



2005 ASSEMBLY BILL 518

June 28, 2005 - Introduced by Representatives MCCORMICK, ALBERS, KRAWCZYK, HAHN, JENSEN, TOWNSEND, VRAKAS and VAN ROY, cosponsored by Senators DARLING and HARSDORF. Referred to Joint Committee on Finance.

1 **AN ACT** *to amend* 111.70 (4) (cm) 7r. d., 111.70 (4) (cm) 7r. e., 111.70 (4) (cm) 7r.
2 f., 111.70 (4) (cm) 7r. g. and 111.70 (4) (cm) 7r. h.; and *to create* 111.70 (4) (c) 2m.,
3 111.70 (4) (jm) 4m. and 111.77 (6) (dm) of the statutes; **relating to:** factors
4 considered in rendering a collective bargaining arbitration decision under the
5 Municipal Employment Relations Act.

Analysis by the Legislative Reference Bureau

Under the Municipal Employment Relations Act (MERA), all matters relating to wages, hours, and conditions of employment are subject to collective bargaining. Under MERA, for labor disputes that go to arbitration, the arbitrator or arbitration panel must consider a variety of factors, some of which are given "greatest weight"; some of which are given "greater weight"; and some of which must simply be considered. Among the factors that must simply be considered are the wages, hours, and conditions of employment of employees providing similar services and of employees in public and in private employment in the same and comparable communities. This bill provides that the arbitrator or arbitration panel must consider the wages, hours, and conditions of employment of the employees as a whole, not as isolated elements. Another factor that must be considered is the average consumer prices for goods and services, commonly known as the cost of living. Included in this cost of living factor are the average housing costs and other costs significantly affecting the quality of life.

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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) (c) 2m. of the statutes is created to read:

2 111.70 (4) (c) 2m. ‘Factors used in arbitration to settle disputes.’ If the parties
3 to a dispute agree to have the commission or any other appropriate agency serve as
4 arbitrator to resolve the dispute and if the commission or any other appropriate
5 agency compares the wages, hours, and conditions of employment of the municipal
6 employees involved in the arbitration proceedings with the wages, hours, and
7 conditions of employment of any other employees, the commission or other
8 appropriate agency shall compare the wages, hours, and conditions of employment
9 as a whole, rather than as individual elements.

10 **SECTION 2.** 111.70 (4) (cm) 7r. d. of the statutes is amended to read:

11 111.70 (4) (cm) 7r. d. Comparison of wages, hours and conditions of employment
12 of the municipal employees involved in the arbitration proceedings with the wages,
13 hours and conditions of employment of other employees performing similar services.
14 In making this comparison, the arbitrator or arbitration panel shall consider wages,
15 hours, and conditions of employment as a whole, rather than as individual elements.

16 **SECTION 3.** 111.70 (4) (cm) 7r. e. of the statutes is amended to read:

17 111.70 (4) (cm) 7r. e. Comparison of the wages, hours and conditions of
18 employment of the municipal employees involved in the arbitration proceedings with
19 the wages, hours and conditions of employment of other employees generally in
20 public employment in the same community and in comparable communities. In

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1 making this comparison, the arbitrator or arbitration panel shall consider wages,
2 hours, and conditions of employment as a whole, rather than as individual elements.

3 **SECTION 4.** 111.70 (4) (cm) 7r. f. of the statutes is amended to read:

4 111.70 (4) (cm) 7r. f. Comparison of the wages, hours and conditions of
5 employment of the municipal employees involved in the arbitration proceedings with
6 the wages, hours and conditions of employment of other employees in private
7 employment in the same community and in comparable communities. In making
8 this comparison, the arbitrator or arbitration panel shall consider wages, hours, and
9 conditions of employment as a whole, rather than as individual elements.

10 **SECTION 5.** 111.70 (4) (cm) 7r. g. of the statutes is amended to read:

11 111.70 (4) (cm) 7r. g. The average consumer prices for goods and services,
12 commonly known as the cost of living, including specifically average housing costs
13 and other costs significantly affecting the quality of life.

14 **SECTION 6.** 111.70 (4) (cm) 7r. h. of the statutes is amended to read:

15 111.70 (4) (cm) 7r. h. The overall compensation presently received by the
16 municipal employees, including direct wage compensation, vacation, holidays and
17 excused time, insurance and pensions, medical and hospitalization benefits, the
18 continuity and stability of employment, and all other benefits received. In making
19 this comparison, the arbitrator or arbitration panel shall consider wages, hours, and
20 conditions of employment as a whole, rather than as individual elements.

21 **SECTION 7.** 111.70 (4) (jm) 4m. of the statutes is created to read:

22 111.70 (4) (jm) 4m. For the purpose of setting wages and determining hours and
23 conditions of employment under subd. 4., if the arbitrator compares the wages,
24 hours, and conditions of employment with the wages, hours, and conditions of
25 employment of other employees performing similar services or in the same

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1 community or comparable communities, the arbitrator shall consider wages, hours,
2 and conditions of employment as a whole, rather than as individual elements.

3 **SECTION 8.** 111.77 (6) (dm) of the statutes is created to read:

4 111.77 (6) (dm) In making the comparison of wages, hours, and conditions of
5 employment under par (d), the arbitrator shall consider wages, hours, and conditions
6 of employment as a whole, rather than as individual elements.

7 **SECTION 9. Initial applicability.**

8 (1) The treatment of sections 111.70 (4) (c) 2m., (cm) 7r. d., e., f., g., and h., and
9 (jm) 4m. and 111.77 (6) (dm) of the statutes first applies to an arbitration decision
10 that results from a petition for arbitration submitted on the effective date of this
11 subsection.

12 (END)