

1999 DRAFTING REQUEST

Bill

Received: **09/09/1999**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Beth**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - retirement**

Extra Copies:

Pre Topic:

No specific pre topic given


Topic:

Membership of Employee Trust Funds Board and Wisconsin Retirement Board

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/1	champra 09/14/1999	csicilia 09/16/1999	martykr 09/16/1999	_____	gretskl 09/16/1999		State
/2	champra 09/22/1999	csicilia 09/22/1999	kfollet 09/23/1999	_____	lrb_docadmin 09/23/1999	lrb_docadmin	State 09/29/1999

FE Sent For:

<END>

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/1	champra 09/14/1999	csicilia 09/16/1999	martykr 09/16/1999	_____	gretskl 09/16/1999		State

FE Sent For: *1/2 cjs 9/22*
1/2 jlg 9/22 *Kjf 9/23* *Kjf/mrc 9/23*
<END>

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Instructions:


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1/?	champra	1 cjs 9/14 1 jlg 9/16	km 9/16	km 9/16 km 9/16			

FE Sent For:

<END>



ROBERT W. WIRCH
STATE SENATOR TWENTY-SECOND DISTRICT

To: Rick Champagne
From: Beth Smith
Date: September 8, 1999
Re: Bill Draft

Rick,

Please find enclosed some information I received recently for the drafting of legislation.

What we need drafted is laid out in the March 9 memo.

Let me know if you have any questions related to this.

Thanks!

Beth



AFSCME®

WISCONSIN OFFICE • 8033 Excelsior Dr., Suite A • Madison, WI 53717-1903 • Telephone 608/836-6666 • Fax 608/836-3333

Date: June 29, 1999

To: Beth Smith, Office of Senator Robert Wirth

From: Dennis Boyer

Re: Representation on Retirement Boards

JUN 30 1999

Attached (recovered at great length from the much vaunted AFSCME information retrieval system – piles of paper in my office) is the memo which I thought I previously shared with Bob.

It is possible that I forwarded it by email or put a cover memo on it. But maybe it just fell through the cracks over here. If so, I apologize for the confusion and the delay.

Perhaps a brief restatement of the problem is in order:

1. There are significant constituencies that feel underrepresented (and perhaps, are underrepresented).
2. There is a pattern of co-optation of "employee" seats by appointment of managerial employees who reflect the interests of the employers more consistently than those of employees.

We would like to know if Bob would like to sponsor legislation of this type, whether he would like to hold talks with the unions to reach an agreed upon "reform" package, or whether he would prefer that we find individual sponsors outside of the committee.

Roy Kubista, AFSCME's retirement consultant, and I are available to discuss any and all aspects of this concept. We are open to enlargement of the concept to other constituencies (we have already speculated on whether there should be a dedicated law enforcement employee seat).

Thank you for consideration of this request.

DB:nm

Attachment

Cc: Sandra Bloomfield
Marty Beil
Bob Lyons

in the public service

American Federation of State, County and Municipal Employees, AFL-CIO



Subject: ETFB/WRB Representation

Date: Tue, 09 Mar 1999 10:52:36 -0600

From: Sharon Pettigrew <sharonp@midplains.net>

Organization: AFSCME

To: "Boyer, Dennis" <dennisb@midplains.net>

DATE: March 9, 1999

TO: Roy Kubista

FROM: Dennis Boyer

RE: ETFB/WRB Representation

As you will recall, the directors entrusted us with the task of devising a better scheme of representation for the various retirement boards. There is a desire on the part of other groups to change the current setup. Many protectives feel that there should be a dedicated protective seat. There is also a push for more education sector seats.

Here's the outline of what I've come up with so far:

I. Wisconsin Retirement Board (15.165 and changes by implication in 15.16/ETFB)

1. Change subdivision 3 to read: One member who is a participating employee of a participating city or village and is a represented employee within a collective bargaining unit covered by 111.70.
2. Change subdivision 6 to read: One member who is a participating employee of a participating county and who is a represented employee within a collective bargaining unit covered by 111.70.
3. Change subdivision 7 to read: One member who is a participating state employee and who is a represented employee within a collective bargaining unit covered by 111.80.
4. Add subdivision 10 which would read: One member who is a participating protective occupation employee of a participating local employer and who is a represented within a collective bargaining unit covered by 111.77.
5. Change (b) to include (after "Wisconsin counties association..."): The members appointed under subds. 3, 6, and 7 shall be appointed from lists of five names submitted by the governing bodies of the labor organizations determined by the WERC to represent a plurality of employees in the collective bargaining units of those participating employers.

II. Employee Trust Fund Board [15.16(1) and 15.16(1)(b)]

1. Change "12 members" to "13 members."

2. Change (1)(b) 2 by deleting "7."
3. Change (1)(b) 3 by deleting "8."
4. Add a (1)(b) 4 to read: At least one appointee under this paragraph shall have been appointed to the board under 5.15.165(3)(b)10.

The above adjustments contemplate a process by which state, county and municipal employees are "authenticated," thus avoiding the current abusive practice of appointing management personnel to "employee" positions. This outline also adds a protective to WRB and ETFB.

This is my first pass through the basic drafting instructions. Let me know if the approach is sound or if I've missed something along the way. We want to have this fine-tuned for introduction before summer.

DB:sp

xc: Sandra Bloomfield
Marty Beil
Bob Lyons
Jennifer Grondin



D-Note
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3583/1

RAC: /:...

ejg
+
jjg

1999 BILL

gen

1 AN ACT ...; relating to: membership of the employe trust funds board and the
2 Wisconsin retirement board.

Analysis by the Legislative Reference Bureau

Under current law, the Wisconsin retirement board, which is created in the department of employe trust funds (DETF), is responsible, among other things, for approving or rejecting all administrative rules promulgated by DETF that affect participants in the Wisconsin retirement system, other than teacher participants. Currently, the Wisconsin retirement board consists of nine members, three of whom are local government and state employes. This bill provides that these employe members of the Wisconsin retirement board must be included within collective bargaining units for which a representative is recognized or certified under the municipal employment labor relations act (MERA) or the state employment labor relations act. In addition, the bill increases the size of the Wisconsin retirement board to include a member who is a participating protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.

Under current law, the employe trust funds board directs and supervises DETF. The employe trust funds board consists of 12 members. This bill increases the employe trust funds board to include the member of the Wisconsin retirement board who is a participating protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.



BILL

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:

1 **SECTION 1.** 15.16 (1) (intro.) of the statutes is amended to read:

2 15.16 (1) EMPLOYE TRUST FUNDS BOARD. (intro.) The employe trust funds board
3 shall consist of ~~12~~ 13 members. The board shall consist of the governor or the
4 governor's designee on the group insurance board, the secretary of employment
5 relations or the secretary's designee and ~~10~~ 11 persons appointed for 4-year terms
6 as follows:

7 History: 1979 c. 221; 1981 c. 96; 1991 a. 116.

8 **SECTION 2.** 15.16 (1) (b) (intro.) of the statutes is amended to read:

9 15.16 (1) (b) (intro.) ~~Four~~ Five members shall be members of the Wisconsin
retirement board, appointed by that board.

10 History: 1979 c. 221; 1981 c. 96; 1991 a. 116.

11 **SECTION 3.** 15.16 (1) (b) 2. of the statutes is amended to read:

12 15.16 (1) (b) 2. At least one appointee under this paragraph shall have been
appointed to the board under s. 15.165 (3) (b) 3., ~~6. or 7.~~ or 6.

13 History: 1979 c. 221; 1981 c. 96; 1991 a. 116.

14 **SECTION 4.** 15.16 (1) (b) 3. of the statutes is amended to read:

15 15.16 (1) (b) 3. At least one appointee under this paragraph shall have been
appointed to the board under s. 15.165 (3) (b) ~~7. or 8.~~

16 History: 1979 c. 221; 1981 c. 96; 1991 a. 116.

17 **SECTION 5.** 15.16 (1) (b) 4. of the statutes is created to read:

18 15.16 (1) (b) 4. At least one appointee under this paragraph shall have been
appointed to the board under s. 15.165 (3) (b) 10.

19 **SECTION 6.** 15.165 (3) (b) (intro.) of the statutes is amended to read:

BILL

1 15.165 (3) (b) *Wisconsin retirement board.* (intro.) There is created in the
2 department of employe trust funds a Wisconsin retirement board. The board shall
3 consist of 9 10 members and board members appointed under subds. 1. to 8. and 10.
4 shall serve for staggered 5-year terms. The member appointed under subd. 1. shall
5 be appointed from a list of 5 names submitted by the board of directors of the league
6 of Wisconsin municipalities, ~~and~~ the member appointed under subd. 4. shall be
7 appointed from a list of 5 names submitted by the executive committee of the
8 Wisconsin counties association; the member appointed under subd. 3. shall be
9 appointed from a list of 5 names submitted by the labor organization that represents
10 the greatest number of city and village employes who are included within collective
11 bargaining units for which a representative is recognized or certified under subch.
12 IV of ch. 111, as determined by the employment relations commission; the member
13 appointed under subd. 6. shall be appointed from a list of 5 names submitted by the
14 labor organization that represents the greatest number of county employes who are
15 included within collective bargaining units for which a representative is recognized
16 or certified under subch. IV of ch. 111, as determined by the employment relations
17 commission; and the member appointed under subd. 7. shall be appointed from a list
18 of 5 names submitted by the labor organization that represents the greatest number
19 of state employes who are included within collective bargaining units for which a
20 representative is recognized or certified under subch. V of ch. 111, as determined by
21 the employment relations commission. Each member appointed under subds. 1., 2.
22 and 3. shall be from a different county. Each member appointed under subds. 4., 5.
23 and 6. shall be appointed from a different county. The board shall consist of the
24 following members:

BILL

SECTION 7

1 **SECTION 7.** 15.165 (3) (b) 3. of the statutes is amended to read:

2 15.165 (3) (b) 3. One member who is a participating employe of a participating
3 city or village and who is included within a collective bargaining unit for which a
4 representative is recognized or certified under subch. IV of ch. 111.

5 History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 ~~c. 192~~ s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399.

6 **SECTION 8.** 15.165 (3) (b) 6. of the statutes is amended to read:

7 15.165 (3) (b) 6. One member who is a participating employe of a participating
8 local employer other than a city or village and who is included within a collective
9 bargaining unit for which a representative is recognized or certified under subch. IV
10 of ch. 111.

11 History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 ~~c. 192~~ s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399.

12 **SECTION 9.** 15.165 (3) (b) 7. of the statutes is amended to read:

13 15.165 (3) (b) 7. One member who is a participating state employe and who is
14 included within a collective bargaining unit for which a representative is recognized
15 or certified under subch. V of ch. 111.

16 History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 ~~c. 192~~ s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399.

17 **SECTION 10.** 15.165 (3) (b) 10. of the statutes is created to read:

18 (15) 15.165 (3) (b) 10. One member who is a ~~participating~~ protective occupation
19 participant employe of a participating local employer and who is included within a
20 collective bargaining unit for which a representative is recognized or certified under
21 subch. IV of ch. 111 and which is subject to the dispute settlement procedure specified
22 in s. 111.77.

23 **SECTION 11.** 40.03 (8) (a) of the statutes is amended to read:

24 (21) 40.03 (8) (a) Shall appoint ~~4~~ 5 members of the employe trust funds board as
25 provided under s. 15.16 (1).

↑↑
strike one extra space
before and after 4

History: 1981 c. 96 ss. 24, 32; 1981 c. 386; 1983 a. 247; 1985 a. 29; 1985 a. 332 ss. 53, 251 (1); 1987 a. 356; 1989 a. 31, 166, 323; 1991 a. 116, 141, 152, 269; 1993 a. 16; 1995 a. 302, 414; 1997 a. 27.

26 **SECTION 12.** 111.71 (1m) of the statutes is created to read:

BILL

1 111.71 (1m) The commission shall make all determinations under s. 15.165 (3)
2 (b) relating to which labor organization represents the greatest number of municipal
3 employees employed by municipal employers.

4 **SECTION 13.** 111.94 (1m) of the statutes is created to read:

5 111.94 (1m) The commission shall make all determinations under s. 15.165 (3)
6 (b) relating to which labor organization represents the greatest number of employes
7 employed by the state.

8 **SECTION 14. Nonstatutory provisions.**

9 (1) Notwithstanding the requirement under section 15.165 (3) (b) 3. of the
10 statutes, as affected by this act, that the member appointed to the Wisconsin
11 retirement board under that subdivision must be included within a collective
12 bargaining unit for which a representative is recognized or certified under
13 subchapter IV of chapter 111 of the statutes, the member appointed under section
14 15.165 (3) (b) 3., 1997 stats., shall continue to serve on the board the remainder of
15 his or her term and until a successor is appointed and qualified.

16 (2) Notwithstanding the requirement under section 15.165 (3) (b) 6. of the
17 statutes, as affected by this act, that the member appointed to the Wisconsin
18 retirement board under that subdivision must be included within a collective
19 bargaining unit for which a representative is recognized or certified under
20 subchapter IV of chapter 111 of the statutes, the member appointed under section
21 15.165 (3) (b) 6., 1997 stats., shall continue to serve on the board the remainder of
22 his or her term and until a successor is appointed and qualified.

23 (3) Notwithstanding the requirement under section 15.165 (3) (b) 7. of the
24 statutes, as affected by this act, that the member appointed to the Wisconsin
25 retirement board under that subdivision must be included within a collective

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1 bargaining unit for which a representative is recognized or certified under
 2 subchapter V of chapter 111 of the statutes, the member appointed under section
 3 15.165 (3) (b) 7., 1997 stats., shall continue to serve on the board the remainder of
 4 his or her term and until a successor is appointed and qualified.

5 (END)

D-Note

*⌘ For the new member of the employe
 = trust funds board, do you want a labor
 organization to submit a list for his or
 her selection?*

RAC

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3583/1dn
RAC:cjs&jlg:km

September 16, 1999

For the new member of the employe trust funds board, do you want a labor organization to submit a list for his or her selection?

Richard A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

Per Dennis Boyer on 9/21/99:

Provide that the new protective occupation participant member of the Wisconsin retirement board is to be appointed from a list of 5 names submitted by the labor organization that represents the greatest number of protective occupation participants employed by local governments. Also, specify that the member currently appointed under s. 15.165 (3) (b) 6. must be a county employe.



(D-Note)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3583/x2
RAC:cjs&jlg:km

*RM has been
run*

1999 BILL

Regen

1 **AN ACT to amend** 15.16 (1) (intro.), 15.16 (1) (b) (intro.), 15.16 (1) (b) 2., 15.16 (1)
2 (b) 3., 15.165 (3) (b) (intro.), 15.165 (3) (b) 3., 15.165 (3) (b) 6., 15.165 (3) (b) 7.
3 and 40.03 (8) (a); and **to create** 15.16 (1) (b) 4., 15.165 (3) (b) 10., 111.71 (1m)
4 and 111.94 (1m) of the statutes; **relating to:** membership of the employe trust
5 funds board and the Wisconsin retirement board.

Analysis by the Legislative Reference Bureau

Under current law, the Wisconsin retirement board, which is created in the department of employe trust funds (DETF), is responsible, among other things, for approving or rejecting all administrative rules promulgated by DETF that affect participants in the Wisconsin retirement system, other than teacher participants. Currently, the Wisconsin retirement board consists of nine members, three of whom are local government and state employes. This bill provides that these employe members of the Wisconsin retirement board must be included within collective bargaining units for which a representative is recognized or certified under the Municipal Employment Labor Relations Act (MERA) or the State Employment Labor Relations Act. In addition, the bill increases the size of the Wisconsin retirement board to include a member who is a protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.

Under current law, the employe trust funds board directs and supervises DETF. The employe trust funds board consists of 12 members. This bill increases the

BILL

employe trust funds board to include the member of the Wisconsin retirement board who is a protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.

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7 of Wisconsin municipalities, and; the member appointed under subd. 3. shall be
8 appointed from a list of 5 names submitted by the labor organization that represents
9 the greatest number of city and village employes who are included within collective
10 bargaining units for which a representative is recognized or certified under subch.
11 IV of ch. 111, as determined by the employment relations commission; the member
12 appointed under subd. 4. shall be appointed from a list of 5 names submitted by the
13 executive committee of the Wisconsin counties association; the member appointed
14 under subd. 6. shall be appointed from a list of 5 names submitted by the labor
15 organization that represents the greatest number of county employes who are
16 included within collective bargaining units for which a representative is recognized
17 or certified under subch. IV of ch. 111, as determined by the employment relations
18 commission; [✓] and the member appointed under subd. 7. shall be appointed from a list
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Insert 3-22 ✓

BILL

1 **SECTION 7.** 15.165 (3) (b) 3. of the statutes is amended to read:

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5 **SECTION 8.** 15.165 (3) (b) 6. of the statutes is amended to read:

6 15.165 (3) (b) 6. One member who is a participating employe of a participating
7 ~~local employer other than a city or village~~ ^{county} and who is included within a collective
8 bargaining unit for which a representative is recognized or certified under subch. IV
9 of ch. 111.

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11 15.165 (3) (b) 7. One member who is a participating state employe and who is
12 included within a collective bargaining unit for which a representative is recognized
13 or certified under subch. V of ch. 111.

14 **SECTION 10.** 15.165 (3) (b) 10. of the statutes is created to read:

15 15.165 (3) (b) 10. One member who is a protective occupation participant
16 employe of a participating local employer and who is included within a collective
17 bargaining unit for which a representative is recognized or certified under subch. IV
18 of ch. 111 and which is subject to the dispute settlement procedure specified in s.
19 111.77.

20 **SECTION 11.** 40.03 (8) (a) of the statutes is amended to read:

21 40.03 (8) (a) Shall appoint ~~4~~ 5 members of the employe trust funds board as
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23 **SECTION 12.** 111.71 (1m) of the statutes is created to read:

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20 subchapter IV of chapter 111 of the statutes, the member appointed under section
21 15.165 (3) (b) 6., 1997 stats., shall continue to serve on the board the remainder of
22 his or her term and until a successor is appointed and qualified.

23 (3) Notwithstanding the requirement under section 15.165 (3) (b) 7. of the
24 statutes, as affected by this act, that the member appointed to the Wisconsin
25 retirement board under that subdivision must be included within a collective

a participating employe of a participating county and must be

BILL

1 bargaining unit for which a representative is recognized or certified under
2 subchapter V of chapter 111 of the statutes, the member appointed under section
3 15.165 (3) (b) 7., 1997 stats., shall continue to serve on the board the remainder of
4 his or her term and until a successor is appointed and qualified.

5

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3583/2ins
RAC.cjs&jlg.km

Insert 3-22:

(20) ; and the member appointed under subd. 10. ✓ shall be appointed from a list of
5 names submitted by the labor organization that represents the greatest number
of protective occupation participant employes who are included within collective
bargaining units for which a representative is recognized or certified under subch.
IV of ch. 111 ✓ and which are subject to the dispute settlement procedure specified in
s. 111.77, ✓ as determined by the employment relations commission (20)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3583/2dn

RAC::

LCjs
+
JLg

This draft incorporates the changes suggested by Dennis Boyer. The changes are to provide that the new protective occupation participant member of the Wisconsin retirement board is to be appointed from a list of 5 names submitted by the labor organization that represents the greatest number of protective occupation participants employed by local governments. Also, the draft specifies that the member currently appointed under s. 15.165 (3) (b) 6. must be a county employe.

Rick Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3583/2dn
RAC:cjs&jlg:kjf

September 23, 1999

This draft incorporates the changes suggested by Dennis Boyer. The changes are to provide that the new protective occupation participant member of the Wisconsin retirement board is to be appointed from a list of 5 names submitted by the labor organization that represents the greatest number of protective occupation participants employed by local governments. Also, the draft specifies that the member currently appointed under s. 15.165 (3) (b) 6. must be a county employe.

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**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: 09/23/1999

To: Senator Wirch

Relating to LRB drafting number: LRB-3583

Topic

Membership of Employe Trust Funds Board and Wisconsin Retirement Board

Subject(s)

Employ Pub - retirement

1. **JACKET** the draft for introduction

Senator Robert Wirch

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