

1999 DRAFTING REQUEST

Bill

Received: 11/17/98

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Richard Grobschmidt (608) 266-7505**

By/Representing: **Ed Musik**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies: **JTK**

Pre Topic:

No specific pre topic given

Topic:

Employment relations for members of the University of Wisconsin System faculty and academic staff

Instructions:

Redraft SB 14, plus SA2 to SB 14

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 12/8/98	ptellez 01/20/99		_____			State
/1			hhagen 01/21/99	_____	lrb_docadmin 01/21/99	lrb_docadmin 03/23/99	

FE Sent For: **03/23/99.**

✓/1"

<END>

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1?	champra	1/1 mt 12/11/98					
		1-1-99 KLG	1/20	1/26			

FE Sent For:

<END>



State of Wisconsin
1997-1998 LEGISLATURE
1999-2000

LRB-0101/1
RAC:mfd:kat

LRB-0900/1

RAC:py+kg

1997 SENATE BILL 14

Due 1/21/99
Thurs.

January 15, 1997 - Introduced by Senators C. POTTER, SCHULTZ, WIRCH, PLACHE, JAUCH, BRESKE, MOEN, GROBSCHMIDT, CLAUSING and SHIBILSKI, cosponsored by Representatives MUSSER, DOBYNS, M. LEHMAN, HASENOHR, ROCK, HANN, WASSERMAN, RYBA, BAUMGART, TURNER, PLOUFF, KREUSER, GRONEMUS, BOYDE, PLALE, LA FAVE, MEYER, GOETSCH, MURAT, BALDWIN, CULLEN, ZIEGELBAUER, VANDER LOOP, LORGE and STEINBRINK. Referred to Committee on Labor, Transportation and Financial Institutions.

regen

1 AN ACT to renumber 111.81 (1); to renumber and amend 111.83 (4); to amend
2 36.09 (4), 36.09 (4m), 111.83 (3), 111.83 (5) (a) to (c), (h) and (i), 111.84 (2) (c),
3 111.91 (2) (a), 111.91 (4), 111.93 (2) and (3), 230.10 (2) and 230.34 (1) (ar); to
4 repeal and recreate 111.81 (10), 111.91 (2) (a) and 111.91 (4); and to create
5 111.81 (1), 111.81 (7) (f), 111.81 (8m), 111.815 (4), 111.825 (2) (em) to (j) and (2m),
6 111.83 (4) (b) and 111.91 (2) (br) of the statutes; relating to: employment
7 relations for members of the University of Wisconsin System faculty and
8 academic staff.

Analysis by the Legislative Reference Bureau

This bill extends the state employment labor relations act to cover the members of the faculty and academic staff of the University of Wisconsin (UW) System. Excluded from coverage are ~~members of the faculty and academic staff of the University of Wisconsin-Extension~~, management employes and confidential employes.

Under the bill, UW faculty and academic staff members are expressly guaranteed the right of self-organization. Collective bargaining is expressly authorized and required with certified representative organizations in relation to specified subjects of bargaining. Mandatory subjects of bargaining are salaries,

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fringe benefits and hours and conditions of employment. Bargaining is not required on certain subjects reserved to the management and direction of the university, except that procedures for the adjustment of grievances arising out of disciplinary actions are a mandatory subject of bargaining. In addition, bargaining is not permitted regarding the structure, mission and goals of the UW System, and matters affecting the statutory rights and responsibilities of students.

Bargaining units are structured so that the faculty and academic staff of the UW-Madison bargain as ~~2~~^{two} separate units; the faculty and academic staff of the UW-Milwaukee bargain as ~~2~~^{two} separate units; ~~and~~ the faculty and academic staff of each of the other UW campuses and the faculty and academic staff of the UW-Center System bargain as ~~2~~^{two} separate units, with one unit for all faculty members on all of these campuses and one unit for all academic staff members on all of these campuses. Employees may vote to merge units, and employees in a merged unit may vote to redivide the unit. The faculty and academic staff of each campus or the Center System may decide individually whether to participate in bargaining. In the multicampus collective bargaining units, once a campus elects to participate in collective bargaining, it may not elect to withdraw from participation except in conjunction with the other campuses that have elected to participate, and in conjunction with the UW-Center System if the system elects to participate. Once the UW-Center System elects to participate in collective bargaining, it may not elect to withdraw from participation except in conjunction with the campuses in the multicampus unit that have elected to participate.

Employees in the bargaining units have the right to vote in an election conducted by the employment relations commission as to whether there shall be collective bargaining and, if so, with which representative. The votes for representative are counted at a campus or at the UW-Center System only if the campus or the center system elects to participate in collective bargaining. Responsibilities of the state as an employer are handled under the bill by the department of employment relations. However, ~~the department~~^{DER} is directed to maintain close liaison with the board of regents of the UW System with respect to collective bargaining activities involving UW faculty and academic staff.

The unfair labor practices currently applicable to represented employees are extended to apply to the members of the UW faculty and academic staff, to their labor unions and to the state as their employer.

No compulsory means of dispute settlement are provided.

Strikes are prohibited. Strikes constitute an unfair labor practice and may be enjoined by a court. Currently, strikes by faculty and academic staff members are not authorized, but no law specifically treats the matter.

"Fair-share" (agency shop) and "maintenance of membership" agreements similar to those currently provided for represented employees are authorized. Under a fair-share agreement, the UW must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employees in the bargaining unit represented by that union, regardless of whether the employees are union members, and pay the total amount deducted to the union. A fair-share agreement requires

the faculty and academic staff of the University of Wisconsin - Extension should bargain as two separate units

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the approval of two-thirds of the employes voting in a unit before it may take effect; it may also be discontinued according to a similar procedure. Under a maintenance of membership agreement, the UW must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employes in the bargaining unit who are members of the union, and all employes who are hired after the effective date of the agreement, and pay the total amount deducted to the union. A maintenance of membership agreement requires the approval of a majority of the employes voting in a unit before it may become effective, and may also be discontinued according to a similar procedure. If the faculty or academic staff at any institution votes not to participate in collective bargaining, that group does not participate in any fair-share or maintenance of membership agreement.

Currently, faculty and academic staff members are entitled to participate in the immediate governance and policy development at the institutions where they serve. The bill provides that, when a labor union is certified to represent faculty or academic staff members at an institution, this participation in governance and policy development does not extend to mandatory subjects of bargaining with the union or subjects that are treated in a collective bargaining agreement with the union.

Currently, no employment relations act applies to members of the UW faculty or academic staff. Although members of the faculty and academic staff may organize and join labor unions, the state is not required to recognize or bargain collectively with them by statute. The employment relations commission has no responsibility to conduct elections, mediate disputes, arbitrate grievances or adjudicate alleged unfair labor practices involving members of the faculty or academic staff and their employer.

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:

SECTION 1. 36.09 (4) of the statutes is amended to read:

36.09 (4) FACULTY. The faculty of each institution, subject to the responsibilities and powers of the board, the president and the chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for academic and educational activities and faculty personnel matters. The faculty of each institution shall have the right to determine their own faculty organizational structure and to select representatives

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SECTION 1

1 to participate in institutional governance. This subsection does not apply to
 2 governance and policy development by the faculty at an institution at which a labor
 3 organization is certified under subch. V of ch. 111 to represent the faculty with
 4 respect to any subject that is a mandatory subject of bargaining with that labor
 5 organization, or with respect to any subject that is treated in a collective bargaining
 6 agreement with that organization covering the faculty at that institution.

7 SECTION 2. 36.09 (4m) of the statutes is amended to read:

8 36.09 (4m) ACADEMIC STAFF. The academic staff members of each institution,
 9 subject to the responsibilities and powers of the board, the president and the
 10 chancellor and faculty of the institution, shall be active participants in the
 11 immediate governance of and policy development for the institution. The academic
 12 staff members have the primary responsibility for the formulation and review, and
 13 shall be represented in the development, of all policies and procedures concerning
 14 academic staff members, including academic staff personnel matters. The academic
 15 staff members of each institution shall have the right to organize themselves in a
 16 manner they determine and to select their representatives to participate in
 17 institutional governance. This subsection does not apply to governance and policy
 18 development by academic staff members at an institution at which a labor
 19 organization is certified under subch. V of ch. 111 to represent the academic staff
 20 members with respect to any subject that is a mandatory subject of bargaining with
 21 that labor organization, or with respect to any subject that is treated in a collective
 22 bargaining agreement with that organization covering academic staff members at
 23 that institution.

24 SECTION 3. 111.81 (1) of the statutes is renumbered 111.81 (1m).

25 SECTION 4. 111.81 (4) of the statutes is created to read:

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1 111.81 ⁽¹⁾~~(4)~~ "Academic staff" has the meaning given in s. 36.05 (1), but excludes
2 individuals who hold appointments under s. 36.13 or faculty appointments under s.
3 36.15 (2m).

4 **SECTION 5.** 111.81 (7) (f) of the statutes is created to read:

5 111.81 (7) (f) Faculty and academic staff of the University of Wisconsin System,
6 excluding supervisors, management employes and individuals who are privy to
7 confidential matters affecting the employer–employee relationship.

8 **SECTION 6.** 111.81 ^(8m)~~(8m)~~ of the statutes is created to read:

9 111.81 (8m) "Faculty" means individuals who hold the rank of professor,
10 associate professor, assistant professor or instructor in an academic department or
11 its functional equivalent or individuals who hold appointments under s. 36.13 (4) at
12 any institution ~~other than the University of Wisconsin–Extension~~, but excludes
13 individuals who hold appointments under s. 36.15 (1), (2) or (3) or academic staff
14 appointments under s. 36.15 (2m).

15 **SECTION 7.** 111.81 ⁽¹⁰⁾~~(10)~~ of the statutes is repealed and recreated to read:

16 111.81 (10) "Institution" means any university of the University of Wisconsin
17 ~~System, the center system~~ ^{University of Wisconsin, the University of Wisconsin–Extension} or an organizational equivalent designated by the Board
18 of Regents of the University of Wisconsin System.

19 **SECTION 8.** 111.815 ⁽⁴⁾~~(4)~~ of the statutes is created to read:

20 111.815 (4) With regard to collective bargaining activities involving employes
21 who are members of the faculty or academic staff, the secretary of the department
22 shall maintain close liaison with the ~~Board of Regents~~ of the University of Wisconsin
23 System.

24 **SECTION 9.** 111.825 ⁽²⁾~~(2)~~ (em) to (j) and (2m) of the statutes are created to read:

25 111.825 (2) (em) The faculty of the University of Wisconsin–Madison.

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Insert
6-7

1

(f) The faculty of the University of Wisconsin-Milwaukee.

2

(g) The faculty of the universities of Wisconsin-Eau Claire, Green Bay, La

3

Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior

4

and Whitewater and the University of Wisconsin-Center System.

5

(h) The academic staff of the University of Wisconsin-Madison.

6

(i) The academic staff of the University of Wisconsin-Milwaukee.

7

(j) The academic staff of the universities of Wisconsin-Eau Claire, Green Bay,

8

La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout,

9

Superior and Whitewater and the University of Wisconsin-Center System.

10

(2m) (a) Notwithstanding sub. (2), 2 or more collective bargaining units

11

specified in sub. (2) (em) to (j) may be combined into a single unit. If 2 or more

12

collective bargaining units seek to combine into a single collective bargaining unit,

13

the commission shall, upon the petition of at least 30% of the employees in each unit,

14

hold an election to determine whether a majority of those employees voting in each

15

unit desires to combine into a single unit. A combined collective bargaining unit shall

16

be formed including all employees from each of those units in which a majority of the

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employees voting in the election approves a combined unit. The combined collective

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bargaining unit shall be formed immediately if there is no existing collective

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bargaining agreement in force in any of the units to be combined. If there is a

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collective bargaining agreement in force at the time of the election in any of the

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collective bargaining units to be combined, the combined unit shall be formed upon

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expiration of the last agreement for the units concerned.

23

(b) If 2 or more collective bargaining units have combined under par. (a), the

24

commission shall, upon petition of at least 30% of the employees in any of the original

25

units, hold an election of the employees in the original unit to determine whether the

Insert
6-6

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1 employes in that unit desire to withdraw from the combined collective bargaining
2 unit. If a majority of the employes voting desires to withdraw from the combined
3 collective bargaining unit, separate units consisting of the unit in which the election
4 was held and a unit composed of the remainder of the combined unit shall be formed.
5 The new collective bargaining units shall be formed immediately if there is no
6 collective bargaining agreement in force for the combined unit. If there is a collective
7 bargaining agreement in force for the combined collective bargaining unit, the new
8 units shall be formed upon the expiration of the agreement. An election to change
9 or discontinue representation under s. 111.83 (6) may be held in the petitioning
10 collective bargaining unit concurrently with an election under this paragraph. The
11 ballots for the election under s. 111.83 (6) shall only be counted if a majority of the
12 employes voting at the election votes to withdraw from the combined collective
13 bargaining unit. While there is a collective bargaining agreement in force for the
14 combined collective bargaining unit, a petition for an election under this paragraph
15 may only be filed during October in the calendar year prior to the expiration of the
16 agreement.

17 SECTION 10. 111.83 (3) of the statutes is amended to read:

18 111.83 (3) Whenever a question arises concerning the representation of
19 employes in a collective bargaining unit the commission shall determine the
20 representative thereof by taking a secret ballot of the employes and certifying in
21 writing the results thereof to the interested parties and to the secretary of the
22 department. There shall be included on any ballot for the election of representatives
23 the names of all labor organizations having an interest in representing the employes
24 participating in the election as indicated in petitions filed with the commission. The
25 name of any existing representative shall be included on the ballot without the

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SENATE BILL 14

1 necessity of filing a petition. The commission may exclude from the ballot one who,
2 at the time of the election, stands deprived of his or her rights under this subchapter
3 by reason of a prior adjudication of his or her having engaged in an unfair labor
4 practice. The ballot shall be so prepared as to permit a vote against representation
5 by anyone named on the ballot. For elections in collective bargaining units composed
6 of employes who are members of the faculty or academic staff, whenever more than
7 one representative qualifies to appear on the ballot, the ballot shall be prepared to
8 provide separate votes on 2 questions. The first question shall be: "Shall the
9 employes of the ... (name of collective bargaining unit) participate in collective
10 bargaining?". The 2nd question shall be: "If the employes of the ... (name of
11 collective bargaining unit) elect to participate in collective bargaining, which labor
12 organization do you favor to act as representative of the employes?". The 2nd
13 question shall not include a choice for no representative. All employes in the
14 collective bargaining unit may vote on both questions. Unless a majority of those
15 employes voting in the election votes to participate in collective bargaining, no votes
16 for a particular representative may be counted. If a majority of those employes voting
17 in the election votes to participate in collective bargaining, the ballots for
18 representatives shall be counted. In the collective bargaining units specified in s.
19 111.825 (2) (g) and (j), only those ballots for representatives cast at those institutions
20 at which a majority of the employes voting in the election votes to participate in
21 collective bargaining shall be counted in determining the representative. The
22 commission's certification of the results of any election is conclusive as to the findings
23 included therein unless reviewed under s. 111.07 (8).

24 SECTION 11. 111.83[✓](4) of the statutes is renumbered 111.83 (4) (a) and amended
25 to read:

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1 111.83 (4) (a) Whenever an election has been conducted under sub. (3) in a
 2 collective bargaining unit specified in s. 111.825 (1) or (2) (a) to (c) in which the name
 3 of more than one proposed representative appears on the ballot and results in no
 4 conclusion, the commission may, if requested by any party to the proceeding within
 5 30 days from the date of the certification of the results of the election, conduct a runoff
 6 election. In that runoff election, the commission shall drop from the ballot the name
 7 of the representative who received the least number of votes at the original election.
 8 The commission shall drop from the ballot the privilege of voting against any
 9 representative if the least number of votes cast at the first election was against
 10 representation by any named representative.

11 SECTION 12. 111.83 (4) (b) of the statutes is created to read:

12 111.83 (4) (b) Whenever an election has been conducted under sub. (3) in a
 13 collective bargaining unit specified in s. 111.825 (2) (em) to (j) in which a majority of
 14 the employes voting indicates a desire to participate in collective bargaining but in
 15 which no named representative is favored by a majority of the employes voting, the
 16 commission may, if requested by any party to the proceeding within 30 days from the
 17 date of the certification of the results of the election, conduct a runoff election. In that
 18 runoff election, the commission shall drop from the ballot the name of the
 19 representative who received the least number of votes at the original election. In the
 20 collective bargaining unit specified in s. 111.825 (2) (g) or (j), only the employes at
 21 those institutions at which a majority of those employes voting in the election votes
 22 to participate in collective bargaining shall be permitted to vote in the runoff election.

23 SECTION 13. 111.83 (5) (a) to (c), (h) and (i) of the statutes are amended to read:

24 111.83 (5) (a) This subsection applies only to the collective bargaining unit
 25 units specified in s. 111.825 (2) (c), (g) and (j).

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SECTION 13

1 (b) Upon filing of a petition with the commission indicating a showing of
2 interest of at least 30% of the employees at an institution who are included within a
3 collective bargaining unit to be represented by a labor organization, the commission
4 shall hold an election in which the employees in that unit at that institution may vote
5 on the question of representation. The labor organization named in any such petition
6 shall be included on the ballot. Within 60 days of the time that an original petition
7 is filed, another petition may be filed with the commission indicating a showing of
8 interest of at least 10% of the employees at the same institution who are included in
9 the same collective bargaining unit to be represented by another labor organization,
10 in which case the name of that labor organization shall be included on the ballot. If
11 more than one original petition is filed within a 30-day period concerning employees
12 in the collective bargaining unit specified in s. 111.825 (2) (c), the results of (g) or (j),
13 all elections held pursuant to the petitions shall be announced by the commission at
14 the same time. The ~~ballot~~ elections shall be held on the same day and the ballots for
15 all of the elections shall be prepared in accordance with sub. (3), except as otherwise
16 provided in this subsection.

17 (c) Notwithstanding s. 111.825 (2) (c), (g) and (j), the employees at any institution
18 included within the collective bargaining unit at which no petition is filed and no
19 election is held or at which the employees indicate, by a majority of those voting in an
20 election, a desire not to participate in collective bargaining are not considered to be
21 a part of that collective bargaining unit. In the collective bargaining units specified
22 in s. 111.825 (2) (g) and (j), once the employees at any institution vote to participate
23 in collective bargaining, the commission shall not determine the votes of employees
24 on that question at that institution at a future election except in conjunction with the
25 votes of the employees at the other institutions in the collective bargaining unit.

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1 (h) If a petition is filed under sub. (6) for the discontinuance of existing
 2 representation indicating a showing of interest by 30% of the total number of
 3 employes at all institutions at which employes in the collective bargaining unit have
 4 voted to become a part of the unit, the commission shall hold an election on that
 5 question at all such institutions. If In the collective bargaining unit specified in s.
 6 111.825 (2) (c), if a petition is filed under sub. (6) for the discontinuance of existing
 7 representation indicating a showing of interest by 30% of the employes at one or
 8 more, but not all, of the institutions at which employes in the collective bargaining
 9 unit have voted to become a part of the unit, the commission shall hold an election
 10 on that question only at the institution or institutions at which the showing is made.
 11 In such an election, the only question appearing on the ballot shall be whether the
 12 employes desire to participate in collective bargaining.

13 (i) If a petition is filed under sub. (6) for a change of existing representation,
 14 the commission shall hold an election on the question in accordance with par. (b),
 15 except that participation shall be limited to employes at those institutions included
 16 in the collective bargaining unit who have previously voted to become a part of the
 17 unit. Runoff elections shall be held, as provided in par. (e), when necessary. At any
 18 such election, if a majority of the total number of employes included in the collective
 19 bargaining unit at all institutions at which employes have voted to become a part of
 20 the unit elect not to participate in collective bargaining, regardless of the result of
 21 the vote at any single institution, no representative may be certified by the
 22 commission to represent the employes at any institution within that collective
 23 bargaining unit, unless a new petition and election is held under par. (b). However
 24 In the collective bargaining unit specified in s. 111.825 (2) (c), if a majority of the total
 25 number of employes included in the collective bargaining unit at all institutions at

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SENATE BILL 14

1 which employes have voted to become a part of the unit elect to participate in
 2 collective bargaining, but a majority of the employes at one or more of the institutions
 3 elect not to participate in collective bargaining, then only the employes at those
 4 institutions electing not to participate shall not be considered a part of that collective
 5 bargaining unit. In the collective bargaining unit specified in s. 111.825 (2) (g) or (j),
 6 if the employes at an institution vote to become a part of the unit, the commission
 7 shall not accept a petition for an election on the question of withdrawal from the unit.

8 SECTION 14. 111.84 (2) (c) of the statutes is amended to read:

9 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
 10 (1) with the duly authorized officer or agent of the employer which is the recognized
 11 or certified exclusive collective bargaining representative of employes specified in s.
 12 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
 13 exclusive collective bargaining representative of employes specified in s. 111.81 (7)
 14 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
 15 shall include, but not be limited to, the refusal to execute a collective bargaining
 16 agreement previously orally agreed upon.

17 SECTION 15. 111.91 (2) (a) of the statutes is amended to read:

18 111.91 (2) (a) The ~~structure,~~ mission and goals of state agencies and the
 19 University of Wisconsin Hospitals and Clinics Authority as set forth in the statutes.

20 SECTION 16. 111.91 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
 21 section 3841, and 1997 Wisconsin Act ... (this act), is repealed and recreated to read:

22 111.91 (2) (a) The ~~structure,~~ mission and goals of state agencies as set forth in
 23 the statutes.

24 SECTION 17. 111.91 (2) (br) of the statutes is created to read:

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Insert
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1 111.91 (2) (br) Matters affecting the rights and responsibilities of students as
2 provided in s. 36.09 (5).

3 **SECTION 18.** 111.91 (4) of the statutes is amended to read:

4 111.91 (4) The secretary of the department, in connection with the development
5 of tentative collective bargaining agreements to be submitted under s. 111.92, shall
6 endeavor to obtain tentative agreements with each recognized or certified labor
7 organization representing employes or supervisors of employes specified in s. 111.81
8 (7) (a) and with each certified labor organization representing employes specified in
9 s. 111.81 (7) (b) ~~or (e)~~ to (f) which do not contain any provision for the payment to any
10 employe of a cumulative or noncumulative amount of compensation in recognition
11 of or based on the period of time an employe has been employed by the state.

12 **SECTION 19.** 111.91 (4) of the statutes, as affected by 1995 Wisconsin Act 27 and
13 1997 Wisconsin Act (this act), is repealed and recreated to read:

14 111.91 (4) The secretary of the department, in connection with the development
15 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
16 shall endeavor to obtain tentative agreements with each recognized or certified labor
17 organization representing employes or supervisors of employes specified in s. 111.81
18 (7) (a) and with each certified labor organization representing employes specified in
19 s. 111.81 (7) (b) to (f) which do not contain any provision for the payment to any
20 employe of a cumulative or noncumulative amount of compensation in recognition
21 of or based on the period of time an employe has been employed by the state.

22 **SECTION 20.** 111.93 (2) and (3) of the statutes are amended to read:

23 111.93 (2) All civil service and other applicable statutes concerning wages,
24 fringe benefits, hours and conditions of employment apply to employes specified in
25 s. 111.81 (7) (a) who are not included in collective bargaining units for which a

Insert
13-22

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STATS.

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1 representative is recognized or certified and to employes specified in s. 111.81 (7) (b)
2 ~~or (e)~~ to [✓](f) who are not included in a collective bargaining unit or part of a collective
3 bargaining unit for which a representative is certified.

4 (3) Except as provided in ss. 40.05, 40.80 (3), 111.91 (1) (cm) and 230.88 (2) (b),
5 if a collective bargaining agreement exists between the employer and a labor
6 organization representing employes in a collective bargaining unit, the provisions of
7 that agreement shall supersede the provisions of civil service and other applicable
8 statutes, as well as rules and policies of the board of regents of the university of
9 Wisconsin system, related to wages, fringe benefits, hours and conditions of
10 employment whether or not the matters contained in those statutes, rules and
11 policies are set forth in the collective bargaining agreement. This subsection does
12 not apply to the provisions of s. 36.09 [✓](4) or [✓](4m) concerning the application of those
13 subsections.

14 SECTION 21. 230.10 [✓](2) of the statutes is amended to read:

15 230.10 (2) The compensation plan in effect at the time that a representative
16 is recognized or certified to represent employes in a collective bargaining unit and
17 the employe salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
18 that a representative is certified to represent employes in a collective bargaining unit
19 under subch. V of ch. 111 constitute the compensation plan or employe salary and
20 benefit provisions for employes in the collective bargaining unit until a collective
21 bargaining agreement becomes effective for that unit. If a collective bargaining
22 agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent
23 agreement, and a representative continues to be recognized or certified to represent
24 employes specified in s. 111.81 (7) (a) or certified to represent employes specified in
25 s. 111.81 (7) (b) ~~or (e)~~ to [✓](f) in that collective bargaining unit, the wage rates of the

Proof w/ STATS.

SENATE BILL 14

1 employes in such a unit shall be frozen until a subsequent agreement becomes
2 effective, and the compensation plan under s. 230.12 and salary and benefit changes
3 adopted under s. 230.12 (3) (e) do not apply to employes in the unit.

4 **SECTION 22.** 230.34 (1) (ar) of the statutes is amended to read:

5 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employes with permanent
6 status in class in the classified service and all employes who have served with the
7 state or a county, or both, as an assistant district attorney for a continuous period of
8 12 months or more, except that for employes specified in s. 111.81 (7) (a) in a collective
9 bargaining unit for which a representative is recognized or certified, or for employes
10 specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in a collective bargaining unit for which a
11 representative is certified, if a collective bargaining agreement is in effect covering
12 employes in the collective bargaining unit, the determination of just cause and all
13 aspects of the appeal procedure shall be governed by the provisions of the collective
14 bargaining agreement.

PROOF W/ STATS.

15 **SECTION 23. Effective dates.** This act takes effect on the day after publication,
16 except as follows:

17 (1) The repeal and recreation of section 111.91 (2) (a) and (4) of the statutes
18 takes effect on July 1, 1997.

19 (END)



[INSERT]
State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0433/1
RAC:kaf:ijs

INSERTS
6-1
6-6

SENATE AMENDMENT 2,
TO 1997 SENATE BILL 14

May 15, 1997 - Offered by COMMITTEE ON LABOR, TRANSPORTATION AND FINANCIAL INSTITUTIONS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 12: delete "other than the University of Wisconsin-Extension".

3 2. Page 5, line 17: after "the center system" insert ", the University of
4 Wisconsin-Extension".

5 3. Page 6, line 1: after that line insert:

6-1 6 (fr) The faculty of the University of Wisconsin-Extension.

7 4. Page 6, line 6: after that line insert:

6-6 8 (ir) The academic staff of the University of Wisconsin-Extension.

9 (END)

INSERT
[12-23]

Section #. 111.91 (2) (a) of the statutes is amended to read:

111.91 (2) (a) The ^{structure,} mission and goals of state agencies as set forth in the statutes.

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237.

INSERT
[13-22]

Section #. 111.91 (4) of the statutes is amended to read:

111.91 (4) The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a), shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employes or supervisors of employes specified in s. 111.81 (7) (a) and with each certified labor organization representing employes specified in s. 111.81 (7) (b) ~~or (e)~~ ^{to (f)} which do not contain any provision for the payment to any employe of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employe has been employed by the state.

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/21/99

To: Senator Grobschmidt

Relating to LRB drafting number: LRB-0900

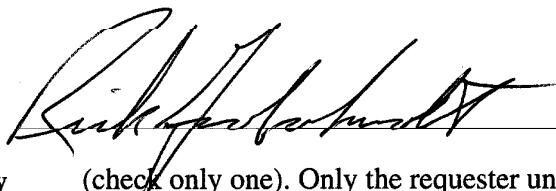
Topic

Employment relations for members of the University of Wisconsin System faculty and academic staff

Subject(s)

Employ Pub - collective bargain

1. **JACKET** the draft for introduction

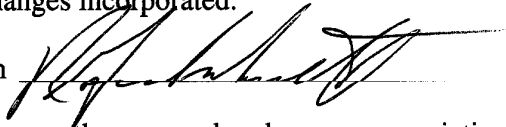


in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction



If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

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REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

April 8, 1999

LRB
/

MEMORANDUM

To: Senator Grobschmidt

From: Richard A. Champagne, Legislative Attorney, (608) 266-9930

Subject: Technical Memorandum to **1999 (Un-Introduced)** (LRB 99-0900/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

TECHNICAL NOTE
1999 LRB 0900/1

An amendment is needed to reflect the name change of UW-Centers to UW-Colleges.