all of the employees in the unit for the purposes of collective
15 bargaining.

16 (e) 1. It is an unfair labor practice for the authority to do any of the following:

17 a. Interfere with, restrain, or coerce employees in the exercise of their rights
18 guaranteed in par. (b).

19 b. Initiate, create, dominate, or interfere with the formation or administration
20 of any labor or employee organization or contribute financial support to it. It is not
21 an unfair labor practice for the authority to reimburse an employee at his or her
22 prevailing wage rate for the time spent during the employee's regularly scheduled
23 hours conferring with the authority's officers or agents and for attendance at
24 commission or court hearings necessary for the administration of this subsection.

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1 c. Encourage or discourage membership in any labor organization by
2 discrimination in regard to hiring, tenure, or other terms or conditions of
3 employment.

4 d. Refuse to bargain collectively on matters set forth in par. (f) with a
5 representative of its employees in an appropriate collective bargaining unit or refuse
6 to execute a collective bargaining agreement previously orally agreed upon.

7 e. Violate any collective bargaining agreement previously agreed upon by the
8 parties.

9 f. Use any moneys received for any purpose to discourage, to train any
10 supervisor, management employee, or other employee to discourage, or to contract
11 with any person for the purposes of discouraging, employees in the exercise of their
12 rights guaranteed under par. (b).

13 2. It is an unfair labor practice for an employee individually or in concert with
14 others to do any of the following:

15 a. Coerce or intimidate an employee in the enjoyment of the employee's legal
16 rights.

17 b. Coerce, intimidate, or induce any officer or agent of the authority to interfere
18 with any of the authority's employees in the enjoyment of their legal rights or to
19 engage in any practice with regard to its employees which would constitute an unfair
20 labor practice if undertaken by the officer or agent on the officer's or agent's own
21 initiative.

22 c. Refuse to bargain collectively on matters set forth in par. (f) with the
23 authority or refuse to execute a collective bargaining agreement previously orally
24 agreed upon.

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1 d. Engage in or induce or encourage any employees to engage in a strike, or a
2 concerted refusal to work or perform their usual duties as employees.

3 3. It is an unfair labor practice for any person to do or cause to be done on behalf
4 of or in the interest of the authority or the employees of the authority any act
5 prohibited by subd. 1. or 2.

6 4. A controversy concerning unfair labor practices may be submitted to the
7 commission in the manner described under s. 111.07.

8 (f) The authority may not bargain with a collective bargaining unit with respect
9 to any of the following:

10 1. Any factor or condition of employment except wages, which includes only
11 total base wages and excludes any other compensation, which includes, but is not
12 limited to, overtime, premium pay, merit pay, performance pay, supplemental
13 compensation, pay schedules, and automatic pay progressions.

14 2. Any proposal that does any of the following:

15 a. If there is an increase in the consumer price index change, provides for total
16 base wages for authorized positions in the proposed collective bargaining agreement
17 that exceeds the total base wages for authorized positions 180 days before the
18 expiration of the previous collective bargaining agreement by a greater percentage
19 than the consumer price index change.

20 b. If there is a decrease or no change in the consumer price index change,
21 provides for any change in total base wages for authorized positions in the proposed
22 collective bargaining agreement from the total base wages for authorized positions
23 180 days before the expiration of the previous collective bargaining agreement.

24 (g) For purposes of determining compliance with par. (f), the commission shall
25 provide, upon request, to the authority or to a representative of a collective

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1 bargaining unit, the consumer price index change during any 12-month period. The
2 commission may get the information from the department of revenue.

3 (h) Any tentative agreement reached between the authority and any labor
4 organization representing a collective bargaining unit shall, after official ratification
5 by the labor organization, be executed by the parties.

6 (i) No collective bargaining agreement under this subsection may cover a
7 period that exceeds one year, no such collective bargaining agreement may be
8 extended, and each such collective bargaining agreement must coincide with the
9 fiscal year.

10 (j) The authority may not deduct labor organization dues from an employee's
11 earnings.

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(END)