

**2009 DRAFTING REQUEST**

**Bill**

Received: **07/09/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Denise Solie**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Restore weighting factors to MERA

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**Instructions:**

See attached

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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>
/?	chanaman 07/24/2009	kfollett 08/11/2009		_____			S&L
/1			rschluet 08/11/2009	_____	sbasford 08/11/2009	cduerst 08/18/2009	

FE Sent For: **"1" @ intro. 9/24/09**

<END>

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/?	chanaman	1/15/09 8/11/09	 8-11-09	_____ _____			S&L

FE Sent For: <END>

**Hanaman, Cathlene**

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**From:** Solie, Denise  
**Sent:** Wednesday, July 08, 2009 12:44 PM  
**To:** Champagne, Rick; Hanaman, Cathlene  
**Subject:** Drafting request: MERA bill - greatest/greater weight

3100

Rick & Cathlene,

Please draft a bill that would restore the greatest/greater weight language to the Municipal Employment Relations Act that was repealed in 2009 Act 28. (Section numbers below refer to the original language in AB 75.) Call if you have any questions. Thanks.

**SECTION 2226.** 111.70 (4) (cm) 5. of the statutes is amended to read:

111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse resolution procedures provided in this paragraph, a municipal employer and labor organization may at any time, as a permissive subject of bargaining, agree in writing to a dispute settlement procedure, including authorization for a strike by municipal employees or binding interest arbitration, which is acceptable to the parties for resolving an impasse over terms of any collective bargaining agreement under this subchapter. A copy of such agreement shall be filed by the parties with the commission. If the parties agree to any form of binding interest arbitration, the arbitrator shall give weight to the factors enumerated under subds. 7., and ~~7g. for a collective bargaining unit consisting of municipal employees who are not school district employees and under subd. 7r. for a collective bargaining unit consisting of municipal employees.~~

**SECTION 2230.** 111.70 (4) (cm) 7. of the statutes is amended to read:

111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under the arbitration procedures authorized by this paragraph, ~~except for any decision involving a collective bargaining unit consisting of school district employees,~~ the arbitrator or arbitration panel shall consider and shall give the greatest weight to any state law or directive lawfully issued by a state legislative or administrative officer, body or agency which places limitations on expenditures that may be made or revenues that may be collected by a municipal employer. The arbitrator or arbitration panel shall give an accounting of the consideration of this factor in the arbitrator's or panel's decision.

**SECTION 2231.** 111.70 (4) (cm) 7g. of the statutes is amended to read:

111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under the arbitration procedures authorized by this paragraph, ~~except for any decision involving a collective bargaining unit consisting of school district employees,~~ the arbitrator or arbitration panel shall consider and shall give greater weight to economic conditions in the jurisdiction of the municipal employer than to any of the factors specified in subd. 7r.

**SECTION 2232.** 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

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

**SECTION 9316. Initial applicability; Employment Relations Commission.**

The treatment of section 111.70 (4) (cm) 5., 7., 7g., and 7r. (intro.), of the statutes first applies to petitions for arbitration that relate to collective bargaining agreements that cover periods beginning on or after July 1, 2009, and that are filed under section 111.70 (4) (cm) 6. of the statutes, as affected by this act, on the effective date of this subsection.

=====

Denise Solie

Office of Rep. Mark Gottlieb

(608) 267-2370

***Good government starts here!***



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*see cut*

1 AN ACT ...; **relating to:** factors considered in binding interest arbitration under  
2 the Municipal Employment Relations Act.

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***Analysis by the Legislative Reference Bureau***

Under the Municipal Employment Relations Act, in local government employment other than law enforcement and fire fighting, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. An arbitrator's decision is then incorporated into the collective bargaining agreement. In reaching a decision, the arbitrator must give weight to factors. Unless the decision involves a collective bargaining unit consisting of school district employees, the arbitrator must give the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer and must give greater weight to economic conditions in the jurisdiction of the employer than to other factors. For decisions involving a collective bargaining unit consisting of any municipal employees the arbitrator has to give weight to various factors including the authority of the municipal employer; the interests and welfare of the public and the ability of the unit of government to meet the costs of the proposed agreement; comparison of wages, hours, and conditions of employment with those of other employees; and the cost of living. This bill eliminates this distinction between school district employees and other municipal employees, so that, for a decision involving a collective bargaining

unit consisting of school district employees<sup>✓</sup> as well as for a collective bargaining unit consisting of other municipal employees, the arbitrator must give the greatest weight to the factors given the greatest weight under current law to all municipal employees except school district employees and must give greater weight to the factors given greater weight under current law to all municipal employees except school district employees.

For further information see the *state and local* 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.** 111.70 (4) (cm) 5. of the statutes, as affected by 2009 Wisconsin Act  
2           28, is amended to read:

3           111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the  
4           other impasse resolution procedures provided in this paragraph, a municipal  
5           employer and labor organization may at any time, as a permissive subject of  
6           bargaining, agree in writing to a dispute settlement procedure, including  
7           authorization for a strike by municipal employees or binding interest arbitration,  
8           which is acceptable to the parties for resolving an impasse over terms of any  
9           collective bargaining agreement under this subchapter. A copy of such agreement  
10          shall be filed by the parties with the commission. If the parties agree to any form of  
11          binding interest arbitration, the arbitrator shall give weight to the factors  
12          enumerated under subds. 7. and, 7g. for a collective bargaining unit consisting of  
13          municipal employees who are not school district employees and under subd., and 7r.  
14          for a collective bargaining unit consisting of municipal employees.

**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; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21.

15          **SECTION 2.** 111.70 (4) (cm) 7. of the statutes, as affected by 2009 Wisconsin Act  
16          28, is amended to read:

1           111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under  
2 the arbitration procedures authorized by this paragraph, ~~except for any decision~~  
3 ~~involving a collective bargaining unit consisting of school district employees,~~ the  
4 arbitrator or arbitration panel shall consider and shall give the greatest weight to  
5 any state law or directive lawfully issued by a state legislative or administrative  
6 officer, body or agency which places limitations on expenditures that may be made  
7 or revenues that may be collected by a municipal employer. The arbitrator or  
8 arbitration panel shall give an accounting of the consideration of this factor in the  
9 arbitrator's or panel's decision.

10           **SECTION 3.** 111.70 (4) (cm) 7g. of the statutes, as affected by 2009 Wisconsin Act  
11 28, is amended to read:

12           111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under  
13 the arbitration procedures authorized by this paragraph, ~~except for any decision~~  
14 ~~involving a collective bargaining unit consisting of school district employees,~~ the  
15 arbitrator or arbitration panel shall consider and shall give greater weight to  
16 economic conditions in the jurisdiction of the municipal employer than to any of the  
17 factors specified in subd. 7r.

History: 2009 a. 28.

18           **SECTION 4.** 111.70 (4) (cm) 7r. (intro.) of the statutes, as affected by 2009  
19 Wisconsin Act 28, is amended to read:

20           111.70 (4) (cm) 7r. (intro.) 'Other factors considered.' In making any decision  
21 under the arbitration procedures authorized by this paragraph, the arbitrator or  
22 arbitration panel shall give weight also to the following factors:

History: 2009 a. 28.

23           **SECTION 5. Initial applicability.**



1           (1) This act first applies to petitions for arbitration that relate to collective  
2 bargaining agreements<sup>s</sup> that cover periods beginning on or after July 1, 2009, and that  
3 are filed under section 111.70 (4) (cm) 6. of the statutes on the effective date of this  
4 subsection.  
5

(END)

**Duerst, Christina**

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**From:** Solie, Denise  
**Sent:** Tuesday, August 18, 2009 9:20 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3100/1 Topic: Restore weighting factors to MERA

Please Jacket LRB 09-3100/1 for the ASSEMBLY.