

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **07/18/2001**

Received By: **champra**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Mason**

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:

LFB:.....Mason -

Topic:

Qualified economic offers

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 07/18/2001	wjackson 07/18/2001	kfollet 07/18/2001	_____	lrb_docadmin 07/18/2001		
/2	champra 07/18/2001	wjackson 07/18/2001	rschluet 07/19/2001	_____	lrb_docadmin 07/19/2001		

FE Sent For:

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/18/2001

Received By: **champra**

Wantcd: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Mason**

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:

LFB:.....Mason -

Topic:

Qualified economic offers

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 07/18/2001	wjackson 07/18/2001	kfollet 07/18/2001	_____	lrb_docadmin 07/18/2001		

FE Sent For:

1 wly 7/18

JS

7-19-1 <END>

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/18/2001

Received By: champra

Wanted: Today

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Mason

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:

LFB:.....Mason -

Topic:

Qualified economic offers

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		6/18	self 7/18			
----	---------	--	------	--------------	--	--	--

FE Sent For:

<END>

ALS 5/21/01

DRAFT PROPOSAL AMENDMENTS TO 111.70 (AS IT WILL EXIST 7/1/01)

Section 1. 111.70(1)(nc)2m. of the statutes is created to read:

2. A proposal to maintain all conditions of employment as such conditions existed on the 90th day prior to expiration of any previous collective bargaining agreement between the parties, or the 90th day prior to commencement of negotiations if there is no previous collective bargaining agreement between the parties.

3. A proposal to maintain any provisions relating to permissive subjects of bargaining which existed in the previous collective bargaining agreement between the parties or which existed on the 90th day prior to the expiration of any previous collective bargaining agreement between the parties in any written agreement executed by the parties.

Section 2. 111.70(4)(cm)5s. of the statutes is amended to read:

111.70(4)(cm)5s. 'Issues subject to arbitration.' In a collective bargaining unit consisting of school district professional employes, the municipal employer or the labor organization may petition the commission to determine whether the municipal employer has submitted a qualified economic offer. The commission shall appoint an investigator for that purpose. If the investigator, using the methodology prescribed under subd. 8t., finds that the municipal employer has submitted a timely bona fide qualified economic offer, the investigator shall determine whether a deadlock exists between the parties with respect to all economic issues. If the municipal employer submits a timely bona fide qualified economic offer applicable to any period beginning on or after July 1, 1993, no

economic issues are subject to interest arbitration under subd. 6. for that period. In such a collective bargaining unit, economic issues concerning the wages, hours or conditions of employment of the school district professional employees in the unit for any period prior to July 1, 1993, are subject to interest arbitration under subd. 6., except that only the impact of contracting out or subcontracting work that would otherwise be performed by municipal employees in the collective bargaining unit is subject to interest arbitration under subd. 6. for that period. In such a collective bargaining unit, noneconomic issues applicable to any period on or after July 1, 1993, are subject to interest arbitration after the parties have reached agreement and stipulate to agreement on all economic issues concerning the wages, hours or conditions of employment of the school district professional employees in the unit for that period. In such a collective bargaining unit, if the commission's investigator finds that the municipal employer has submitted a timely bona fide qualified economic offer and that a deadlock exists between the parties with respect to all economic issues, the municipal employer may implement the qualified economic offer. On the 90th day prior to expiration of the period included within the qualified economic offer, if no agreement exists on that day, the parties are deemed to have stipulated to the inclusion in a new or revised collective bargaining agreement of all provisions of any predecessor collective bargaining agreement concerning economic issues or of all provisions of any existing collective bargaining agreement concerning economic issues if the parties have reopened negotiations under an existing agreement, as modified by the terms of the qualified economic offer and as otherwise modified by the parties. In such a collective bargaining unit, on and after that 90th day, a municipal employer that refuses to bargain collectively with respect to the terms of that stipulation, applicable to the 90-day period prior to expiration of the period included within the qualified economic offer, does not violate

sub. (3)(a)4. Any such unilateral implementation after August 11, 1993, during the 90-day period prior to expiration of the period included within a qualified economic offer, operates as a full, final and complete settlement of all economic issues between the parties for the period included within the qualified economic offer. The failure of a labor organization to recognize the validity of such a lawful qualified economic offer does not affect the obligation of the municipal employer to submit economic issues to arbitration under subd. 6.

Section 3. 111.70(4)(cm)5s(1). Is created to read:

111.70(4)(cm)5s(1). If the investigator finds that the municipal employer has not submitted a timely, bona fide qualified economic offer, either the labor organization or the municipal employer may petition for interest arbitration and the limitations of subd. 5s shall not apply.

Section 4. 111.70(4)(cm)8t. of the statutes is created to read:

111.70(4)(cm)8t. 'Methodology for determining qualified economic offers.' The commission shall prescribe by rule a methodology to be used to determine whether a collective bargaining proposal submitted by a municipal employer to a labor organization constitutes a timely, bona fide qualified economic offer.

DM9416



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2140/1
RAC: /:....
Wlj

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 ~~bill~~^{substitute amendment} as follows:

2

1. Page 912, line 20: after that line insert:

3

“SECTION 2607c. 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 such^{the} ^

5

conditions existed on the 90th day prior to the expiration of the previous collective

⑥

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

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

25 employer or the labor organization may petition for arbitration under subd. 6. to[✓]
26 resolve any dispute relating to economic issues.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672.

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

28 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The
29 commission shall prescribe by rule a methodology to be used in determining whether
30 a collective bargaining proposal submitted by a municipal employer to a labor
31 organization constitutes a qualified economic offer and whether such an offer is
32 timely."

33 **2.** Page 1397, line 22: after that line insert:

34 "(8m) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1.
35 d. and e. and (4) (cm) 5s. and 8t. of the statutes first ^{applies} ~~apply~~ to petitions for arbitration
36 filed under section 111.70 (4) (cm) 6. of the statutes relating to collective bargaining
37 agreements that cover periods of time beginning after June 30, 2001."

38

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2140/12
RAC:wlj:kjf

RMR

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 **1.** Page 912, line 20: after that line insert:

3 "SECTION 2607c. 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.** 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) 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 "(8m) 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 ~~relating to collective bargaining~~
13 ~~agreements that cover periods of time beginning after June 30, 2001.~~"

14 (END)

What on the effective date of this subsection



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 **1.** Page 912, line 20: after that line insert:

3 “**SECTION 2607c.** 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.** 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) 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 "(8m) 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."

14

(END)