

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1017/P1dn  
RAC:kmg:cph

December 13, 2002

Per your request, this bill takes effect on January 1, 2003. If the bill is not enacted in a special session before January 1, 2003, then this date will have to be changed — either to a new, later effective date or to specify that it applies retroactively to January 1, 2003.

As you requested, the bill specifically governs paid vacation leave for certain “nonrepresented” employees. Please note that it is not necessary to include the term “nonrepresented” and that it may even result in confusion. Under current law, matters relating to wages, hours, and conditions of employment are subject to collective bargaining under the State Employment Labor Relations Act. Therefore, all provisions of ch. 230 relating to wages, hours, and conditions of employment, unless made by law a prohibited subject of bargaining, apply only to nonrepresented employees and do not apply to represented employees unless so provided in applicable collective bargaining agreements. By specifically mentioning “nonrepresented” employees in the bill, which deals with the mandatory collective bargaining subject of paid vacation time, there is created the implication that other provisions in ch. 230 that deal with other mandatory subjects of bargaining may apply to both nonrepresented and represented employees. The reason is that these provisions are not similarly restricted to “nonrepresented” employees.

Please note that in ch. 230 there is only one reference to nonrepresented employees and that is in s. 230.27 (2m) (intro.) and it is mentioned there only to specify benefits to which a project position employee is entitled. This seems to be a legitimate use of the term. Thus, for the purpose of consistency and to avoid confusion, you may wish to consider leaving out the term “nonrepresented.”

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