

2001 DRAFTING REQUEST

Bill

Received: 01/31/2001

Received By: champra

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Currier

This file may be shown to any legislator: NO

Drafter: champra

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Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Pre Topic:

DOA:.....Currier -

Topic:

Binding arbitration for members of a police department employed by 1st class cities

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 01/31/2001	wjackson 02/01/2001	pgreensl 02/01/2001	_____	lrb_docadmin 02/01/2001		Local

FE Sent For:

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2011 to 2010
100 - 2001-2003

S.K.

Subchapter IV of Chapter 111, Stats., is entitled Municipal Employment Relations.

Included within that subchapter are, among other things, provisions for binding arbitration which are to be utilized by municipal employers and employees when the parties are unable to agree on the terms of a collective bargaining agreement and reach impasse. The subchapter provides different forms of binding arbitration, depending on the types of employees who are represented. The arbitration process which applies to City of Milwaukee police officers is set forth in Sec. 111.70 (4) (jm), Stats., and applies to no other employers or employees. As a result, any changes in sec. 111.70 (4)(jm), Stats., would not affect any would not affect any employers other than the City of Milwaukee, and similarly, would not affect any employees other than police officers in the City of Milwaukee.

Included in section 111.70(4)(jm), Stats., is a subsection which identifies the power of the arbitrator in binding arbitration proceedings between City of Milwaukee police officers and the City of Milwaukee; sec. 111.70(4)(jm) 4 a. through j., Stats., lists 10 categories of items which the arbitrator has the authority to establish in binding arbitration proceedings between these parties. Included, for example, is the power to set all items of compensation, determine hours of work, and determining a seniority system. Recently, the statute was amended to include the 10th category of matters which the arbitrator has authority to determine in binding arbitration, i.e., "j. Establish a system for administration of the collective bargaining agreement between the parties by an employe of the police department who is not directly accountable to the chief of police or the board of fire and police commissioners in matters relating to that administration."

The Milwaukee Police Association is requesting that sec. 111.70(4)(jm) 4, Stats., be amended again to add an 11th category of matters which the arbitrator has power to determine in binding arbitration proceedings; this change would affect only police officers employed by the

City of Milwaukee.

The proposed change would add sec. 111.70(4)(jm) 4 k., giving the arbitrator authority to "Establish a system for conducting interrogations of members of the police department between the hours of 7 a.m. and 5 p.m. on working days as defined in s. 227.01 (14), if such interrogations could lead to disciplinary action, demotion or dismissal.

The proposed change is needed to effectuate other rights currently provided to police officers in Chap. 164, Stats., the Law Enforcement Officers' Bill of Rights. Section 164.02 provides that if a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with certain specified requirements. Sec. 164.02 (1)(b) provides that at the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice, who, at the discretion of the officer, may be present at all times during the interrogation.

Police officers who wish to avail themselves of their right to be represented at such interrogations, whether by their union representative, their attorney, or other representative under sec. 164.02, Stats., have been required to obtain the presence of that representative whenever the Milwaukee Police Department has chosen to conduct its interrogation to determine if a police officer has violated any MPD disciplinary rules. Since 1997, the MPD has interrogated police officers about allegations of disciplinary rule violations by conducting taped interrogations conducted by two police sergeants; officers are typically notified of the interrogation 7 days in advance. The interrogations are conducted on the shift of the police officer who is being interrogated; as a result, the interrogations occur 24 hours a day, 7 days a week.

Conducting such interrogations around the clock without regard to weekends or holidays

substantially interferes with the ability of the police officers to obtain representation pursuant to sec. 164.02, Stats. While other police departments in the state may conduct an occasional interrogation pursuant to Ch. 164, Stats., the Milwaukee Police Department conducted over 700 interrogations of Milwaukee Police Association members in 1998, almost 1000 in 1999, and is on a similar pace in 2000. (The Milwaukee Police Association has provided representation in 733 interrogations in 1998; 949 interrogations in 1999; and 557 as of the end of August, 2000) The Milwaukee Police Supervisor's Organization has similarly provided representation to its members in interrogations concerning allegations of disciplinary rule violations; those interrogations are in addition to the numbers specified in this paragraph.

Because the City of Milwaukee Police Department conducts almost 1000 of such interrogations per year, and conducts them 24 hours a day, it has become increasingly unrealistic for the Milwaukee Police Association to be able to provide the representation which Chap. 164, Stats., provides. Chapter 164's guarantee of meaningful representation will become illusory if interrogations can be conducted at 3 a.m. on every day of the year, particularly at the pace of 1000 per year.

The proposed change would give the arbitrator authority to establish a system for conducting these interrogations at a time when officers would be able to obtain meaningful representation. The proposed change provides that the interrogations would be conducted on working days, as defined in s. 227.01(14), Stats., thus exempting Saturdays, Sundays and 8 specified holidays. Additionally, the proposed change defines the hours for such interrogations as between 7 a.m. and 5 p.m. These hours are broad enough to allow interrogations to be conducted on the shift of officers assigned to the late shift, the day shift and the early shift, if the police department so chooses. The Milwaukee Police Department may point out that there are

other shifts which do not fall within these hours; however, the MPD retains authority to assign officers outside their shifts. The bottom line is that all officers in the Milwaukee Police Department are entitled to meaningful representation pursuant to Ch. 164, Stats., and the proposed change ensures such representation.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2338/1

RAC: /:....
Wlj

~~SSA~~ Thuro. A.M.

DOA:.....Currier – Binding arbitration for members of a police department employed by 1st class cities

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT GEN

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

HEAD Employment

Analysis by the Legislative Reference Bureau

This bill changes the collective bargaining law covering collective bargaining units that consist of members of a police department who are employed by cities of the 1st class (currently, only the city of Milwaukee). The bill authorizes an arbitrator to establish a system for conducting interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days, if the interrogations could lead to disciplinary action, demotion, or dismissal. Under the bill, "working days" are all days except Saturday, Sunday, and certain legal holidays. Under current law, an arbitrator is appointed to resolve any collective bargaining dispute between the city and the members of the police department when the parties have reached an impasse on matters relating to wages, hours, and conditions of employment, as determined by the employment relations commission.

For further information see the *local* 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:

2 SECTION 1. 111.70 (4) (jm) 4. k. of the statutes is created to read:



State of Wisconsin
2001 - 2002 LEGISLATURE

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RAC:wlj:pg

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