

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB44)**

Received: 06/15/2003

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing: Carrie Templeton

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: **Sen.Erpenbach@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Restore deletion of qualified economic offer

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**Instructions:**

Restore governor's proposal to eliminate QEO.

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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>
/?	jkuesel 06/17/2003 rchampag 06/17/2003	kfollett 06/17/2003		_____			
/1			chaskett 06/17/2003	_____	lemery 06/17/2003	lemery 06/17/2003	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

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/?	jkuesel 06/17/2003 rchampag	11 kjl 6/17		_____ _____ _____ _____			

FE Sent For:

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2003

Date (time) needed

Today

LRB b 0468 11

BUDGET AMENDMENT

[Not for compile]

RAC: rfj

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
TO SENATE SUBSTITUTE AMENDMENT 1  
TO 2003 SENATE BILL 44

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

#. Page 774, line 8: after "unit" insert "and except as provided in sub. (4) (p)".

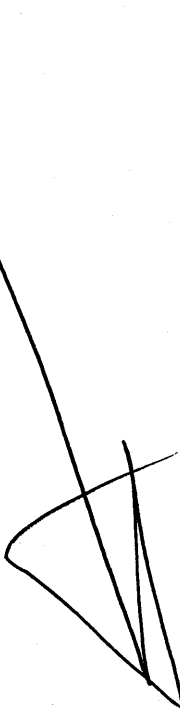
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1 sub. (4) (p). In creating this subchapter the legislature recognizes that the municipal  
 2 employer must exercise its powers and responsibilities to act for the government and  
 3 good order of the jurisdiction which it serves, its commercial benefit and the health,  
 4 safety and welfare of the public to assure orderly operations and functions within its  
 5 jurisdiction, subject to those rights secured to municipal employees by the  
 6 constitutions of this state and of the United States and by this subchapter.

#. Page 774, line 14: *over next line insert:*

7 " SECTION ~~2.~~ 111.70 (1) <sup>1967b</sup> (b) of the statutes is amended to read:

8 111.70 (1) (b) "Collective bargaining unit" means a unit ~~consisting of municipal~~  
 9 ~~employees who are school district professional employees or of municipal employees~~  
 10 ~~who are not school district professional employees~~ that is determined by the  
 11 commission to be appropriate for the purpose of collective bargaining.

12 SECTION ~~3.~~ 111.70 (1) <sup>1967c</sup> (dm) of the statutes is repealed.

13 SECTION ~~4.~~ 111.70 (1) <sup>1967d</sup> (fm) of the statutes is repealed.

14 SECTION ~~5.~~ 111.70 (1) <sup>1967e</sup> (nc) of the statutes is repealed.

15 SECTION ~~6.~~ 111.70 (4) <sup>1967f</sup> (cm) 5. of the statutes is amended to read:

16 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the  
 17 other impasse resolution procedures provided in this paragraph, a municipal  
 18 employer and labor organization may at any time, as a permissive subject of  
 19 bargaining, agree in writing to a dispute settlement procedure, including  
 20 authorization for a strike by municipal employees or binding interest arbitration,  
 21 which is acceptable to the parties for resolving an impasse over terms of any  
 22 collective bargaining agreement under this subchapter. A copy of such agreement  
 23 shall be filed by the parties with the commission. If the parties agree to any form of  
 24 binding interest arbitration, the arbitrator shall give weight to the factors  
 25 enumerated under ~~subds. 7., 7g. and subd. 7r.~~

1 SECTION <sup>✓</sup>7. 111.70 (4) (cm) 5s. of the statutes is repealed.

2 SECTION <sup>✓</sup>8. 111.70 (4) (cm) 6. a. of the statutes is amended to read:

3 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute ~~relating to one~~  
4 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~  
5 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable  
6 period of negotiation and after mediation by the commission under subd. 3. and other  
7 settlement procedures, if any, established by the parties have been exhausted, and  
8 the parties are deadlocked with respect to any dispute between them over wages,  
9 hours, and conditions of employment to be included in a new collective bargaining  
10 agreement, either party, or the parties jointly, may petition the commission, in  
11 writing, to initiate compulsory, final, and binding arbitration, as provided in this  
12 paragraph. At the time the petition is filed, the petitioning party shall submit in  
13 writing to the other party and the commission its preliminary final offer containing  
14 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
15 of that submission, the other party shall submit in writing its preliminary final offer  
16 on all disputed issues to the petitioning party and the commission. If a petition is  
17 filed jointly, both parties shall exchange their preliminary final offers in writing and  
18 submit copies to the commission at the time the petition is filed.

19 SECTION <sup>✓</sup>9. 111.70 (4) (cm) 6. am. of the statutes is amended to read:

20 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the  
21 commission shall make an investigation, with or without a formal hearing, to  
22 determine whether arbitration should be commenced. If in determining whether an  
23 impasse exists the commission finds that the procedures set forth in this paragraph  
24 have not been complied with and such compliance would tend to result in a  
25 settlement, it may order such compliance before ordering arbitration. The validity

1 of any arbitration award or collective bargaining agreement shall not be affected by  
2 failure to comply with such procedures. Prior to the close of the investigation each  
3 party shall submit in writing to the commission its single final offer containing its  
4 final proposals on all issues in dispute that are subject to interest arbitration under  
5 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~  
6 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall  
7 close the investigation based on the last written position of the party. ~~The municipal~~  
8 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~  
9 ~~of the investigation.~~ Such final offers may include only mandatory subjects of  
10 bargaining, except that a permissive subject of bargaining may be included by a  
11 party if the other party does not object and shall then be treated as a mandatory  
12 subject. No later than such time, the parties shall also submit to the commission a  
13 stipulation, in writing, with respect to all matters which are agreed upon for  
14 inclusion in the new or amended collective bargaining agreement. The commission,  
15 after receiving a report from its investigator and determining that arbitration should  
16 be commenced, shall issue an order requiring arbitration and immediately submit  
17 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
18 alternately strike names until a single name is left, who shall be appointed as  
19 arbitrator. The petitioning party shall notify the commission in writing of the  
20 identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
21 formally appoint the arbitrator and submit to him or her the final offers of the  
22 parties. The final offers shall be considered public documents and shall be available  
23 from the commission. In lieu of a single arbitrator and upon request of both parties,  
24 the commission shall appoint a tripartite arbitration panel consisting of one member  
25 selected by each of the parties and a neutral person designated by the commission

1 who shall serve as a chairperson. An arbitration panel has the same powers and  
2 duties as provided in this section for any other appointed arbitrator, and all  
3 arbitration decisions by such panel shall be determined by majority vote. In lieu of  
4 selection of the arbitrator by the parties and upon request of both parties, the  
5 commission shall establish a procedure for randomly selecting names of arbitrators.  
6 Under the procedure, the commission shall submit a list of 7 arbitrators to the  
7 parties. Each party shall strike one name from the list. From the remaining 5  
8 names, the commission shall randomly appoint an arbitrator. Unless both parties  
9 to an arbitration proceeding otherwise agree in writing, every individual whose  
10 name is submitted by the commission for appointment as an arbitrator shall be a  
11 resident of this state at the time of submission and every individual who is  
12 designated as an arbitration panel chairperson shall be a resident of this state at the  
13 time of designation.

14 SECTION 10. 111.70 (4) (cm) 7. of the statutes is repealed.

15 SECTION 11. 111.70 (4) (cm) 7g. of the statutes is repealed.

16 SECTION 12. 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

17 111.70 (4) (cm) 7r. ~~Other factors~~ Factors considered.' (intro.) In making any  
18 decision under the arbitration procedures authorized by this paragraph, the  
19 arbitrator or arbitration panel shall also give weight to the following factors:

20 SECTION 13. 111.70 (4) (cm) 7r. hm. of the statutes is created to read:

21 111.70 (4) (cm) 7r. hm. In a school district, a determination as to which party's  
22 proposal best provides for a fundamental right to an equal opportunity for a sound  
23 basic education under article X, section 3, of the constitution.

24 SECTION 14. 111.70 (4) (cm) 7r. ie. of the statutes is created to read:



1           111.70 (4) (cm) 7r. ie. Any state law or directive lawfully issued by a state  
2 legislative or administrative officer, body, or agency which places limitations on  
3 expenditures that may be made or revenues that may be collected by a municipal  
4 employer.

5           SECTION 15. 111.70 (4) (cm) 7r. ir. of the statutes is created to read:

6           <sup>119670</sup>111.70 (4) (cm) 7r. ir. Economic conditions in the jurisdiction of the municipal  
7 employer.

8           SECTION 16. <sup>11967P</sup>111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,  
9 renumbered 111.70 (4) (cm) 8m. and amended to read:

10           111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for  
11 the initial collective bargaining agreement between the parties and except as the  
12 parties otherwise agree, every collective bargaining agreement covering municipal  
13 employees subject to this paragraph ~~other than school district professional~~  
14 ~~employees shall be for a term of 2 years. No, but in no case may a collective~~  
15 ~~bargaining agreement for any collective bargaining unit consisting of municipal~~  
16 ~~employees subject to this paragraph other than school district professional~~  
17 ~~employees shall be for a term exceeding 3 years. e. No arbitration award may~~  
18 ~~contain a provision for reopening of negotiations during the term of a collective~~  
19 ~~bargaining agreement, unless both parties agree to such a provision. The~~  
20 ~~requirement for agreement by both parties does not apply to a provision for~~  
21 ~~reopening of negotiations with respect to any portion of an agreement that is~~  
22 ~~declared invalid by a court or administrative agency or rendered invalid by the~~  
23 ~~enactment of a law or promulgation of a federal regulation.~~

24           SECTION 17. 111.70 (4) (cm) 8m. b. of the statutes is repealed.

25           SECTION 18. <sup>119670</sup>111.70 (4) (cm) 8p. of the statutes is repealed.  
<sup>11967r</sup>

1 SECTION 19. 111.70 (4) (cm) 8s. of the statutes is repealed.

2 SECTION 20. 111.70 (4) (d) 2. a. of the statutes is amended to read:

3 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
4 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
5 unless otherwise required under this subchapter, avoid fragmentation by  
6 maintaining as few collective bargaining units as practicable in keeping with the size  
7 of the total municipal work force. In making such a determination, the commission  
8 may decide whether, in a particular case, the municipal employees in the same or  
9 several departments, divisions, institutions, crafts, professions, or other  
10 occupational groupings constitute a collective bargaining unit. Before making its  
11 determination, the commission may provide an opportunity for the municipal  
12 employees concerned to determine, by secret ballot, whether or not they desire to be  
13 established as a separate collective bargaining unit. ~~The commission shall not~~  
14 ~~decide, however, that any group of municipal employees constitutes an appropriate~~  
15 ~~collective bargaining unit if the group includes both municipal employees who are~~  
16 ~~school district professional employees and municipal employees who are not school~~  
17 ~~district professional employees.~~ The commission shall not decide, however, that any  
18 other group of municipal employees constitutes an appropriate collective bargaining  
19 unit if the group includes both professional employees and nonprofessional  
20 employees, unless a majority of the professional employees vote for inclusion in the  
21 unit. The commission shall not decide that any group of municipal employees  
22 constitutes an appropriate collective bargaining unit if the group includes both craft  
23 employees and noncraft employees unless a majority of the craft employees vote for  
24 inclusion in the unit. The commission shall place the professional employees who are  
25 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in

1 a separate collective bargaining unit from a unit that includes any other professional  
2 employees whenever at least 30% of those professional employees request an election  
3 to be held to determine that issue and a majority of the professional employees at the  
4 charter school who cast votes in the election decide to be represented in a separate  
5 collective bargaining unit. Any vote taken under this subsection shall be by secret  
6 ballot." .

7 #. Page 775, line 13: after that line insert:  
"SECTION 21. 111.70 (4) (p) of the statutes is created to read:

21985r

8 111.70 (4) (p) *Additional mandatory subjects of bargaining in school districts.*

9 1. In a school district, the municipal employer is required to bargain collectively with  
10 respect to education policy, except that no dispute relating to an education policy  
11 issue is subject to interest arbitration under par. (cm) 6. unless all parties to the  
12 dispute agree, in writing, to make such an issue subject to interest arbitration under  
13 par. (cm) 6.

14 2. Notwithstanding subd. 1., in a school district, if the municipal employer  
15 makes a proposal that provides that employee compensation or performance  
16 expectations are linked with student academic performance, the labor organization  
17 may include in its single final offer under par. (cm) 6. am. any proposal to meet the  
18 performance expectations, including a proposal affecting education policy." .

Insert from Page 11.

19 #. Page 793, line 17: after that line insert:  
"SECTION 22. 119.04 (1) of the statutes is amended to read:

2022b

20 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
21 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
22 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
23 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
24 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,  
25 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13

1 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are  
2 applicable to a 1st class city school district and board. )

3 #. Page 789, line 21: after next line insert:  
"SECTION 28. 118.245 of the statutes is repealed."  
2008m

4 ~~SECTION 9317. Initial applicability; employment relations commission.~~

5 #. Page 1133, line 23: after that line insert:

6 " (1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (b), (dm),  
7 (fn), and (nc) and (4) (cm) 5., 5s., 6. a. and am., 7., 7g., 7r. (intro.), ie., and ir., 8m. a.,  
8 b., and c., 8p., and 8s. and (d) 2. a. of the statutes first applies to petitions for  
9 arbitration that relate to collective bargaining agreements that cover periods  
10 beginning on or after July 1, 2003, and that are filed under section 111.70 (4) (cm)  
11 6. of the statutes, as affected by this act, on the effective date of this subsection. "

12 ~~(2) SCHOOL DISTRICT COLLECTIVE BARGAINING SUBJECTS AND FACTORS. The~~

13 treatment of sections 111.70 (1) (a) and (4) (cm) 7r. hm. and (p) of the statutes first  
14 applies to collective bargaining agreements that cover periods beginning on or after  
15 July 1, 2009.

(END)

#. Page 1134, line 2: after ~~B~~ "(a)"  
insert

more  
to  
p 10,  
line 18