

2009 DRAFTING REQUEST

Bill

Received: **12/10/2010**

Received By: **rchampag**

Wanted: **Today**

Companion to LRB:

For: **Health Services**

By/Representing: **Fredi**

May Contact:

Drafter: **rchampag**

Subject: **Employ Pub - collective bargain**
Employ Pub - civil service

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **FrediEllen.Bove@dhs.wisconsin.gov**

Carbon copy (CC:) to: **Laura.Rose@legis.wisconsin.gov**
Rachel.CurransSheehan@dhs.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

2011-13 Home Care providers SELRA Agreement

Instructions:

See attached.

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>
/?	rchampag 12/10/2010	wjackson 12/10/2010		_____			State
/1			rschluet 12/10/2010	_____	mbarman 12/10/2010		State
/2	rchampag 12/10/2010	wjackson 12/10/2010	mduchek 12/10/2010	_____	mbarman 12/10/2010	mbarman 12/13/2010	

FE Sent For: 12/10/2010, 12/10/2010.



<END>

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/?	rchampag 12/10/2010	wjackson 12/10/2010		_____			State
/1			rschluet 12/10/2010	_____	mbarman 12/10/2010		State
/2	rchampag 12/10/2010	wjackson 12/10/2010	mduchek 12/10/2010	_____	mbarman 12/10/2010		

(Handwritten notes)
 - A circle around the "Jacketed" header with an arrow pointing to the text: "for Assembly per RAC (see attached)"
 - An arrow pointing from the "Jacketed" header to the text: "sent to Leg. Council"

FE Sent For: 12/10/2010, 12/10/2010.

(1/1") (1/2")



<END>

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Rachel.CurransSheehan@dhs.wisconsin.gov

Pre Topic:

No specific pre topic given

fixed

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Instructions:

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/?	rchampag 12/10/2010	wjackson 12/10/2010		_____			State
/1		/2 wlj 12/10	rschluet 12/10/2010	_____	mbarman 12/10/2010		

12/10

FE Sent For: 12/10/2010.

"1" (per RAC)

"2"

<END>

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Wanted: **Today**

Companion to LRB:

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By/Representing: **Fredi**

May Contact:

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Employ Pub - civil service

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Requester's email: **FrediEllen.Bove@dhs.wisconsin.gov**

Carbon copy (CC:) to: **Laura.Rose@legis.wisconsin.gov**
Rachael.CurransSheehan@dhs.wisconsin.gov

Pre Topic:

No specific pre topic given


Topic:

2011-13 Home Care providers SELRA Agreement

Instructions:

See attached.

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>
/?	rchampag	1/16/12/10		_____	_____		

FE Sent For:

<END>

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Received By: **rchampag**

Wanted: **Today**

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For: **Health Services**

By/Representing: **Fredi**

May Contact:

Drafter: **rchampag**

Subject: **Employ Pub - collective bargain**
Employ Pub - civil service

Addl. Drafters:

Extra Copies:

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Rachel.CurransSheehan@dhs.wisconsin.gov

*START FE
PROCESS
(per RAC)*

Pre Topic:

No specific pre topic given

Topic:

2011-31 Home Care providers SELRA Agreement

Instructions:

See attached.

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>
/?	rchampag	1 w/ly 12/10	12/10 ph	12/10 ph/mo			

FE Sent For:

<END>

Champagne, Rick

From: Bove, Fredi-Ellen E - DHS [FrediEllen.Bove@dhs.wisconsin.gov]
Sent: Friday, December 10, 2010 11:51 AM
To: Bove, Fredi-Ellen E - DHS; Champagne, Rick; Hanaman, Cathlene
Cc: Currans-Sheehan, Rachel H - DHS; Wild, Mark J - DHS
Subject: Draft Bill for DHS/SEIU Home care provisions

Importance: High

Attachments: Final Agreed Upon Provisions 12 9 10.doc; SEIU Paper for OSER.doc



Final Agreed Upon Provisions 1.OSER.doc (38 KB...)

Kathlene/Rick--

I am following up from the voice mail that Rachel Currans-Sheehan, the DHS Exec Assistant, left for Rick earlier today. Per her voice mail, DHS is requesting that a bill be drafted to implement the collective bargaining agreement concluded earlier this week between DHS and SEIU Healthcare Wisconsin for home care workers. Based on Rachel's discussion with Laura Rose, our understanding is that Rick/LRB would be the person responsible for the drafting.

This is a new collective bargaining agreement that was authorized in the 09-11 Biennial Budget Act (Act 28). The statutory authority for this agreement is provided in s.111.815(1), s.111.825(2g), s.111.83(5m), and s.111.92(1)(a).

Attached is a copy of the tentative agreement and a one-page summary sheet for background.

We are requesting that the bill be drafted as early as possible today so that the Department can submit it with the package of other required material to JCOER on Monday morning. We also need you to request that DOA prepare a fiscal note on the bill draft.

Let me know if you have questions. My phone number is 261-5987. I would appreciate if you would confirm that you have received this information and are proceeding with the bill draft. Thank you very much.

We appreciate under s. 20.435(4)(b) & (c)

DHS/SEIU Homecare Collective Bargaining Agreement December 8, 2010

- Act 28, the 2009-11 biennial budget allowed independent home care workers providing personal care and/or supportive home care in the Family Care, IRIS, and Dane County Medicaid home and community based waiver programs to form a statewide union. Personal care and supportive home care involves assistance with daily living activities, such as dressing, bathing, and eating.
- In May an election was held following the procedures established by state law. A majority of the individuals who voted in the election voted in favor of the Service Employees International Union (SEIU) Healthcare labor organization to be the exclusive representative of the home care workers.
- Under the statutory provisions, the Department of Health Services is the employer for purposes of collective bargaining. Statutory provisions explicitly limit the scope of bargaining between DHS and this unit of independent direct care workers to wages and fringe benefits. In addition, the statutory provisions specifically prohibit bargaining on policies, work rules, hours of employment, and any right of the consumer. By statute, a collective bargaining agreement can not become effective prior to July 1, 2011.
- As of August 2010, the most recent time period when a complete list of workers was compiled, the total number of workers covered by the new union was 5,014. Due to the growth in the Family Care, Family Care Partnership, and IRIS programs during FY11, the total numbers of workers is projected to be 5,724 as of July 2011.
- For the workers in the August 2010 pool, the average hourly wage was \$11.20. There is significant variance in wages, with hourly wage rates ranging from the state minimum wage of \$7.25 to over \$20.
- At the request of SEIU, informal discussions began between SEIU and DHS in the summer of 2010. At the request of SEIU, formal bargaining talks began on October 18 and ended on December 8.
- DHS and SEIU reached tentative agreement on a collective bargaining agreement to become effective on July 1, 2011. Key provisions of the agreement are:
 - A minimum hourly wage of \$9 starting July 2012 (the second year of the biennium) for the home care workers covered in the bargaining unit, excluding certain workers who, by law, may be paid less than minimum wage because they provide "casual employment" or "companion" services as defined in administrative code. Consumer-employers have the discretion to pay higher than the minimum.
 - A "reopener" clause, stating that the parties agree to a reopener of the agreement if the 2011-13 biennial budget act authorizes funds to be used for wage or fringe benefit increases for home care workers in the 2011-13 biennium.
- The DHS/SEIU agreement is projected to cost \$622,400 All Funds/\$223,000 GPR in FY13 and is expected to affect 729, or 13%, of the total 5724 members. The funding to support the Agreement needs to be provided in the Medicaid budget, because the workers are paid through one of the Medicaid long-term care programs.
- SEIU is proceeding with its ratification process and expects to have it completed by Monday morning, December 13.



State of Wisconsin
2009 - 2010 LEGISLATURE

0676/1
LRB-4807/1
RAC&CMH:cjs:rs

NOW

RAC:WJ:

2009 BILL

home care providers

2011-13

1
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Gen Cat

AN ACT relating to: ratification of the agreement negotiated between the state of Wisconsin and the SEIU Healthcare Wisconsin, for the ~~2009-11~~ biennium, covering employees in the ~~professional patient care~~ collective bargaining unit, and authorizing an expenditure of funds.

Analysis by the Legislative Reference Bureau

This proposal is introduced under section 111.92 (1) of the statutes. The proposal ratifies the collective bargaining contract for ~~state~~ employees in the ~~professional patient care~~ collective bargaining unit negotiated for the ~~2009-11~~ biennium under the State Employment Labor Relations Act. Currently, statutory program supplement appropriations fund the costs of collective bargaining agreements to the extent that they exceed budgeted costs. The proposal authorizes expenditure of moneys from those appropriations to fund the cost of this agreement.

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:

5
6

SECTION 1. Agreement ratified. The legislature ratifies the tentative agreement negotiated for the ~~2009-11~~ biennium between the state of Wisconsin, the

2011-13

BILL department of health services

1 ~~Office of State employment relations~~, and the SEIU Healthcare Wisconsin, covering
 2 employees in the ~~professional patient care~~ home care providers collective bargaining unit under
 3 subchapter V of chapter 111 of the statutes, as approved by the employees of the
 4 ~~professional patient care~~ home care providers collective bargaining unit and approved and recommended
 5 by the joint committee on employment relations, and authorizes the necessary
 6 expenditure of moneys for implementation from the appropriations made by section
 7 ~~20.435 (1) of the statutes~~, subject to section 20.865 ~~(intro)~~ of the statutes. The
 8 ~~director of the office of state employment relations~~ shall file an official copy of the
 9 agreement, certified by the cochairpersons of the joint committee on employment
 10 relations, with the secretary of state. No formal or informal agreement between the
 11 parties that is not a part of the official copy is deemed to be approved by the
 12 legislature under this act.

SECTION 2. Effective date.

14 (1) This act takes effect on the day following publication, except that those
 15 provisions specifically identified as having other effective dates in the agreement
 16 covering employees in the ~~professional patient care~~ home care providers collective bargaining unit are
 17 effective on the dates provided in that agreement.

(END)

20.435 (4) (b) and (c)

secretary of health
services

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

LRB-0676/1dn

RAC:.....

Wij

Date

As we discussed, it is unusual for the legislature to ratify a SELRA collective bargaining agreement before the enactment of the biennial budget bill for a fiscal biennium covered by that bill. I should point out that s. 111.92 (4) contemplates that the negotiation of collective bargaining agreements and their approval by the parties should coincide with the overall fiscal planning and processes of the state. The state budget for the 2011-13 fiscal biennium, obviously, has not been established. I should also point out that s. 16.47 (2) provides that bills that appropriate funds in excess of \$10,000 before the budget bill has passed both house^s require an emergency statement.

You may wish to talk with leadership in both houses about this requirement.

talk with

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0676/1dn
RAC:wlj:ph

December 10, 2010

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E-mail: rick.champagne@legis.wisconsin.gov

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RAC:wlj:ph

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Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

09



LRB-001670
RAC:wj:pt

4822/1

State

2011 BILL

Regen

1 AN ACT relating to: ratification of the agreement negotiated between the state
2 of Wisconsin and the SEIU Healthcare Wisconsin, for the 2011-13 biennium,
3 covering employees in the home care providers collective bargaining unit, and
4 authorizing an expenditure of funds.

Analysis by the Legislative Reference Bureau

This proposal is introduced under section 111.92 (1) of the statutes. The proposal ratifies the collective bargaining contract for employees in the home care providers collective bargaining unit negotiated for the 2011-13 biennium under the State Employment Labor Relations Act. Currently, statutory program supplement appropriations fund the costs of collective bargaining agreements to the extent that they exceed budgeted costs. The proposal authorizes expenditure of moneys from those appropriations to fund the cost of this agreement.

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:

5 SECTION 1. Agreement ratified. The legislature ratifies the tentative
6 agreement negotiated for the 2011-13 biennium between the state of Wisconsin, the

BILL

1 department of health services, and the SEIU Healthcare Wisconsin, covering
2 employees in the home care providers collective bargaining unit under subchapter
3 V of chapter 111 of the statutes, as approved by the employees of the home care
4 providers collective bargaining unit and approved and recommended by the joint
5 committee on employment relations, and authorizes the necessary expenditure of
6 moneys for implementation from the appropriations made by section 20.435 (4) (b)
7 and (o) of the statutes. The secretary of health services shall file an official copy of
8 the agreement, certified by the cochairpersons of the joint committee on employment
9 relations, with the secretary of state. No formal or informal agreement between the
10 parties that is not a part of the official copy is deemed to be approved by the
11 legislature under this act.

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13 (1) This act takes effect on the day following publication, except that those
14 provisions specifically identified as having other effective dates in the agreement
15 covering employees in the home care providers collective bargaining unit are
16 effective on the dates provided in that agreement.

17 (END)

D-Not

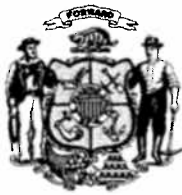
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LRB-4822/1dn
RAC:wlj:rs

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4822/1 2

RAC:wlj:rs

now

stays
KMK

2009 BILL

Medical Assistance

Regen

1
2
3
4

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BILL**SECTION 1**

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3 V of chapter 111 of the statutes, as approved by the employees of the home care
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5 committee on employment relations, and authorizes the necessary expenditure of
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17 (END)

Barman, Mike

From: Bove, Fredi-Ellen E - DHS [FrediEllen.Bove@dhs.wisconsin.gov]
Sent: Friday, December 10, 2010 3:47 PM
To: Barman, Mike; Champagne, Rick
Cc: Currans-Sheehan, Rachel H - DHS; Wild, Mark J - DHS
Subject: RE: Draft review: LRB 09-4822/2 Topic: 2011-13 Home Care providers SELRA Agreement

Rick/Mike—

DHS concurs with LRB 09-4822/2 as drafted. Based on my discussion with Rick earlier today, my understanding is that Rick will work with Laura Rose on Monday morning to jacket the bill. Please let me know if you have questions. Thank you very much for your assistance with this short-deadline project.
Fredi Bove

From: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]
Sent: Friday, December 10, 2010 3:29 PM
To: Bove, Fredi-Ellen E - DHS
Subject: Draft review: LRB 09-4822/2 Topic: 2011-13 Home Care providers SELRA Agreement

State of Wisconsin - Legislative Reference Bureau One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Rick A. Champagne, Senior Attorney, at (608) 266-9930, at rick.champagne@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

**Jacket for the
ASSEMBLY**

**Jacket for the
SENATE**

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

Memo

To: Dept. of Health Services (Fred Ellen Bove)

(The Draft's Requester)

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.

LRB Number: 2009 LRB-4822

Version: " /2 "

Fiscal Estimate Prepared By: (agency abbr.) **DHS**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 12 / 13 / 2010

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > If redrafted ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > If introduced ... and the version of the attached fiscal estimate is for a previous version ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > If introduced ... and the version of the attached fiscal estimate is for the current version ... please write the draft's introduction number below and give to Mike (or Christina) to process.

THIS DRAFT WAS INTRODUCED AS: 2009

AB 995

Barman, Mike

From: Barman, Mike
Sent: Monday, December 13, 2010 2:33 PM
To: Bove, Fredi-Ellen E - DHS
Subject: LRB 09-4822/2 (un-introduced) (attached - for your review)

Attachments: FE_DHS_4822.PDF



FE_DHS_4822.PDF
(102 KB)

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov