

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/18/2001

Received By: **champra**

Wanted: As time permits

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

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**

Requester's email:

**Pre Topic:**

SDC:.....Keckhaver - CN1137,

**Topic:**

Arbitration awards affecting Milwaukee police officers

**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 06/18/2001	csicilia 06/18/2001	jfrantze 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

<END>

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<END>

yes

06/18/2001 03:10 PM

**Agency: Employment Relations Commission**

caucus number 1137

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

**other notes**

Description2: Delete JFC action on Paper 425, related to arbitration affecting City of Milwaukee Police officers, thereby maintaining current law.

drafting instructions:

more instructions:

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Agency: **Employment Relations Commission**

Number of Amendments: 1

1205

CN1137

**EMPLOYMENT RELATIONS COMMISSION**

**Delete the Joint Finance action on Paper #425, related to arbitration affecting City of Milwaukee Police officers, thereby maintaining current law.**

authority would first apply to petitions for arbitration involving City of Milwaukee police officers that are filed after the general effective date of the biennial budget act.

## DISCUSSION POINTS

1. Under current law governing the issuance arbitration awards affecting the City of Milwaukee and its police officers, an arbitrator may include in the final award, without restriction, any matter that is a mandatory subject of bargaining. Matters that relate to wages, hours and conditions of employment are deemed mandatory subjects of bargaining and may be included in a party's final offer, which the arbitrator, in turn, can consider in fashioning an arbitration award. The Legislature has also specifically enumerated certain matters, which then become mandatory subjects of bargaining, that an arbitrator may include in his or her final award.

2. Proposals that do not relate primarily to wages, hours and conditions of employment are deemed permissive subjects of bargaining and may be included among the items that are addressed in the final arbitration award only if the parties agree to their inclusion. Where permissive subjects of bargaining are included in a final offer, they are treated as mandatory subjects of bargaining for the remainder of the arbitration process.

3. Where the parties do not agree on whether a matter is a mandatory subject of bargaining, the parties may petition the Employment Relations Commission for a declaratory ruling to determine the issue. The Commission is required to make its ruling within 15 days of receiving the petition.

4. The effect of including a specific reference to matters relating to the establishment of a system for conducting disciplinary interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days in the listing of items that an arbitrator may include in a compulsory, final and binding arbitration award is to establish by statute that this matter is a mandatory subject of bargaining.

5. Proponents of the proposed modification have argued that the procedure would enhance the right of an employee, who is potentially subject to a disciplinary interrogation, to have informed union or other representation present at the time of the interrogation, if the proceeding was conducted during normal business hours. Employees who may be subject to an immediate disciplinary interrogation following an alleged infraction, especially if that proceeding occurs outside of normal business hours, may have a difficult time securing informed representation when needed. Further, since the City is likely to object to the including interrogation procedures as a mandatory subject of bargaining, the matter must be addressed legislatively. If the Committee believes that these arguments generally have merit, then it could act to include the Governor's recommendation.

6. Opponents of the proposed modification have raised concerns that delaying an interrogation to normal business hours and requiring the individual subject to the proceeding to appear again at that time will have increased overtime cost implications for the City. Further, a collective bargaining process already exists through which the parties should be able to develop a mutually agreeable procedure to ensure that the employee's rights are maximized and the City's exposure to higher costs are minimized. If the Committee believes that these arguments generally

**Employment Relations Commission (Paper #425)**

**Page 3**



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1205/1

RAC:/:.....

SDC:.....Keckhaver – CN1137, Arbitration awards affecting Milwaukee police officers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Substitute amendment

1 At the locations indicated, amend the bill as follows:

2 1. Page 912, line 21: delete lines 21 to 24. ✓

3 2. Page 913, line <sup>①</sup>2: delete lines 1 and 2. ✓

4 3. Page 1397, line 19: delete lines 19 to 22. ✓

5 (END)

SDC:.....Keckhaver - CN1137, Arbitration awards affecting Milwaukee  
police officers

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