

2001 ASSEMBLY BILL 181

March 8, 2001 – Introduced by Representative SCHNEIDER. Referred to Committee on Labor and Workforce Development.

- 1 **AN ACT to amend** 111.81 (7) (a), 111.93 (3) and 230.26 (4) of the statutes; **relating**
2 **to:** collective bargaining rights for limited term employees under the State
3 Employment Labor Relations Act.

Analysis by the Legislative Reference Bureau

Under current law, state agencies are authorized to hire limited term employees in the classified service of the state civil service system. A limited term employee is an individual appointed by a state agency for generally less than 1,044 hours per year. Under current law, however, limited term employees are not covered under the State Employment Labor Relations Act (SELRA), which grants collective bargaining rights to certain state employees on matters relating to wages, hours, and conditions of employment. State employees covered by SELRA include:

1. Any state employee in the classified service, except limited term employees, sessional employees, project employees, supervisors, management employees, individuals who are privy to confidential matters affecting the employer–employee relationship, and employees of the employment relations commission.
2. Program, project, or teaching assistants employed by the University of Wisconsin System, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship.
3. Assistant district attorneys, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship.

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4. Attorneys employed in the office of the state public defender, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship.

This bill eliminates the prohibition in SELRA that excludes coverage under SELRA for limited term employees.

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.** 111.81 (7) (a) of the statutes is amended to read:

2 111.81 (7) (a) Any state employee in the classified service of the state, as defined
3 in s. 230.08, except including limited term employees, but not including sessional
4 employees, project employees, supervisors, management employees, and individuals
5 who are privy to confidential matters affecting the employer–employee relationship,
6 as well as all employees of the commission.

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

8 111.93 (3) Except as provided in ss. 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (2d),
9 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement exists
10 between the employer and a labor organization representing employees in a
11 collective bargaining unit, the provisions of that agreement shall supersede the
12 provisions of civil service and other applicable statutes, as well as rules and policies
13 of the board of regents of the University of Wisconsin System, related to wages, fringe
14 benefits, hours, and conditions of employment whether or not the matters contained
15 in those statutes, rules, and policies are set forth in the collective bargaining
16 agreement. Notwithstanding ss. 20.917 (1) and (3), 230.32 (1), 230.34 (2), and 230.35
17 (1) and (4), rights or benefits otherwise denied to limited term employees may be
18 extended to limited term employees if the rights or benefits relate to wages, fringe

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1 benefits, hours, or conditions of employment and if a collective bargaining agreement
2 so provides.

3 **SECTION 3.** 230.26 (4) of the statutes is amended to read:

4 230.26 (4) Fringe Unless otherwise provided in a collective bargaining
5 agreement under subch. V of ch. 111 that applies to employees hired under this
6 section, fringe benefits specifically authorized by statutes, with the exception of
7 worker's compensation, unemployment insurance, group insurance, retirement and
8 social security coverage, shall be denied employees hired under this section. Such
9 employees may not be considered permanent employees and, unless otherwise
10 provided in a collective bargaining agreement under subch. V of ch. 111 that applies
11 to such employees, do not qualify for tenure, vacation, paid holidays, sick leave,
12 performance awards or the right to compete in promotional examinations.

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(END)