

1999 ASSEMBLY BILL 499

October 5, 1999 – Introduced by Representatives NASS, SUDER, LEIBHAM, HAHN, ALBERS, SERATTI, AINSWORTH, PETTIS and OWENS, cosponsored by Senators FITZGERALD and SCHULTZ. Referred to Committee on Family Law.

1 **AN ACT to amend** 111.70 (1) (a); and **to create** 111.70 (4) (n) of the statutes;
 2 **relating to:** permissive subjects of collective bargaining under the municipal
 3 employment relations act.

Analysis by the Legislative Reference Bureau

Under current law, there are three categories of subjects of collective bargaining under the municipal employment relations act (MERA). A mandatory subject of bargaining is one primarily related to wages, hours and conditions of employment; the municipal employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; a municipal employer may, but need not, bargain over this subject. A prohibited subject of bargaining is one that would violate a law; there may be no bargaining over such a subject.

This bill creates a new permissive subject of collective bargaining under MERA, relating to the provision of employe benefits. Under the bill, a municipal employer is not required to bargain over the provision of employe benefits to any adult who resides with a municipal employe and who is not related to the municipal employe by blood, marriage or adoption.

For further information see the *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:

ASSEMBLY BILL 499

1 **SECTION 1.** 111.70 (1) (a) of the statutes is amended to read:

2 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
3 obligation of a municipal employer, through its officers and agents, and the
4 representative of its municipal employees in a collective bargaining unit, to meet and
5 confer at reasonable times, in good faith, with the intention of reaching an
6 agreement, or to resolve questions arising under such an agreement, with respect to
7 wages, hours and conditions of employment, and with respect to a requirement of the
8 municipal employer for a municipal employe to perform law enforcement and fire
9 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81
10 (3) and except that a municipal employer shall not meet and confer with respect to
11 any proposal to diminish or abridge the rights guaranteed to municipal employees
12 under ch. 164. The duty to bargain, however, does not compel either party to agree
13 to a proposal or require the making of a concession. Collective bargaining includes
14 the reduction of any agreement reached to a written and signed document. The
15 municipal employer shall not be required to bargain on subjects reserved to
16 management and direction of the governmental unit except insofar as the manner
17 of exercise of such functions affects the wages, hours and conditions of employment
18 of the municipal employes in a collective bargaining unit. In creating this subchapter
19 the legislature recognizes that the municipal employer must exercise its powers and
20 responsibilities to act for the government and good order of the jurisdiction which it
21 serves, its commercial benefit and the health, safety and welfare of the public to
22 assure orderly operations and functions within its jurisdiction, subject to those
23 rights secured to municipal employes by the constitutions of this state and of the
24 United States and by this subchapter.

25 **SECTION 2.** 111.70 (4) (n) of the statutes is created to read:

