

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 limited term employees in state civil service

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 11/20/2000	jdyer 11/22/2000	martykr 11/27/2000	_____	lrb_docadmin 11/27/2000	lrb_docadminState 01/16/2001	

FE Sent For:

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111.81(7)(a)

See Attached.

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1?	champra	<i>11/22 jld</i>	<i>11/22</i>	<i>RS</i>	<i>11/27</i>		

FE Sent For:

<END>

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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
5th 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. ~~4-5-2001~~ 6 months after passage
- 2) A bill allowing all LTE's the right to organize and bargain collectively. ~~4-5-2001~~ eff 6 months after passage
- 3) A bill eliminating the Republican and Democratic Caucuses in both the Senate and Assembly. ~~at ce~~ eff immediately upon passage
- 4) A bill reinstating the \$500 bonus for veterans of World War II. - 2 vets -
Not surviving spouse, vet ~~with~~ resident of WI - eff upon ^{passage} ~~passage~~
- 5) An Assembly Resolution on the US Liberty (same as joint resolution ^{summary report} previously requested.) only 10 those resident of WI
- 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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1017/1

RAC:.....

Jld

2001 BILL

Gen

1

AN ACT ...; relating to: collective bargaining rights for limited term employees

2

under the state 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.
- 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.

BILL

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)^X 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 History: 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35.

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

BILL

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

NOTE: NOTE: Sub. (3) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:
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).

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.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307.

(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 27, 2000

MEMORANDUM

To: Representative Schneider

From: Rick A. Champagne, Senior Attorney

Re: LRB-1017 Collective bargaining for limited term employees in state civil service

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.