LRBs0277

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB598)

Received: **12/04/2003**

Received By: **rchampag**

Wanted: **Today**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Contracting out services under the Municipal Employment Relations Act

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Instructions:

Have decision permissive subject also.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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/1			jfrantze 12/04/2003	_____ _____	sbasford 12/04/2003	sbasford 12/04/2003	

FE Sent For:

<END>

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FE Sent For:

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State of Wisconsin
2003 – 2004 LEGISLATURE

LRBs0275/1
RAC:kjf:rs

MON AM 12/8

LRBs0277/1
RAC:kjf

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2003 ASSEMBLY BILL 598

Regen

1 AN ACT ***to amend*** 111.70 (1) (a), 111.70 (1) (dm), 111.70 (4) (cm) 5s. and 111.70
2 (4) (m) (title); and ***to create*** 111.70 (4) (nm) of the statutes; **relating to:**
3 permissive subjects of collective bargaining under the Municipal Employment
4 Relations Act.

Analysis by the Legislative Reference Bureau

Currently, under the Municipal Employment Relations Act (MERA), municipal employers and employees must bargain all issues related to wages, hours, and conditions of employment. These issues are referred to as mandatory subjects of collective bargaining. In addition, under MERA, there is a class of issues involving management decisions that the municipal employer is not required to bargain collectively. These issues are referred to as permissive subjects of collective bargaining. This substitute amendment provides that a municipal employer is not required to bargain collectively ~~the impact of any~~ a decision ~~on the wages, hours, and conditions of employment of its employees~~ to contract with any person who is not a municipal employee for the performance of municipal services; to contract with any other municipal employer for the performance of municipal services; or to contract with any other municipal employer to consolidate municipal services or units of

Insert A

government. ~~Under current law, the impact of any such decision would be a mandatory subject of bargaining.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.70 (1) (a) of the statutes is amended to read:

111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) <u>and (nm)</u> and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare

of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

SECTION 2. 111.70 (1) (dm) of the statutes is amended to read:

111.70 **(1)** (dm) "Economic issue" means salaries, overtime pay, sick leave, payments in lieu of sick leave usage, vacations, clothing allowances in excess of the actual cost of clothing, length–of–service credit, continuing education credit, shift premium pay, longevity pay, extra duty pay, performance bonuses, health insurance, life insurance, dental insurance, disability insurance, vision insurance, long–term care insurance, worker's compensation and unemployment insurance, social security benefits, vacation pay, holiday pay, lead worker pay, temporary assignment pay, retirement contributions, supplemental retirement benefits, severance or other separation pay, hazardous duty pay, certification or license payment, <u>and</u> limitations on layoffs that create a new or increased financial liability on the employer ~~and contracting or subcontracting of work that would otherwise be performed by municipal employees in the collective bargaining unit with which there is a labor dispute~~.

SECTION 3. 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 employees, 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 finds that the municipal employer has submitted a 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 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~~, 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~~. 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. 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 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 4. 111.70 (4) (m) (title) of the statutes is amended to read:

111.70 **(4)** (m) (title) *Prohibited subjects of bargaining; school districts.*

SECTION 5. 111.70 (4) (nm) of the statutes is created to read:

111.70 **(4)** (nm) *Permissive subjects of bargaining; all municipal employers.* A municipal employer is not required to bargain collectively ~~the impact of any~~ a decision ~~on the wages, hours, and conditions of employment of its municipal employees~~, to contract with any person who is not a municipal employee for the performance of municipal services; to contract with any other municipal employer for the performance of municipal services; or to contract with any other municipal employer to consolidate municipal services or units of government.

Insert A

SECTION 6. Initial applicability.

(1) This act first applies to collective bargaining agreements under subchapter IV of chapter 111 for which a notice of commencement of contract negotiations has been filed by either party on the effective date of this subsection.

(END)

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use twice

No # A municipal employer is also not required to bargain collectively the impact of any such decision on the wages, hours, and conditions of employment of its municipal employees.