

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/14/2000

Received By: **champra**

Wanted: As time permits

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Sue**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Collective bargaining for legislative employees

**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 11/24/2000	jdyer 11/24/2000	martykr 11/29/2000	_____	lrb_docadmin 11/29/2000	lrb_docadminState 01/16/2001	

FE Sent For:

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STATE REPRESENTATIVE  
**Marlin D. Schneider**

A S S I S T A N T D E M O C R A T I C L E A D E R

November 14, 2000

Legislative Reference Bureau  
Drafting Section  
5<sup>th</sup> Floor - Hamilton

Dear LRB Legal Section:

I would like the following bills drafted.

- 1) A bill that would grant the right of legislative employees to form a collective bargaining unit. ~~4-5-2-6~~ 6 months after passage
- 2) A bill allowing all LTE's the right to organize and bargain collectively. ~~to be eff 6 months after passage~~
- 3) A bill eliminating the Republican and Democratic Caucuses in both the Senate and Assembly. ~~at ca~~ eff immediately upon passage
- 4) A bill reinstating the \$500 bonus for veterans of World War II. ~~to 7 vets~~ - ~~to 7 vets~~ -  
Not surviving spouse, vet ~~with~~ resident of WI - eff upon <sup>passage</sup> ~~passage~~
- 5) An Assembly Resolution on the US Liberty (same as joint resolution previously requested.) ~~summary spouse~~  
Only 10 those  
Residence of  
War
- 6) A joint resolution requesting the Legislative Audit Bureau to audit the activities of the caucus staffs.

Thank you for preparing these drafts and sending them over.

Sincerely,

*Marlin*

MARLIN D. SCHNEIDER  
Assistant Minority Leader

*Sue  
6-0215  
If you have questions*

MDS:smm

*"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Edmund Burke Nov. 3, 1774*



Handwritten initials: JLD

2001 BILL

Handwritten word: gen

1

AN ACT ...; relating to: extending the state employment labor relations act to certain legislative employees.

2

*Analysis by the Legislative Reference Bureau*

\* This bill extends the state employment labor relations act (SELRA) to cover legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, other individuals employed by the assembly and senate, and unclassified employees of all legislative service agencies, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer-employee relationship. Under the bill, all covered legislative employees are merged into current statewide collective bargaining units for employees in the classified service in accordance with their occupations.

(commission)

\* Under SELRA in current law, 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. Mandatory subjects of collective bargaining are wages, fringe benefits, hours, and conditions of employment. The unfair labor practices currently applicable to represented employees are extended to apply to legislative employees covered by the bill, to their labor unions, and to the state as their employer. No compulsory means of dispute settlement are provided.

Under SELRA in current law, strikes are prohibited. Strikes constitute an unfair labor practice and may be enjoined by a court. Currently, strikes by covered legislative employees are not authorized, but no law specifically treats the matter.

**BILL**

"Fair-share" (agency shop) and "maintenance of membership" agreements similar to those currently provided for represented employees are authorized. Under an agency shop agreement, the state 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. Such an agreement requires the approval of two-thirds of the employees 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 state 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 who are members of the union, and all employees 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 employees voting in a unit before it may become effective, and may also be discontinued according to a similar procedure.

Currently, no employment relations act applies to legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, other individuals employed by the assembly and senate, and unclassified employees of all legislative service agencies. Although these employees 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 these employees 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. 13.20 (2) of the statutes is amended to read:

13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All Except where compensation is a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, legislative employees shall be paid in accordance with the compensation and classification plan for employees in the classified civil service within ranges approved by the joint committee on legislative organization. The secretary of employment relations shall make recommendations concerning a

**BILL**

1 compensation and classification schedule for legislative employees if requested to do  
2 so by the joint committee on legislative organization or by the committee on  
3 organization of either house. If the joint committee does not approve pay ranges for  
4 legislative employees, the committee on organization of either house may approve  
5 pay ranges for its employees. Appointments shall be made for the legislative session,  
6 unless earlier terminated by the appointing officer.

History: 1977 c. 29; 1977 c. 196 ss. 130 (10), 131; 1977 c. 273; 1979 c. 34.

7 **SECTION 2.** 111.81 (7) (f) of the statutes is created to read:

8 111.81 (7) (f) Legislative policy research personnel, assistants to legislators,  
9 research staff assigned to legislative committees and party caucuses, and other  
10 individuals employed under s. 13.20, except supervisors, management employees,  
11 and individuals who are privy to confidential matters affecting the  
12 employer–employee relationship.

13 **SECTION 3.** 111.81 (7) (g) of the statutes is created to read:

14 111.81 (7) (g) Employees of legislative service agencies, as defined in s. 16.70  
15 (6), except supervisors, management employees, and individuals who are privy to  
16 confidential matters affecting the employer–employee relationship.

17 **SECTION 4.** 111.825 (1) (intro.) of the statutes is amended to read:

18 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
19 collective bargaining, units must be structured in such a way as to avoid excessive  
20 fragmentation whenever possible. In accordance with this policy, collective  
21 bargaining units for employees in the classified service of the state, except for  
22 employees in the collective bargaining units specified in s. 111.825 (1m), and for  
23 employees in the unclassified service of the state specified in s. 111.81 (7) (f) and (g).

**BILL**

1 are structured on a statewide basis with one collective bargaining unit for each of the  
2 following occupational groups:

3 **History:** 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24.

3 **SECTION 5.** 111.825 (2) (intro.) of the statutes is amended to read:

4 111.825 (2) (intro.) ~~Collective~~ Except as provided in sub. (1), collective  
5 bargaining units for employees in the unclassified service of the state shall be  
6 structured with one collective bargaining unit for each of the following groups:

7 **History:** 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24.

7 **SECTION 6.** 111.84 (2) (c) of the statutes is amended to read:

8 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
9 (1) with the duly authorized officer or agent of the employer which is the recognized  
10 or certified exclusive collective bargaining representative of employees specified in  
11 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified  
12 exclusive collective bargaining representative of employees specified in s. 111.81 (7)  
13 (b) ~~or (e) to (f)~~ (f) in an appropriate collective bargaining unit. Such refusal to bargain  
14 shall include, but not be limited to, the refusal to execute a collective bargaining  
15 agreement previously orally agreed upon.

16 **History:** 1971 c. 270; 1973 c. 212; 1983 a. 160; 1985 a. 42; 1989 a. 13, 31; 1991 a. 289; 1993 a. 492; 1995 a. 27.

16 **SECTION 7.** 111.91 (4) of the statutes is amended to read:

17 111.91 (4) The secretary of the department, in connection with the development  
18 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),  
19 shall endeavor to obtain tentative agreements with each recognized or certified labor  
20 organization representing employees or supervisors of employees specified in s.  
21 111.81 (7) (a) and with each certified labor organization representing employees  
22 specified in s. 111.81 (7) (b) ~~or (e) to (f)~~ (f) which do not contain any provision for the  
23 payment to any employee of a cumulative or noncumulative amount of compensation



**BILL**

1 in recognition of or based on the period of time an employee has been employed by  
2 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; 1999 a. 9, 95, 115, 155. ✓

3 **SECTION 8. 111.93 (2)** of the statutes is amended to read:

4 111.93 (2) All civil service and other applicable statutes concerning wages,  
5 fringe benefits, hours and conditions of employment apply to employees specified in  
6 s. 111.81 (7) (a) who are not included in collective bargaining units for which a  
7 representative is recognized or certified and to employees specified in s. 111.81 (7)  
8 (b) ~~or (e)~~ to (f) ✓ who are not included in a collective bargaining unit for which a  
9 representative is certified.

**History:** 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 a. 46, 409; 1985 a. 42; 1989 a. 13, 31; 1999 a. 101, 125; s. 13.93 (2) (c). ✓

10 **SECTION 9. 230.10 (2)** of the statutes is amended to read:

11 230.10 (2) The compensation plan in effect at the time that a representative  
12 is recognized or certified to represent employees in a collective bargaining unit and  
13 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
14 that a representative is certified to represent employees in a collective bargaining  
15 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
16 and benefit provisions for employees in the collective bargaining unit until a  
17 collective bargaining agreement becomes effective for that unit. If a collective  
18 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
19 a subsequent agreement, and a representative continues to be recognized or certified  
20 to represent employees specified in s. 111.81 (7) (a) or certified to represent  
21 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) ✓ in that collective bargaining unit,  
22 the wage rates of the employees in such a unit shall be frozen until a subsequent  
23 agreement becomes effective, and the compensation plan under s. 230.12 and salary

**BILL**

1 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
2 unit.

3 History: 1971 c. 270; 1977 c. 44; 1977 c. 196 ss. 35, 131; 1977 c. 272 ~~s. 38~~; Stats. 1977 s. 230.10; 1985 a. 42; 1989 a. 31.

**SECTION 10.** 230.34 (1) (ar) of the statutes is amended to read:

4 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
5 status in class in the classified service and all employees who have served with the  
6 state as an assistant district attorney for a continuous period of 12 months or more,  
7 except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit  
8 for which a representative is recognized or certified, or for employees specified in s.  
9 111.81 (7) (b) ~~or (e)~~ to (f) in a collective bargaining unit for which a representative is  
10 certified, if a collective bargaining agreement is in effect covering employees in the  
11 collective bargaining unit, the determination of just cause and all aspects of the  
12 appeal procedure shall be governed by the provisions of the collective bargaining  
13 agreement.

14 History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983  
a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102.

**SECTION 11. Initial applicability.**

15 (1) This act first applies to collective bargaining agreements negotiated for the  
16 2001-03 fiscal biennium.

17

(END)



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

November 29, 2000

### MEMORANDUM

To: Representative Schneider

From: Rick A. Champagne, Senior Attorney

Re: LRB-1016 Collective bargaining for legislative employees

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266 3561 if you have any questions regarding this memorandum.