



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0481/1  
CMH:kjf:rs

## 2005 SENATE BILL 317

September 7, 2005 - Introduced by Senator REYNOLDS, cosponsored by Representatives PRIDEMORE and VOS. Referred to Committee on Higher Education and Tourism.

1     **AN ACT to repeal** 111.81 (7) (b), 111.81 (15m), 111.81 (19m), 111.825 (2) (a),  
2             111.825 (2) (b), 111.825 (2) (c) and 111.83 (5); and **to amend** 111.83 (1), 111.84  
3             (2) (c), 111.91 (4), 111.92 (1) (a), 111.93 (2), 230.10 (2) and 230.34 (1) (ar) of the  
4             statutes; **relating to:** collective bargaining rights for program, project, and  
5             teaching assistants.

---

### *Analysis by the Legislative Reference Bureau*

Current law expressly guarantees the right of self-organization and collective bargaining to program, project, and teaching assistants (student assistants) employed by the University of Wisconsin (UW) System. Current law also creates one collective bargaining unit for student assistants at UW-Madison and the UW Extension, one for student assistants at UW-Milwaukee, and one for student assistants at the other UW campuses, which include Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater.

This bill eliminates the right of self-organization and collective bargaining for the student assistants employed by the UW System and eliminates the collective bargaining units.

**SENATE BILL 317**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 111.81 (7) (b) of the statutes is repealed.

2           **SECTION 2.** 111.81 (15m) of the statutes is repealed.

3           **SECTION 3.** 111.81 (19m) of the statutes is repealed.

4           **SECTION 4.** 111.825 (2) (a) of the statutes is repealed.

5           **SECTION 5.** 111.825 (2) (b) of the statutes is repealed.

6           **SECTION 6.** 111.825 (2) (c) of the statutes is repealed.

7           **SECTION 7.** 111.83 (1) of the statutes is amended to read:

8           111.83 (1) ~~Except as provided in sub. (5), a~~ A representative chosen for the  
9 purposes of collective bargaining by a majority of the employees voting in a collective  
10 bargaining unit shall be the exclusive representative of all of the employees in such  
11 unit for the purposes of collective bargaining. Any individual employee, or any  
12 minority group of employees in any collective bargaining unit, may present  
13 grievances to the employer in person, or through representatives of their own  
14 choosing, and the employer shall confer with said employee or group of employees in  
15 relation thereto if the majority representative has been afforded the opportunity to  
16 be present at the conference. Any adjustment resulting from such a conference may  
17 not be inconsistent with the conditions of employment established by the majority  
18 representative and the employer.

19           **SECTION 8.** 111.83 (5) of the statutes is repealed.

20           **SECTION 9.** 111.84 (2) (c) of the statutes is amended to read:

**SENATE BILL 317**

1           111.84 **(2)** (c) To refuse to bargain collectively on matters set forth in s. 111.91  
2           (1) with the duly authorized officer or agent of the employer which is the recognized  
3           or certified exclusive collective bargaining representative of employees specified in  
4           s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified  
5           exclusive collective bargaining representative of employees specified in s. 111.81 (7)  
6           ~~(b)~~ (c) to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall  
7           include, but not be limited to, the refusal to execute a collective bargaining  
8           agreement previously orally agreed upon.

9           **SECTION 10.** 111.91 (4) of the statutes is amended to read:

10           111.91 **(4)** The director of the office, in connection with the development of  
11           tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),  
12           shall endeavor to obtain tentative agreements with each recognized or certified labor  
13           organization representing employees or supervisors of employees specified in s.  
14           111.81 (7) (a) and with each certified labor organization representing employees  
15           specified in s. 111.81 (7) ~~(b)~~ (c) to (e) which do not contain any provision for the  
16           payment to any employee of a cumulative or noncumulative amount of compensation  
17           in recognition of or based on the period of time an employee has been employed by  
18           the state.

19           **SECTION 11.** 111.92 (1) (a) of the statutes is amended to read:

20           111.92 **(1)** (a) Any tentative agreement reached between the office, acting for  
21           the state, and any labor organization representing a collective bargaining unit  
22           specified in s. 111.825 (1) or (2) ~~(a) to (d)~~ (d) or (e) shall, after official ratification by the  
23           labor organization, be submitted by the office to the joint committee on employment  
24           relations, which shall hold a public hearing before determining its approval or  
25           disapproval. If the committee approves the tentative agreement, it shall introduce

**SENATE BILL 317****SECTION 11**

1 in a bill or companion bills, to be put on the calendar or referred to the appropriate  
2 scheduling committee of each house, that portion of the tentative agreement which  
3 requires legislative action for implementation, such as salary and wage adjustments,  
4 changes in fringe benefits, and any proposed amendments, deletions or additions to  
5 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)  
6 (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of  
7 the tentative agreement to appropriate legislative committees for advisory  
8 recommendations on the proposed terms. The committee shall accompany the  
9 introduction of such proposed legislation with a message that informs the legislature  
10 of the committee's concurrence with the matters under consideration and which  
11 recommends the passage of such legislation without change. If the joint committee  
12 on employment relations does not approve the tentative agreement, it shall be  
13 returned to the parties for renegotiation. If the legislature does not adopt without  
14 change that portion of the tentative agreement introduced by the joint committee on  
15 employment relations, the tentative agreement shall be returned to the parties for  
16 renegotiation.

17 **SECTION 12.** 111.93 (2) of the statutes is amended to read:

18 111.93 (2) All civil service and other applicable statutes concerning wages,  
19 fringe benefits, hours and conditions of employment apply to employees specified in  
20 s. 111.81 (7) (a) who are not included in collective bargaining units for which a  
21 representative is recognized or certified and to employees specified in s. 111.81 (7)  
22 ~~(b)~~ (c) to (f) who are not included in a collective bargaining unit for which a  
23 representative is certified.

24 **SECTION 13.** 230.10 (2) of the statutes is amended to read:

**SENATE BILL 317**

1           230.10 (2) The compensation plan in effect at the time that a representative  
2 is recognized or certified to represent employees in a collective bargaining unit and  
3 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
4 that a representative is certified to represent employees in a collective bargaining  
5 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
6 and benefit provisions for employees in the collective bargaining unit until a  
7 collective bargaining agreement becomes effective for that unit. If a collective  
8 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
9 a subsequent agreement, and a representative continues to be recognized or certified  
10 to represent employees specified in s. 111.81 (7) (a) or certified to represent  
11 employees specified in s. 111.81 (7) ~~(b)~~ (c) to (f) in that collective bargaining unit, the  
12 wage rates of the employees in such a unit shall be frozen until a subsequent  
13 agreement becomes effective, and the compensation plan under s. 230.12 and salary  
14 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
15 unit.

16           **SECTION 14.** 230.34 (1) (ar) of the statutes is amended to read:

17           230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
18 status in class in the classified service and all employees who have served with the  
19 state as an assistant district attorney for a continuous period of 12 months or more,  
20 except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit  
21 for which a representative is recognized or certified, or for employees specified in s.  
22 111.81 (7) ~~(b)~~ ~~or~~ (c) in a collective bargaining unit for which a representative is  
23 certified, if a collective bargaining agreement is in effect covering employees in the  
24 collective bargaining unit, the determination of just cause and all aspects of the

**SENATE BILL 317**

**SECTION 14**

1 appeal procedure shall be governed by the provisions of the collective bargaining  
2 agreement.

3 **SECTION 15. Initial applicability.**

4 (1) This act first applies to the collective bargaining rights upon the expiration,  
5 extension, modification, or renewal of any current agreement in force on the effective  
6 date of this subsection.

7 (END)