

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: **04/03/2002**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

SCC:.....Engel - CN5564,

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**Topic:**

Qualified economic offer changes

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**Instructions:**

See Attached.

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**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>
/?	champra 04/03/2002	gilfokm 04/03/2002		_____			
/1			rschluet 04/03/2002	_____	lrb_docadmin 04/03/2002		
/2	champra 04/04/2002	jdye 04/04/2002	pgreensl 04/04/2002	_____	lrb_docadmin 04/04/2002		

FE Sent For:

<END>

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FE Sent For:

4/4 pg pg/RS  
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1/?	champra	1-4/3 KMG		 4-3-2			

FE Sent For:

<END>

**Employment Relations Commissions**

**Include the attached provisions related to modification of the QEO that passed the Legislature as part of 2001 SB 55 and were vetoed by the Governor.**

CN 5564

RAC

statutory balance for 2002-03 of \$90,000,000 to a total amount equal to 1.2% of total GPR appropriations and compensation reserves for that fiscal year (a maximum of approximately another \$51.8 million). *The Governor's partial veto deletes the change in the current statutory balance requirement for 2002-03 to be \$90,000,000 but leaves the repeal of the 1.4% amount for 2002-03 so that in that section there is no amount specified for the statutory balance for 2002-03. However, through another partial veto of the session law provision dealing with the first initial uses of monies that would otherwise flow to the proposed cash building projects fund, the Governor deleted all language relating to the cash building projects fund except language which states "REQUIRED GENERAL FUND STATUTORY BALANCE FOR 2002-03. the amount that is necessary to maintain a required general fund balance under section 20.003 (4) of the statutes of 1.2%." Taken together, the remaining language specifies a required statutory balance for 2002-03 of 1.2% of total GPR appropriations plus compensation reserves.*

[Act 16 Vetoes Sections 892m and 9101 (25j)]

## EMPLOYMENT RELATIONS COMMISSION

### ITEM F-4. QUALIFIED ECONOMIC OFFER

As passed by the Legislature, Senate Bill 55 would have required a qualified economic offer (QEO) between a school district employer and its represented school teacher employees to contain the following new components:

*New QEO Component: Maintenance of All Conditions of Employment.* In order for a school district employer's offer to be deemed "qualified," the employer would have been required to maintain all conditions of employment as those conditions existed 90 days prior to the expiration of any previous collective bargaining agreement between the employer and its represented teaching employees or 90 days prior to the commencement of negotiations, if there was no previous collective bargaining agreement.

*New QEO Component: Maintenance of Any Provisions Relating to Permissive Subjects of Bargaining.* In order for a school district employer's offer to be deemed "qualified," the employer would have been required to maintain any provisions relating to permissive subjects of bargaining that existed in the previous collective bargaining agreement between the employer and its represented teaching employees or that existed 90 days prior to the expiration of any previous collective bargaining agreement between the parties in any written agreement by the parties.

*Binding Arbitration Authorized if Employer's Offer is Not "Qualified."* If an investigator from the Employment Relations Commission would have determined, as part of an investigation

whether a bargaining impasse exists between the parties, that the employer had not submitted a timely QEO, either the labor organization representing the school district professional employees or the school district employer would have been authorized to petition for compulsory, final and binding arbitration, and the current law QEO provisions whereby an employer could have avoided such arbitration procedures would not apply. The Commission would have been required to prescribe by rule the methodology to be used to determine whether or not a proposal submitted by a school district employer constituted a timely QEO.

*Initial Applicability.* These provisions would have first applied to petitions for arbitration filed by school district employers or their represented teaching employees after the general effective date of the biennial budget act.

***The Governor's partial veto deletes these provisions.***

[Act 16 Vetoes Sections: 2609L, 2609m, 2609p, 2609t and 9317(8m)]

## DEPARTMENT OF FINANCIAL INSTITUTIONS

### ITEM F-5. REGULATION OF RENT-TO-OWN AGREEMENTS

As passed by the Legislature, Senate Bill 55 would have removed rental-purchase companies from the jurisdiction of the Wisconsin Consumer Act and created a separate subchapter of the statutes under which these companies would be regulated. Among other things, the bill's provisions would have required a variety of disclosures to renters regarding the rental transaction but would have eliminated identification of the effective annual interest rate consumers would pay as part of the rental agreement. The bill also would have included a number of prohibitions regarding collection practices of rental purchase companies and penalties for violation of the rent-to-own provisions. In addition, the bill's provisions would have capped the total liability of a rental purchase company under a class-action lawsuit at \$100,000 (plus the costs of the action and reasonable attorney fees) and authorized the Division of Banking within the Department of Financial Institutions to promulgate rules to administer the new regulatory framework. ***The Governor's partial veto deletes Senate Bill 55's rent-to-own provisions in their entirety and effectively maintains the Wisconsin Consumer Act's jurisdiction over rent-to-own agreements and the businesses that rent property to individuals under those agreements.***

[Act 16 Vetoes Sections: 3020p, 3020v, 3021v, 3021w, 3492f, 3492r, 9120(1d), 9320(1d) and 9420(1d)]

2001

Date (time) needed \_\_\_\_\_

LRB b 2969, 1

**CAUCUS BUDGET AMENDMENT**  
[CAUCUS AMDTS. ONLY]

RAC: King

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT**  
**TO SENATE SUBSTITUTE AMENDMENT 1**  
**TO 2001 SPECIAL SESSION ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated; amend the substitute amendment as follows:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb2140/2  
RAC:wlj:rs

LFB:.....Mason - Qualified economic offers

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 <sup>159</sup> <sup>3</sup>  
✓ 1. Page ~~910~~, line ~~20~~ after that line insert:

3 "SECTION ~~2607c~~ <sup>277c</sup>. 111.70 (1) (nc) 1. d. of the statutes is created to read:

4 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the  
5 conditions existed on the 90th day prior to the expiration of the previous collective  
6 bargaining agreement between the parties or the 90th day prior to commencement  
7 of negotiations if there is no previous collective bargaining agreement between the  
8 parties.

9 SECTION ~~2607h~~ <sup>277CM</sup>. 111.70 (1) (nc) 1. e. of the statutes is created to read:



1           111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject  
2 of collective bargaining on which the municipal employer was not required to bargain  
3 that existed in the previous collective bargaining agreement between the parties or  
4 that existed on the 90th day prior to the expiration of the previous collective  
5 bargaining agreement between the parties.

6           SECTION ~~2607p~~ 111.70 (4) (cm) 5s. of the statutes is amended to read:

7           111.70 (4) (cm) <sup>277c p</sup> 5s. 'Issues subject to arbitration.' In a collective bargaining unit  
8 consisting of school district professional employees, the municipal employer or the  
9 labor organization may petition the commission to determine whether the municipal  
10 employer has submitted a timely qualified economic offer. The commission shall  
11 appoint an investigator for that purpose. If the investigator, using the methodology  
12 prescribed under subd. 8t., finds that the municipal employer has submitted a timely  
13 qualified economic offer, the investigator shall determine whether a deadlock exists  
14 between the parties with respect to all economic issues. If the municipal employer  
15 submits a timely qualified economic offer applicable to any period beginning on or  
16 after July 1, 1993, no economic issues are subject to interest arbitration under subd.  
17 6. for that period, except that only the impact of contracting out or subcontracting  
18 work that would otherwise be performed by municipal employees in the collective  
19 bargaining unit is subject to interest arbitration under subd. 6. In such a collective  
20 bargaining unit, economic issues concerning the wages, hours or conditions of  
21 employment of the school district professional employees in the unit for any period  
22 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.  
23 In such a collective bargaining unit, noneconomic issues applicable to any period on  
24 or after July 1, 1993, are subject to interest arbitration after the parties have  
25 reached agreement and stipulate to agreement on all economic issues concerning the

1 wages, hours or conditions of employment of the school district professional  
2 employees in the unit for that period. In such a collective bargaining unit, if the  
3 commission's investigator finds that the municipal employer has submitted a timely  
4 qualified economic offer and that a deadlock exists between the parties with respect  
5 to all economic issues, the municipal employer may implement the qualified  
6 economic offer. On the 90th day prior to expiration of the period included within the  
7 qualified economic offer, if no agreement exists on that day, the parties are deemed  
8 to have stipulated to the inclusion in a new or revised collective bargaining  
9 agreement of all provisions of any predecessor collective bargaining agreement  
10 concerning economic issues, or of all provisions of any existing collective bargaining  
11 agreement concerning economic issues if the parties have reopened negotiations  
12 under an existing agreement, as modified by the terms of the qualified economic offer  
13 and as otherwise modified by the parties. In such a collective bargaining unit, on and  
14 after that 90th day, a municipal employer that refuses to bargain collectively with  
15 respect to the terms of that stipulation, applicable to the 90-day period prior to  
16 expiration of the period included within the qualified economic offer, does not violate  
17 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the  
18 90-day period prior to expiration of the period included within a qualified economic  
19 offer, operates as a full, final and complete settlement of all economic issues between  
20 the parties for the period included within the qualified economic offer. The failure  
21 of a labor organization to recognize the validity of such a lawful qualified economic  
22 offer does not affect the obligation of the municipal employer to submit economic  
23 issues to arbitration under subd. 6. If the investigator determines that the municipal  
24 employer has not submitted a timely qualified economic offer, either the municipal

1 employer or the labor organization may petition for arbitration under subd. 6. to ✓  
2 resolve any dispute relating to economic issues.

3 SECTION ~~2607t~~ 111.70 (4) (cm) 8t. of the statutes is created to read:

4 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The  
5 commission shall prescribe by rule a methodology to be used in determining whether  
6 a collective bargaining proposal submitted by a municipal employer to a labor  
7 organization constitutes a qualified economic offer and whether such an offer is  
8 timely."

9 ✓ 2. Page 1397, line 22 after that line insert:

10 " (6) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1.  
11 d. and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration  
12 filed under section 111.70 (4) (cm) 6. of the statutes on the effective date of this  
13 subsection."

*init. app.*

(END)

## Champagne, Rick

---

**From:** Engel, Andy  
**Sent:** Thursday, April 04, 2002 9:22 AM  
**To:** Schlueter, Ron; Champagne, Rick; Hanaman, Cathlene; Haugen, Caroline  
**Subject:** FW: Change to LRB Draft: 01b2969/1 Qualified economic offer changes

Not sure if you had these changes.  
If this needs to go to someone else, please direct me to do so.

Thanks,

Andy Engel  
Senate Democrat Budget and Policy Office

-----Original Message-----

**From:** Burnett, Douglas  
**Sent:** Wednesday, April 03, 2002 6:28 PM  
**To:** Engel, Andy  
**Cc:** Mason, Tony  
**Subject:** Change to LRB Draft: 01b2969/1 Qualified economic offer changes

page 4 lines 12-13 delete "on the effective date of this subsection." and insert " for any unsettled contracts for the 2001-03 school years."

Thus the complete section 2 on page 4 lines 9-13 should read as follows:

2. Page 435, line 11: after that line insert:

"(1z) Qualified Economic Offers. The treatment of section 111.70 (1) (nc) 1. d. and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration filed under section 111.70 (4) (cm) 6. of the statutes for any unsettled contracts for the 2001-03 school years."

Rationale:

\* This change is necessary to make it clear that this language applies for all current unsettled contacts and for all contracts in the future. Having it start on the effective date of the subsection is actually not quick enough. It would still allow for about a 20-30 day window of opportunity for the other side to file petitions to impose a QEO under the existing law. Thanks!

Following is the PDF version of draft 01b2969/1.



01b2969/1



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2969/v2  
RAC:jmg:rs

JLD  
RMR

SCC:.....Engel - CN5564, Qualified economic offer changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 159, line 3: after that line insert:

3 "SECTION 277c. 111.70 (1) (nc) 1. d. of the statutes is created to read:

4 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the  
5 conditions existed on the 90th day prior to the expiration of the previous collective  
6 bargaining agreement between the parties or the 90th day prior to commencement  
7 of negotiations if there is no previous collective bargaining agreement between the  
8 parties.

9 SECTION 277cm. 111.70 (1) (nc) 1. e. of the statutes is created to read:

1           111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject  
2 of collective bargaining on which the municipal employer was not required to bargain  
3 that existed in the previous collective bargaining agreement between the parties or  
4 that existed on the 90th day prior to the expiration of the previous collective  
5 bargaining agreement between the parties.

6           **SECTION 277cp.** 111.70 (4) (cm) 5s. of the statutes is amended to read:

7           111.70 (4) (cm) 5s. 'Issues subject to arbitration.' In a collective bargaining unit  
8 consisting of school district professional employees, the municipal employer or the  
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10 employer has submitted a timely qualified economic offer. The commission shall  
11 appoint an investigator for that purpose. If the investigator, using the methodology  
12 prescribed under subd. 8t., finds that the municipal employer has submitted a timely  
13 qualified economic offer, the investigator shall determine whether a deadlock exists  
14 between the parties with respect to all economic issues. If the municipal employer  
15 submits a timely qualified economic offer applicable to any period beginning on or  
16 after July 1, 1993, no economic issues are subject to interest arbitration under subd.  
17 6. for that period, except that only the impact of contracting out or subcontracting  
18 work that would otherwise be performed by municipal employees in the collective  
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22 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.  
23 In such a collective bargaining unit, noneconomic issues applicable to any period on  
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25 reached agreement and stipulate to agreement on all economic issues concerning the

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17 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the  
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3 **SECTION 277cr.** 111.70 (4) (cm) 8t. of the statutes is created to read:

4 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The  
5 commission shall prescribe by rule a methodology to be used in determining whether  
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9 **2.** Page 435, line 11: after that line insert:

10 "(1z) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1. d.  
11 and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration  
12 filed under section 111.70 (4) (cm) 6. of the statutes ~~on the effective date of this~~  
13 ~~subsection.~~"

14

(END)

with respect to any unsettled contract  
for the 2001-03 school years ✓





State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2969/2  
RAC:jld&kmg:pg

SCC:.....Engel - CN5564, Qualified economic offer changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1

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18 90-day period prior to expiration of the period included within a qualified economic  
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23 issues to arbitration under subd. 6. If the investigator determines that the municipal  
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9 **2.** Page 435, line 11: after that line insert:

10 "(1z) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1. d.  
11 and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration  
12 filed under section 111.70 (4) (cm) 6. of the statutes with respect to any unsettled  
13 contract for the 2001-03 school years."

14 (END)