

1999 DRAFTING REQUEST

Bill

Received: **10/14/98**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Holden**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies: **JTK**

Topic:

DOA:.....Holden - Grievance Arbitration Fees for WERC

Instructions:

See Attached.

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>
/1	champra 10/14/98	gilfokm 10/15/98	lpaasch 10/15/98	_____	lrb_docadmin 10/15/98		
/2	champra 10/22/98	gilfokm 10/22/98	jfrantze 10/26/98	_____	lrb_docadmin 10/26/98		
/3	champra 11/17/98	gilfokm 11/17/98	martykr 11/17/98	_____	lrb_docadmin 11/17/98		

FE Sent For:

<END>

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Topic:

DOA:.....Holden - Grievance Arbitration Fees for WERC

Instructions:

*Per Keny 11/17/98 -> change fees from \$30 to
allow WERC to set fees themselves*

See Attached.

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>
/1	champra 10/14/98	gilfokm 10/15/98	lpaasch 10/15/98	_____	lrb_docadmin 10/15/98		
/2	champra 10/22/98	gilfokm 10/22/98	jfrantze 10/26/98	_____	lrb_docadmin 10/26/98		

FE Sent For:

*13-11-17
Keny* *JTK 11/17* *JTK 11/17*
<END>

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/1	champra 10/14/98	gilfokm 10/15/98	lpaasch 10/15/98	_____	lrb_docadmin 10/15/98		

FE Sent For: *12-10-22 King* *10/23* *10/23 K.M*
END>

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1?	champra		10-15LP	10-15LP <u>JS</u>			

FE Sent For:

<END>



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



Date: October 8, 1998

Priority: High

To: Steve Miller
Legislative Reference Bureau

From: Kerry Holden, SBO, 6-8593

Subject: Draft for Governor's 1999-2001 Budget Bill -- Grievance Arbitration Fee

Please draft the following for inclusion in the Governor's 1999-2001 budget bill. I have attached a drafting proposal relating to the Wisconsin Employee Relation Commission's request for authority to collect a grievance arbitration fee. Please call me with any questions. Thanks.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION (425)

Proposed Statutory Language Change for: **Sections 111.09(3), 111.94(3) and 111.71(5)**

The commission shall assess and collect a fee of \$30 from any party asking that the commission provide it with a panel of grievance arbitrators who are not employes or members of the commission. The commission shall not provide a panel until the fee is paid.

EXPLANATION AND INTENT OF PROPOSED STATUTORY LANGUAGE CHANGE

The Wisconsin Employment Relations Commission maintains a roster of arbitrators who are qualified to provide grievance and interest arbitration services to unions and employers in Wisconsin.

To ensure that the arbitrators on its roster provide the best possible service, the Commission conducts periodic training for roster members. The Commission is also responsible for recruiting and training new members for the arbitration roster.

The Commission is statutorily required to collect a filing fee from unions and employers who use the interest arbitration process -- which includes providing a panel of arbitrators where necessary. At present the Commission does not have statutory authority to collect a fee when it provides a panel of arbitrators from its roster for use in a grievance arbitration proceeding. During the past four fiscal years (94-95 through 97-98) the Commission has provided 492, 573, 774 and 464 grievance arbitration panels, respectively.

The Commission seeks statutory authorization to collect a fee for each grievance arbitration panel it provides. Revenue from the fees would defray the costs of providing the panels (labor, material, software development) and of training and recruiting panel members.

The \$30 fee is the same fee charged by the Federal Mediation and Conciliation Service for providing grievance arbitration panels.



D-Note
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0577/1

RAC: *KMG*

SSOW

DOA:.....Holden – Grievance Arbitration Fees for WERC

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

*Don't
GenCat*
AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Under current law, the Wisconsin employment relations commission (WERC) must assess and collect fees from parties who request WERC services relating to labor disputes involving fact-finding, mediation or arbitration. This bill requires that WERC assess and collect a fee in the amount of \$30 from any party who requests that WERC assemble a panel of individuals who are not members or employees of WERC to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement. Fees must be paid at the time of filing the request and any such request may not be considered filed until the date that the fee is paid.

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

2

SECTION 1. 20.425 (1) (i) of the statutes is amended to read:

3

20.425 (1) (i) *Fees.* The amounts in the schedule for the performance of

4

fact-finding, mediation and arbitration functions and for the provision of copies of

1 transcripts. All moneys received under ss. 111.09 (1) ~~and~~, (2) and (2m), 111.71 (1)
2 ~~and~~, (2) and (2m) and 111.94 (1) ~~and~~, (2) and (2m), except as otherwise provided in
3 those sections, shall be credited to this appropriation account.

4 History: 1981 c. 20; 1983 a. 27; 1985 a. 29, 318; 1991 a. 39; 1993 a. 16; 1995 a. 27.

4 **SECTION 2.** 111.09 (2m) of the statutes is created to read:

5 111.09 (2m) The commission shall assess and collect a fee in the amount of \$30
6 from any party who requests that the commission assemble a panel of individuals
7 who are not members or employees of the commission to act as an arbitrator to resolve
8 a dispute involving the interpretation or application of a collective bargaining
9 agreement under s. 111.10. Any fee assessed and collected under this subsection
10 shall be in addition to any fee assessed and collected under sub. (2). Fees required
11 to be paid under this subsection shall be paid at the time of filing the request and any
12 such request may not be considered filed until the date that the fee is paid. Fees
13 collected under this subsection shall be credited to the appropriation account under
14 s. 20.425 (1) (i).

15 **SECTION 3.** 111.71 (2m) of the statutes is created to read:

16 111.71 (2m) The commission shall assess and collect a fee in the amount of \$30
17 from any party who requests that the commission assemble a panel of individuals
18 who are not members or employees of the commission to act as an arbitrator to resolve
19 a dispute involving the interpretation or application of a collective bargaining
20 agreement under s. 111.70 (4) (c) 2. or (cm) 4. Any fee assessed and collected under
21 this subsection shall be in addition to any fee assessed and collected under sub. (2).
22 Fees required to be paid under this subsection shall be paid at the time of filing the
23 request and any such request may not be considered filed until the date that the fee

1 is paid. Fees collected under this subsection shall be credited to the appropriation
2 account under s. 20.425 (1) (i).

3 **SECTION 4.** 111.94 (2m) of the statutes is created to read:

4 111.94 (2m) The commission shall assess and collect a fee in the amount of \$30
5 from any party who requests that the commission assemble a panel of individuals
6 who are not members or employes of the commission to act as an arbitrator to resolve
7 a dispute involving the interpretation or application of a collective bargaining
8 agreement under s. 111.86. Any fee assessed and collected under this subsection
9 shall be in addition to any fee assessed and collected under sub. (2). Fees required
10 to be paid under this subsection shall be paid at the time of filing the request and any
11 such request may not be considered filed until the date that the fee is paid. Fees
12 collected under this subsection shall be credited to the appropriation account under
13 s. 20.425 (1) (i).

14 **SECTION 9316. Initial applicability; employment relations commission.**

15 (1) GRIEVANCE ARBITRATION. The treatment of sections 111.09 (2m)[✓], 111.71 (2m)[✓]
16 and 111.94 (2m)[✓] of the statutes first applies to requests for arbitration under sections
17 111.10, 111.70 (4) (c) 2. or (cm) 4 and 111.86 of the statutes on the effective date of this
18 subsection.

19

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0577/1dn

RAC: *King*

Kerry Holden:

I provided that the fees are to be credited to the appropriation account under s. 20.425 (1) (i). Is this your intent?

Richard A. Champagne
Legislative Attorney
266-9930

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

LRB-0577/1dn
RAC:kmg:lp

October 15, 1998

Kerry Holden:

I provided that the fees are to be credited to the appropriation account under s. 20.425 (1) (i). Is this your intent?

Richard A. Champagne
Legislative Attorney
266-9930

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

LRB-0577/1dn
RAC:kmg:lp

October 15, 1998

Kerry Holden:

I provided that the fees are to be credited to the appropriation account under s. 20.425 (1) (i). Is this your intent?

Richard A. Champagne
Legislative Attorney
266-9930

No, credit money to
20.425 (1) (h),

per Kerry Holden
10/22/98



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0577/2 2

RAC:kmg:lp

soon

*Redraft
notet has
been run*

DOA:.....Holden - Grievance Arbitration Fees for WERC

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT <sup>*Don't
insert*</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Under current law, the Wisconsin employment relations commission (WERC) must assess and collect fees from parties who request WERC services relating to labor disputes involving fact-finding, mediation or arbitration. This bill requires that WERC assess and collect a fee in the amount of \$30 from any party who requests that WERC assemble a panel of individuals who are not members or employes of WERC to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement. Fees must be paid at the time of filing the request and any such request may not be considered filed until the date that the fee is paid.

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

2 SECTION 1. 20.425 (1) (i) of the statutes ~~is~~ amended to read:
3 20.425 (1) (i) ~~Fees.~~ The amounts in the schedule for the performance of
4 fact-finding, mediation and arbitration ~~functions and for the provision of copies of~~

Insert
2-4

1 transcripts. All moneys received under ss. 111.09 (1) ~~and, (2) and (2m)~~, 111.71 (1)
2 ~~and, (2) and (2m)~~ and 111.94 (1) ~~and, (2) and (2m)~~, except as otherwise provided in
3 those sections, shall be credited to this appropriation account.

4 **SECTION 2.** 111.09 (2m) of the statutes is created to read:

5 111.09 (2m) The commission shall assess and collect a fee in the amount of \$30
6 from any party who requests that the commission assemble a panel of individuals
7 who are not members or employes of the commission to act as an arbitrator to resolve
8 a dispute involving the interpretation or application of a collective bargaining
9 agreement under s. 111.10. Any fee assessed and collected under this subsection
10 shall be in addition to any fee assessed and collected under sub. (2). Fees required
11 to be paid under this subsection shall be paid at the time of filing the request and any
12 such request may not be considered filed until the date that the fee is paid. Fees
13 collected under this subsection shall be credited to the appropriation account under
14 s. 20.425 (1) ~~(a)~~ (h) ✓

(h)

15 **SECTION 3.** 111.71 (2m) of the statutes is created to read:

16 111.71 (2m) The commission shall assess and collect a fee in the amount of \$30
17 from any party who requests that the commission assemble a panel of individuals
18 who are not members or employes of the commission to act as an arbitrator to resolve
19 a dispute involving the interpretation or application of a collective bargaining
20 agreement under s. 111.70 (4) (c) 2. or (cm) 4. Any fee assessed and collected under
21 this subsection shall be in addition to any fee assessed and collected under sub. (2).
22 Fees required to be paid under this subsection shall be paid at the time of filing the
23 request and any such request may not be considered filed until the date that the fee
24 is paid. Fees collected under this subsection shall be credited to the appropriation
25 account under s. 20.425 (1) ~~(a)~~ (h) ✓

(h)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0577/2ins
RAC:kmg:lp

Insert 2-4:

SECTION 1. 20.425 (1) (h) of the statutes is amended to read:

20.425 (1) (h) *Collective bargaining training.* All moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and from fees paid under ss. 111.09 (2m), 111.71 (2m) and 111.94 (2m), for the cost of training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3).

History: 1981 c. 20; 1983 a. 27; 1985 a. 29, 318; 1991 a. 39; 1993 a. 16; 1995 a. 27.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0577/2 3
RAC:kmg:jf

soon

Redhoff malar
has been run

DOA:.....Holden - Grievance Arbitration Fees for WERC
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't
Gen Cat.</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Under current law, the Wisconsin employment relations commission (WERC) must assess and collect fees from parties who request WERC services relating to labor disputes involving fact-finding, mediation or arbitration. This bill requires that WERC assess and collect a fee ~~in the amount of \$80~~ from any party who requests that WERC assemble a panel of individuals who are not members or employees of WERC to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement. Fees must be paid at the time of filing the request and any such request may not be considered filed until the date that the fee is paid.

→

✓

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

- 2 SECTION 1. 20.425 (1) (h) of the statutes is amended to read:
- 3 20.425 (1) (h) *Collective bargaining training.* All moneys received from
- 4 arbitrators and arbitration panel members, and individuals who are interested in

1 serving in such positions, and from individuals and organizations who participate in
2 other collective bargaining training programs conducted by the commission, and
3 from fees paid under ss. 111.09 (2m), 111.71 (2m) and 111.94 (2m), for the cost of
4 training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3).

5 SECTION 2. 111.09 (2m) of the statutes is created to read:

6 111.09 (2m) The commission shall assess and collect a fee ~~in the amount of \$30~~
7 from any party who requests that the commission assemble a panel of individuals
8 who are not members or employees of the commission to act as an arbitrator to resolve
9 a dispute involving the interpretation or application of a collective bargaining
10 agreement under s. 111.10. Any fee assessed and collected under this subsection
11 shall be in addition to any fee assessed and collected under sub. (2). Fees required
12 to be paid under this subsection shall be paid at the time of filing the request and any
13 such request may not be considered filed until the date that the fee is paid. Fees
14 collected under this subsection shall be credited to the appropriation account under
15 s. 20.425 (1) (h).

Insert
A

16 SECTION 3. 111.71 (2m) of the statutes is created to read:

17 111.71 (2m) The commission shall assess and collect a fee ~~in the amount of \$30~~
18 from any party who requests that the commission assemble a panel of individuals
19 who are not members or employees of the commission to act as an arbitrator to resolve
20 a dispute involving the interpretation or application of a collective bargaining
21 agreement under s. 111.70 (4) (c) 2. or (cm) 4. Any fee assessed and collected under
22 this subsection shall be in addition to any fee assessed and collected under sub. (2).
23 Fees required to be paid under this subsection shall be paid at the time of filing the
24 request and any such request may not be considered filed until the date that the fee

Insert
A

1 is paid. Fees collected under this subsection shall be credited to the appropriation
2 account under s. 20.425 (1) (h).

3 **SECTION 4.** 111.94 (2m) of the statutes is created to read:

4 111.94 (2m) The commission shall assess and collect a fee ~~in the amount of \$30~~
5 from any party who requests that the commission assemble a panel of individuals
6 who are not members or employees of the commission to act as an arbitrator to resolve
7 a dispute involving the interpretation or application of a collective bargaining
8 agreement under s. 111.86. Any fee assessed and collected under this subsection
9 shall be in addition to any fee assessed and collected under sub. (2). Fees required
10 to be paid under this subsection shall be paid at the time of filing the request and any
11 such request may not be considered filed until the date that the fee is paid. Fees
12 collected under this subsection shall be credited to the appropriation account under
13 s. 20.425 (1) (h).

14 **SECTION 9316. Initial applicability; employment relations commission.**

15 (1) GRIEVANCE ARBITRATION. The treatment of sections 111.09 (2m), 111.71 (2m)
16 and 111.94 (2m) of the statutes first applies to requests for arbitration under sections
17 111.10, 111.70 (4) (c) 2. or (cm) 4. and 111.86 of the statutes on the effective date of
18 this subsection.

19 (END)

Insert A

Insert A

The commission shall promulgate rules establishing a schedule of fees to be paid under this subsection.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0577/3
RAC:kmg:km

DOA:.....Holden - Grievance Arbitration Fees for WERC

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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2 SECTION 1. 20.425 (1) (h) of the statutes is amended to read:

3 20.425 (1) (h) *Collective bargaining training.* All moneys received from
4 arbitrators and arbitration panel members, and individuals who are interested in

1 serving in such positions, and from individuals and organizations who participate in
2 other collective bargaining training programs conducted by the commission, and
3 from fees paid under ss. 111.09 (2m), 111.71 (2m) and 111.94 (2m), for the cost of
4 training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3).

5 **SECTION 2.** 111.09 (2m) of the statutes is created to read:

6 111.09 (2m) The commission shall assess and collect a fee from any party who
7 requests that the commission assemble a panel of individuals who are not members
8 or employes of the commission to act as an arbitrator to resolve a dispute involving
9 the interpretation or application of a collective bargaining agreement under s.
10 111.10. Any fee assessed and collected under this subsection shall be in addition to
11 any fee assessed and collected under sub. (2). The commission shall promulgate rules
12 establishing a schedule of fees to be paid under this subsection. Fees required to be
13 paid under this subsection shall be paid at the time of filing the request and any such
14 request may not be considered filed until the date that the fee is paid. Fees collected
15 under this subsection shall be credited to the appropriation account under s. 20.425
16 (1) (h).

17 **SECTION 3.** 111.71 (2m) of the statutes is created to read:

18 111.71 (2m) The commission shall assess and collect a fee from any party who
19 requests that the commission assemble a panel of individuals who are not members
20 or employes of the commission to act as an arbitrator to resolve a dispute involving
21 the interpretation or application of a collective bargaining agreement under s. 111.70
22 (4) (c) 2. or (cm) 4. Any fee assessed and collected under this subsection shall be in
23 addition to any fee assessed and collected under sub. (2). The commission shall
24 promulgate rules establishing a schedule of fees to be paid under this subsection.
25 Fees required to be paid under this subsection shall be paid at the time of filing the

1 request and any such request may not be considered filed until the date that the fee
2 is paid. Fees collected under this subsection shall be credited to the appropriation
3 account under s. 20.425 (1) (h).

4 **SECTION 4.** 111.94 (2m) of the statutes is created to read:

5 **111.94 (2m)** The commission shall assess and collect a fee from any party who
6 requests that the commission assemble a panel of individuals who are not members
7 or employes of the commission to act as an arbitrator to resolve a dispute involving
8 the interpretation or application of a collective bargaining agreement under s.
9 111.86. Any fee assessed and collected under this subsection shall be in addition to
10 any fee assessed and collected under sub. (2). The commission shall promulgate rules
11 establishing a schedule of fees to be paid under this subsection. Fees required to be
12 paid under this subsection shall be paid at the time of filing the request and any such
13 request may not be considered filed until the date that the fee is paid. Fees collected
14 under this subsection shall be credited to the appropriation account under s. 20.425
15 (1) (h).

16 **SECTION 9316. Initial applicability; employment relations commission.**

17 (1) GRIEVANCE ARBITRATION. The treatment of sections 111.09 (2m), 111.71 (2m)
18 and 111.94 (2m) of the statutes first applies to requests for arbitration under sections
19 111.10, 111.70 (4) (c) 2. or (cm) 4. and 111.86 of the statutes on the effective date of
20 this subsection.

21 (END)