

1           103.49 (6m) (b) Whoever induces any person who seeks to be or is employed on  
2 any project of public works that is subject to this section to give up, waive, or return  
3 any part of the wages to which the person is entitled under the contract governing  
4 the project, or who reduces the hourly basic rate of pay normally paid to a person for  
5 work on a project that is not subject to this section during a week in which the person  
6 works both on a project of public works that is subject to this section and on a project  
7 that is not subject to this section, by threat not to employ, by threat of dismissal from  
8 employment, or by any other means is guilty of an offense under s. 946.15 (1).

9           **SECTION 2192r.** 103.49 (6m) (c) of the statutes is amended to read:

10           103.49 (6m) (c) Any person employed on a project of public works that is subject  
11 to this section who knowingly permits a contractor, subcontractor, or contractor's or  
12 subcontractor's agent to pay him or her less than the prevailing wage rate set forth  
13 in the contract governing the project, who gives up, waives, or returns any part of the  
14 compensation to which he or she is entitled under the contract, or who gives up,  
15 waives, or returns any part of the compensation to which he or she is normally  
16 entitled for work on a project that is not subject to this section during a week in which  
17 the person works both on a project of public works that is subject to this section and  
18 on a project that is not subject to this section, is guilty of an offense under s. 946.15  
19 (2).

20           **SECTION 2193.** 103.49 (6m) (d) of the statutes is amended to read:

21           103.49 (6m) (d) Whoever induces any person who seeks to be or is employed  
22 on any project of public works that is subject to this section to permit any part of the  
23 wages to which the person is entitled under the contract governing the project to be  
24 deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the

1 deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working  
2 on a project that is subject to 40 USC 276e 3142.

3 **SECTION 2194.** 103.49 (6m) (e) of the statutes is amended to read:

4 103.49 (6m) (e) Any person employed on a project of public works that is subject  
5 to this section who knowingly permits any part of the wages to which he or she is  
6 entitled under the contract governing the project to be deducted from his or her pay  
7 is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted  
8 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to  
9 40 USC 276e 3142.

10 *h/e*

11 **SECTION 2194g.** 103.49 (6m) (f) of the statutes is amended to read:

12 103.49 (6m) (f) Paragraph ~~(a)~~ (am) does not apply to any person who fails to  
13 provide any information to the department to assist the department in determining  
14 prevailing wage rates under sub. (3) (a) or (am).

15 **SECTION 2194j.** 103.49 (7) (d) of the statutes is amended to read:

16 103.49 (7) (d) Any person submitting a bid on a project of public works that is  
17 subject to this section shall, on the date the person submits the bid, identify any  
18 construction business in which the person, or a shareholder, officer, or partner of the  
19 person, if the person is a business, owns, or has owned at least a 25% interest on the  
20 date the person submits the bid or at any other time within 3 years preceding the date  
21 the person submits the bid, if the business has been found to have failed to pay the  
22 prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times  
23 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of  
24 labor.

25 **SECTION 2196.** 103.50 (4m) of the statutes is amended to read:

1           103.50 (4m) WAGE RATE DATA. In determining prevailing wage rates for projects  
2 that are subject to this section, the department shall use data from projects that are  
3 subject to this section, s. 66.0903, 66.0904, or 103.49 or 40 USC 276a 3142.

4           **SECTION 2197.** 103.50 (7) (d) of the statutes is amended to read:

5           103.50 (7) (d) Whoever induces any person who seeks to be or is employed on  
6 any project that is subject to this section to permit any part of the wages to which the  
7 person is entitled under the contract governing the project to be deducted from the  
8 person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would  
9 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that  
10 is subject to 40 USC ~~276e~~ 3142.

11           **SECTION 2198.** 103.50 (7) (e) of the statutes is amended to read:

12           103.50 (7) (e) Any person employed on a project that is subject to this section  
13 who knowingly permits any part of the wages to which he or she is entitled under the  
14 contract governing the project to be deducted from his or her pay is guilty of an  
15 offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR  
16 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276e~~  
17 3142.

18           **SECTION 2199.** 103.503 (title) of the statutes is amended to read:

19           **103.503 (title) Substance abuse prevention on public works and**  
20 **publicly funded projects.**

21           **SECTION 2200.** 103.503 (1) (a) of the statutes is amended to read:

22           103.503 (1) (a) "Accident" means an incident caused, contributed to, or  
23 otherwise involving an employee that resulted or could have resulted in death,  
24 personal injury, or property damage and that occurred while the employee was

1 performing the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a  
2 project.

3 **SECTION 2201.** 103.503 (1) (c) of the statutes is amended to read:

4 103.503 (1) (c) "Contracting agency" means a local governmental unit, as  
5 defined in s. 66.0903 (1) (d), ~~or~~ a state agency, as defined in s. 103.49 (1) (f), or an  
6 owner or developer under s. 66.0904 that has contracted for the performance of work  
7 on a project.

8 **SECTION 2202.** 103.503 (1) (e) of the statutes is amended to read:

9 103.503 (1) (e) "Employee" means a laborer, worker, mechanic, or truck driver  
10 who performs the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a  
11 project.

12 **SECTION 2203.** 103.503 (1) (g) of the statutes is amended to read:

13 103.503 (1) (g) "Project" mean a project of public works that is subject to s.  
14 66.0903 or 103.49 or a publicly funded private construction project that is subject to  
15 s. 66.0904.

16 **SECTION 2204.** 103.503 (2) of the statutes is amended to read:

17 103.503 (2) SUBSTANCE ABUSE PROHIBITED. No employee may use, possess,  
18 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or  
19 be under the influence of alcohol, while performing the work described in s. 66.0903  
20 (4), 66.0904 (3), or 103.49 (2m) on a project. An employee is considered to be under  
21 the influence of alcohol for purposes of this subsection if he or she has an alcohol  
22 concentration that is equal to or greater than the amount specified in s. 885.235 (1g)  
23 (d).

24 **SECTION 2205.** 103.503 (3) (a) 2. of the statutes is amended to read:

1           103.503 (3) (a) 2. A requirement that employees performing the work described  
2 in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project submit to random,  
3 reasonable suspicion, and post-accident drug and alcohol testing and to drug and  
4 alcohol testing before commencing work on a project, except that testing of an  
5 employee before commencing work on a project is not required if the employee has  
6 been participating in a random testing program during the 90 days preceding the  
7 date on which the employee commenced work on the project.

8           **SECTION 2206d.** 103.805 (1) of the statutes is amended to read:

9           103.805 (1) The department or a permit officer shall ~~fix and collect a reasonable~~  
10 ~~fee based on the cost of issuance of~~ collect a fee in the amount of \$10 for issuing  
11 permits under ss. 103.25 and 103.71 and certificates of age under s. 103.75. The  
12 ~~department may authorize the retention of the fees by the~~ A person designated to  
13 issue permits and certificates of age as compensation for the person's services if the  
14 person who is not on the payroll of the division administering this chapter may retain  
15 \$2.50 of that fee as compensation for the person's services and shall forward \$7.50  
16 of that fee to the department, which shall deposit that amount forwarded in the  
17 general fund and credit \$5 of that amount forwarded to the appropriation account  
18 under s. 20.445 (1) (gk). A person designated to issue permits and certificates of age  
19 who is on the payroll of the division administering this chapter shall forward that  
20 fee to the department, which shall deposit that fee in the general fund and credit \$5  
21 of that fee to the appropriation account under s. 20.445 (1) (gk). The permit officer  
22 shall account for all fees collected as the department prescribes.

23           **SECTION 2207.** 104.001 (3) (am) of the statutes is created to read:

24           104.001 (3) (am) The requirement that employees employed on a publicly  
25 funded private construction project for which a city, village, town, or county provides

1 direct financial assistance, as defined in s. 66.0904 (1) (c), be paid at the prevailing  
2 wage rate, as defined in s. 66.0904 (1) (h), as required under s. 66.0904.

3 **SECTION 2207n.** 106.04 of the statutes is created to read:

4 **106.04 Employment of apprentices on state public works projects. (1)**

5 DEFINITIONS. In this section:

6 (b) "Employer" means a contractor, subcontractor, or agent of a contractor or  
7 subcontractor that employs 5 or more employees in trades that are apprenticeable  
8 under this subchapter.

9 (d) "Project" means a project of public works that is subject to s. 103.49 or 103.50  
10 in which work is performed by employees employed in trades that are apprenticeable  
11 under this subchapter.

12  
13 **(2) APPRENTICESHIP REPORTS.** (a) By no later than 15 days after the end of a  
14 month in which an employer performs work on a project, the employer shall submit  
15 to the department in an electronic format a report of the daily number of employees  
16 employed by the employer on the project in trades that are apprenticeable under this  
17 subchapter, the daily number of apprentices employed on the project, the race, sex,  
18 and average age of those apprentices, and the daily number of hours worked by those  
19 apprentices. The department shall post on its Internet site a running summary of  
20 those reports summarizing for each month the total number of employees employed  
21 on projects in this state in trades that are apprenticeable under this subchapter, the  
22 total number of apprentices employed on those projects, the race, sex, and average  
23 age of those apprentices, and the total number of hours worked by those apprentices.

24 (b) The department shall grant an employer a total grace period of not more  
25 than 10 days in each calendar year for submitting the reports under par. (a). All

1 projects on which an employer performs work during a calendar year, whether as a  
2 contractor, subcontractor, or agent of a contractor or subcontractor, are subject to a  
3 single grace period under this paragraph. If an employer exceeds that grace period,  
4 the employer shall forfeit, for each project on which the employer performs work  
5 during the calendar year, \$1,000 for each day by which the employer exceeds the  
6 grace period.

7 (3) WAIVER. If the department grants an exception or modification to any  
8 requirement in any contract for the performance of work on a project relating to the  
9 employment and training of apprentices, the department shall post that information  
10 on its Internet site, together with a detailed explanation of why the exception or  
11 modification was granted.

12 (4) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department  
13 shall distribute to all state agencies a list of all persons whom the department has  
14 found to have exceeded the grace period under sub. (2) (b) at any time in the  
15 preceding 3 years. The department shall include with any name the address of the  
16 person and shall specify when the person exceeded the grace period under sub. (2)  
17 (b). A state agency may not award any contract to the person unless otherwise  
18 recommended by the department or unless 3 years have elapsed from the date on  
19 which the department issued its findings or date of final determination by a court of  
20 competent jurisdiction, whichever is later.

21 (b) The department may not include in a notification under par. (a) the name  
22 of any person on the basis of having let work to a person whom the department has  
23 found to have exceeded the grace period under sub. (2) (b).

24 (c) This subsection does not apply to any contractor, subcontractor, or agent  
25 who in good faith on no more than 2 occasions in the same calendar year commits a

1 minor violation of sub. (2) (b), as determined on a case-by-case basis through  
2 administrative hearings with all rights to due process afforded to all parties or who  
3 has not exhausted or waived all appeals.

4 (d) Any person submitting a bid on a project that is subject to this section shall,  
5 on the date on which the person submits the bid, identify any construction business  
6 in which the person, or a shareholder, officer, or partner of the person, if the person  
7 is a business, owns, or has owned at least a 25 percent interest on the date on which  
8 the person submits the bid or at any other time within 3 years preceding the date on  
9 which the person submits the bid, if the business has been found to have exceeded  
10 the grace period under sub. (2) (b).

11 (e) The department shall promulgate rules to administer this subsection.

12 **SECTION 2207t.** 106.30 of the statutes is created to read:

13 **106.30 Nursing workforce survey and grant. (1) DEFINITION.** In this  
14 section, "nurse" means a registered nurse licensed under s. 441.06 or permitted  
15 under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, an  
16 advanced practice nurse prescriber certified under s. 441.16 (2), or a nurse-midwife  
17 licensed under s. 441.15.

18 **(2) SURVEY FORM.** By October 1 of each odd-numbered year, the department of  
19 workforce development shall develop and submit to the department of regulation  
20 and licensing a survey form to gather data under s. 441.01 (7) (a) 1. to assist the  
21 department of workforce development in evaluating the supply of, demand for, and  
22 turnover among nurses in this state and in determining whether there are any  
23 regional shortages of nurses, shortages of nurses in any speciality areas, or  
24 impediments to entering the nursing profession in this state.



1           **(3) SURVEY RESULTS.** Beginning in 2011, by September 30 of each  
2 odd-numbered year, the department shall compile, process, and evaluate the survey  
3 results and submit a report of its findings to the speaker of the assembly and the  
4 president of the senate under s. 13.172 (3) and to the governor, the secretary of health  
5 services, and the nurse resource center described in sub. (5).

6           **(4) COSTS OF SURVEY.** The department may use no more than 12 percent of the  
7 amount received under s. 20.445 (1) (km) for costs incurred by the department under  
8 subs. (2) and (3).

9           **(5) NURSING WORKFORCE GRANTS.** (a) From the appropriation account under s.  
10 20.445 (1) (km), the department of workforce development shall award grants equal  
11 to the amount appropriated under s. 20.445 (1) (km) minus the amount expended  
12 under sub. (4) to a nonprofit statewide nursing center that is comprised of and led  
13 by nurses and that has demonstrated coordination with constituent groups within  
14 the nursing community, including professional nursing organizations; organizations  
15 representing nurse educators, staff nurses, and nurse managers or executives; labor  
16 organizations representing nurses; the department of regulation and licensing; the  
17 department of health services; and legislators who are concerned with issues  
18 affecting the nursing profession.

19           (b) A statewide nursing center that receives a grant under par. (a) shall use the  
20 grant moneys to develop strategies to ensure that there is a nursing workforce that  
21 is adequate to meet the current and future health care needs of this state. The  
22 statewide nursing center may use those moneys to fund activities that are aimed at  
23 ensuring such a nursing workforce, including monitoring trends in the applicant pool  
24 for nursing education programs; evaluating the effectiveness of nursing education  
25 programs in increasing access to those programs and in enhancing career mobility

1 for nurses, especially for populations that are underrepresented in the nursing  
2 profession; and facilitating partnerships between the nursing community and other  
3 health care providers, the department of regulation and licensing, the business  
4 community, the legislature, and educators to promote diversity within the nursing  
5 profession, enhance career mobility and leadership development for nurses, and  
6 achieve consensus regarding policies aimed at ensuring an adequate nursing  
7 workforce in this state.

8 **SECTION 2210m.** 108.24 (2) of the statutes is amended to read:

9 108.24 (2) Except as provided in sub. (2m) and s. 108.16 (8) (m), any person who  
10 knowingly makes a false statement or representation in connection with any report  
11 or as to any information duly required by the department under this chapter, or who  
12 knowingly refuses or fails to keep any records or to furnish any reports or information  
13 duly required by the department under this chapter, shall be fined not less than \$100  
14 nor more than \$500, or imprisoned not more than 90 days or both; and each such false  
15 statement or representation and every day of such refusal or failure constitutes a  
16 separate offense.

17 **SECTION 2210n.** 108.24 (2m) of the statutes is created to read:

18 108.24 (2m) Any employer described in s. 108.18 (2) (c) who willfully provides  
19 false information to the department for the purpose of misclassifying or attempting  
20 to misclassify an individual who is an employee of the employer as a nonemployee  
21 shall be fined \$25,000 for each violation.

22 **SECTION 2211.** 109.03 (3) (a) of the statutes is amended to read:

23 109.03 (3) (a) In case of the death of an employee to whom wages are due, the  
24 full amount of the wages due shall upon demand be paid by the employer to the

1 spouse, domestic partner under ch. 770, children, or other dependent living with the  
2 employee at the time of death.

3 **SECTION 2212.** 109.03 (3) (b) of the statutes is amended to read:

4 109.03 (3) (b) An employer may, not less than 5 days after the death of an  
5 employee and before the filing of a petition or application for administration of the  
6 decedent's estate, make payments of the wage due the deceased employee to the  
7 spouse, domestic partner under ch. 770, children, parents, or siblings of the decedent,  
8 giving preference in the order listed.

9 **SECTION 2213.** 109.03 (3) (c) of the statutes is amended to read:

10 109.03 (3) (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the  
11 employer may apply the payment of the wage or so much of the wage as may be  
12 necessary to paying creditors of the decedent in the order of preference prescribed  
13 in s. 859.25 for satisfaction of debts by personal representatives.

14 **SECTION 2214.** 109.09 (1) of the statutes is amended to read:

15 109.09 (1) The department shall investigate and attempt equitably to adjust  
16 controversies between employers and employees as to alleged wage claims. The  
17 department may receive and investigate any wage claim which is filed with the  
18 department, or received by the department under s. 109.10 (4), no later than 2 years  
19 after the date the wages are due. The department may, after receiving a wage claim,  
20 investigate any wages due from the employer against whom the claim is filed to any  
21 employee during the period commencing 2 years before the date the claim is filed.  
22 The department shall enforce this chapter and ss. 66.0903, 66.0904, 103.02, 103.49,  
23 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the  
24 employer on behalf of the employee to collect any wage claim or wage deficiency and  
25 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions

1 under s. 109.10, the department may refer such an action to the district attorney of  
2 the county in which the violation occurs for prosecution and collection and the  
3 district attorney shall commence an action in the circuit court having appropriate  
4 jurisdiction. Any number of wage claims or wage deficiencies against the same  
5 employer may be joined in a single proceeding, but the court may order separate  
6 trials or hearings. In actions that are referred to a district attorney under this  
7 subsection, any taxable costs recovered by the district attorney shall be paid into the  
8 general fund of the county in which the violation occurs and used by that county to  
9 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office  
10 of the district attorney who prosecuted the action.

11 **SECTION 2216b.** 110.072 of the statutes is created to read:

12 **110.072 Contracts related to state traffic patrol vehicles.**

13 Notwithstanding s. 16.705, the department may not contract with any 3rd party for  
14 the 3rd party to provide services to the department related to the installation and  
15 maintenance of communications and other law enforcement equipment on state  
16 traffic patrol vehicles.

17 **SECTION 2216e.** 110.08 (2) of the statutes is amended to read:

18 110.08 (2) Except as provided under s. 343.16 (1) (b) ~~and to~~ (c), all examinations  
19 for operator's licenses and permits shall be given by state examiners.

20 **SECTION 2216g.** 111.02 (3) of the statutes is amended to read:

21 111.02 (3) "Collective bargaining unit" means all of the employees of one  
22 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and  
23 except that where a majority of the employees engaged in a single craft, division,  
24 department or plant have voted by secret ballot as provided in s. 111.05 (2) to  
25 constitute such group a separate bargaining unit they shall be so considered, but, in

1 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to  
2 111.19, the commission may find, where agreeable to all parties affected in any way  
3 thereby, an industry, trade or business comprising more than one employer in an  
4 association in any geographical area to be a "collective bargaining unit". A collective  
5 bargaining unit thus established by the commission shall be subject to all rights by  
6 termination or modification given by ss. 111.01 to 111.19 in reference to collective  
7 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more  
8 collective bargaining units may bargain collectively through the same  
9 representative where a majority of the employees in each separate unit have voted  
10 by secret ballot as provided in s. 111.05 (2) so to do.

11 **SECTION 2216j.** 111.02 (6) (am) of the statutes is created to read:

12 111.02 (6) (am) "Employee" includes a day care provider certified under s.  
13 48.651 and a day care provider licensed under s. 48.65 who provides care and  
14 supervision for not more than 8 children who are not related to the day care provider.

15 **SECTION 2216L.** 111.02 (7) of the statutes is renumbered 111.02 (7) (a) (intro.)  
16 and amended to read:

17 111.02 (7) (a) (intro.) ~~The term "employer"~~ "Employer" means a person who  
18 engages the services of an employee, and includes any all of the following:

19 1. A person acting on behalf of an employer within the scope of his or her  
20 authority, express or implied, but shall,

21 (b) "Employer" does not include the any of the following:

22 1. Except as provided in par. (a) 4., the state or any political subdivision thereof,  
23 or any.

1           2. Any labor organization or anyone acting in behalf of such organization other  
2 than when it is acting as an employer in fact. ~~For purposes of this subsection, a~~  
3 ~~person who engages the services of an employee includes the~~

4           (a) 2. The University of Wisconsin Hospitals and Clinics Authority ~~and a~~.

5           3. A local cultural arts district created under subch. V of ch. 229.

6           **SECTION 2216n.** 111.02 (7) (a) 4. of the statutes is created to read:

7           111.02 (7) (a) 4. With respect to an employee under sub. (6) (am), the state,  
8 counties, and other administrative entities involved in regulation and subsidization  
9 of employees under sub. (6) (am).

10          **SECTION 2216p.** 111.02 (7m) of the statutes is amended to read:

11          111.02 (7m) “Fair-share agreement” means an agreement between the  
12 University of Wisconsin Hospitals and Clinics Authority and a labor organization  
13 representing employees of that authority, or between an employer defined under sub.  
14 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under  
15 which all of the employees in a collective bargaining unit are required to pay their  
16 proportionate share of the cost of the collective bargaining process and contract  
17 administration measured by the amount of dues uniformly required of all members.

18          **SECTION 2216r.** 111.02 (9m) of the statutes is renumbered 111.02 (9m) (intro.)  
19 and amended to read:

20          111.02 (9m) (intro.) “Maintenance of membership agreement” means ~~an~~ any  
21 of the following:

22          (a) An agreement between the University of Wisconsin Hospitals and Clinics  
23 Authority and a labor organization representing employees of that authority which  
24 requires that all of the employees whose dues are being deducted from earnings  
25 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall

1 continue to have dues deducted for the duration of the agreement and that dues shall  
2 be deducted from the earnings of all employees who are hired on or after the effective  
3 date of the agreement.

4 **SECTION 2216t.** 111.02 (9m) (b) of the statutes is created to read:

5 111.02 (9m) (b) An agreement between an employer under sub. (7) (a) 4. and  
6 a labor organization representing employees under sub. (6) (am) which requires that  
7 all of the employees whose dues are being deducted from earnings under s. 111.06 (1)  
8 (i) at the time the agreement takes effect shall continue to have dues deducted for  
9 the duration of the agreement and that dues shall be deducted from the earnings of  
10 all employees who are hired on or after the effective date of the agreement.

11 **SECTION 2216v.** 111.02 (10m) of the statutes is amended to read:

12 111.02 (10m) "Referendum" means a proceeding conducted by the commission  
13 in which employees of the University of Wisconsin Hospitals and Clinics Authority  
14 in a collective bargaining unit or in which employees under sub. (6) (am) in a  
15 collective bargaining unit may cast a secret ballot on the question of directing the  
16 labor organization and the employer to enter into a fair-share or maintenance of  
17 membership agreement or to terminate such an agreement.

18 **SECTION 2216w.** 111.05 (2) of the statutes is amended to read:

19 111.05 (2) Except as provided in sub. subs. (5) and (7), whenever a question  
20 arises concerning the determination of a collective bargaining unit as defined in s.  
21 111.02 (3), it shall be determined by secret ballot, and the commission, upon request,  
22 shall cause the ballot to be taken in such manner as to show separately the wishes  
23 of the employees in any craft, division, department or plant as to the determination  
24 of the collective bargaining unit.

25 **SECTION 2216y.** 111.05 (7) of the statutes is created to read:



1           111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective  
2 bargaining unit.

3           **SECTION 2216ym.** 111.322 (2m) (a) of the statutes, as affected by 2009  
4 Wisconsin Act 3, is amended to read:

5           111.322 (2m) (a) The individual files a complaint or attempts to enforce any  
6 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,  
7 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64  
8 to 103.82.

9           **SECTION 2216z.** 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin  
10 Act 3, is amended to read:

11           111.322 (2m) (b) The individual testifies or assists in any action or proceeding  
12 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,  
13 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss.  
14 101.58 to 101.599 or 103.64 to 103.82.

15           **SECTION 2217.** 111.322 (2m) (c) of the statutes is amended to read:

16           111.322 (2m) (c) The individual files a complaint or attempts to enforce a right  
17 under s. 66.0903, 66.0904, 103.49, or 229.8275 or testifies or assists in any action or  
18 proceeding under s. 66.0903, 66.0904, 103.49, or 229.8275.

19           **SECTION 2217h.** 111.327 of the statutes is created to read:

20           **111.327 Construction contractors.** Any employer described in s. 108.18 (2)  
21 (c) who willfully and with intent to evade any requirement of this subchapter  
22 misclassifies or attempts to misclassify an individual who is an employee of the  
23 employer as a nonemployee shall be fined \$25,000 for each violation. The department  
24 shall promulgate rules defining what constitutes a willful misclassification of an





1 employee as a nonemployee for purposes of this section and of ss. 102.07 (8) (d) and  
2 108.24 (2m).

3 **SECTION 2220.** 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act  
4 15, is amended to read:

5 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
6 obligation of a municipal employer, through its officers and agents, and the  
7 representative of its municipal employees in a collective bargaining unit, to meet and  
8 confer at reasonable times, in good faith, with the intention of reaching an  
9 agreement, or to resolve questions arising under such an agreement, with respect to  
10 wages, hours and conditions of employment, and with respect to a requirement of the  
11 municipal employer for a municipal employee to perform law enforcement and fire  
12 fighting services under s. 61.66, except as provided in subs. (3m), ~~(3p)~~, and (4) (m)  
13 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and  
14 confer with respect to any proposal to diminish or abridge the rights guaranteed to  
15 municipal employees under ch. 164. The duty to bargain, however, does not compel  
16 either party to agree to a proposal or require the making of a concession. Collective  
17 bargaining includes the reduction of any agreement reached to a written and signed  
18 document. The municipal employer shall not be required to bargain on subjects  
19 reserved to management and direction of the governmental unit except insofar as the  
20 manner of exercise of such functions affects the wages, hours and conditions of  
21 employment of the municipal employees in a collective bargaining unit. In creating  
22 this subchapter the legislature recognizes that the municipal employer must  
23 exercise its powers and responsibilities to act for the government and good order of  
24 the jurisdiction which it serves, its commercial benefit and the health, safety and  
25 welfare of the public to assure orderly operations and functions within its

1 jurisdiction, subject to those rights secured to municipal employees by the  
2 constitutions of this state and of the United States and by this subchapter.

3 **SECTION 2221.** 111.70 (1) (b) of the statutes is amended to read:

4 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal  
5 employees who are school district ~~professional~~ employees or of municipal employees  
6 who are not school district ~~professional~~ employees that is determined by the  
7 commission to be appropriate for the purpose of collective bargaining.

8 **SECTION 2222.** 111.70 (1) (dm) of the statutes is repealed.

9 **SECTION 2223.** 111.70 (1) (fm) of the statutes is repealed.

10 **SECTION 2223m.** 111.70 (1) (j) of the statutes is amended to read:

11 111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
12 metropolitan sewerage district, school district, long-term care district, transit  
13 authority under s. 59.58 (7), 66.1038, or 66.1039, or any other political subdivision  
14 of the state, or instrumentality of one or more political subdivisions of the state, that  
15 engages the services of an employee and includes any person acting on behalf of a  
16 municipal employer within the scope of the person's authority, express or implied,  
17 but specifically does not include a local cultural arts district created under subch. V  
18 of ch. 229.

19 **SECTION 2224.** 111.70 (1) (nc) of the statutes is repealed.

20 **SECTION 2225.** 111.70 (1) (ne) of the statutes is amended to read:

21 111.70 (1) (ne) "School district ~~professional~~ employee" means a municipal  
22 employee who is a professional employee and who is employed to perform services  
23 for a school district.  
24  
25

1           **SECTION 2225f.** 111.70 (3) (a) 4. of the statutes is amended to read:

2           111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a  
3 majority of its employees in an appropriate collective bargaining unit. Such refusal  
4 shall include action by the employer to issue or seek to obtain contracts, including  
5 those provided for by statute, with individuals in the collective bargaining unit while  
6 collective bargaining, mediation or fact-finding concerning the terms and conditions  
7 of a new collective bargaining agreement is in progress, unless such individual  
8 contracts contain express language providing that the contract is subject to  
9 amendment by a subsequent collective bargaining agreement. Where the employer  
10 has a good faith doubt as to whether a labor organization claiming the support of a  
11 majority of its employees in an appropriate bargaining unit does in fact have that  
12 support, it may file with the commission a petition requesting an election to that  
13 claim. An employer shall not be deemed to have refused to bargain until an election  
14 has been held and the results thereof certified to the employer by the commission.  
15 The violation shall include, though not be limited thereby, to the refusal to execute  
16 a collective bargaining agreement previously agreed upon. The term of any collective  
17 bargaining agreement covering municipal employees who are not school district  
18 employees shall not exceed 3 years, and the term of any collective bargaining  
19 agreement covering school district employees shall not exceed 4 years.

20           **SECTION 2225p.** 111.70 (3p) of the statutes is created to read:

21           111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining  
22 agreement that covers municipal employees performing services for the child care  
23 provider services unit under s. 49.826 shall contain a provision that permits the  
24 terms of the agreement to be modified with respect to hours and conditions of  
25 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

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

2           111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the  
3 other impasse resolution procedures provided in this paragraph, a municipal  
4 employer and labor organization may at any time, as a permissive subject of  
5 bargaining, agree in writing to a dispute settlement procedure, including  
6 authorization for a strike by municipal employees or binding interest arbitration,  
7 which is acceptable to the parties for resolving an impasse over terms of any  
8 collective bargaining agreement under this subchapter. A copy of such agreement  
9 shall be filed by the parties with the commission. If the parties agree to any form of  
10 binding interest arbitration, the arbitrator shall give weight to the factors  
11 enumerated under subs. 7., and 7g. for a collective bargaining unit consisting of  
12 municipal employees who are not school district employees and under subd. 7r. for  
13 a collective bargaining unit consisting of municipal employees.

14           **SECTION 2227.** 111.70 (4) (cm) 5s. of the statutes is repealed.

15           **SECTION 2228.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

16           111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one  
17 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~  
18 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable  
19 period of negotiation and after mediation by the commission under subd. 3. and other  
20 settlement procedures, if any, established by the parties have been exhausted, and  
21 the parties are deadlocked with respect to any dispute between them over wages,  
22 hours and conditions of employment to be included in a new collective bargaining  
23 agreement, either party, or the parties jointly, may petition the commission, in  
24 writing, to initiate compulsory, final and binding arbitration, as provided in this  
25 paragraph. At the time the petition is filed, the petitioning party shall submit in

1 writing to the other party and the commission its preliminary final offer containing  
2 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
3 of that submission, the other party shall submit in writing its preliminary final offer  
4 on all disputed issues to the petitioning party and the commission. If a petition is  
5 filed jointly, both parties shall exchange their preliminary final offers in writing and  
6 submit copies to the commission at the time the petition is filed.

7 **SECTION 2229.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

8 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the  
9 commission shall make an investigation, with or without a formal hearing, to  
10 determine whether arbitration should be commenced. If in determining whether an  
11 impasse exists the commission finds that the procedures set forth in this paragraph  
12 have not been complied with and such compliance would tend to result in a  
13 settlement, it may order such compliance before ordering arbitration. The validity  
14 of any arbitration award or collective bargaining agreement shall not be affected by  
15 failure to comply with such procedures. Prior to the close of the investigation each  
16 party shall submit in writing to the commission its single final offer containing its  
17 final proposals on all issues in dispute that are subject to interest arbitration under  
18 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~  
19 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall  
20 close the investigation based on the last written position of the party. ~~The municipal~~  
21 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~  
22 ~~of the investigation.~~ Such final offers may include only mandatory subjects of  
23 bargaining, except that a permissive subject of bargaining may be included by a  
24 party if the other party does not object and shall then be treated as a mandatory  
25 subject. No later than such time, the parties shall also submit to the commission a

1 stipulation, in writing, with respect to all matters which are agreed upon for  
2 inclusion in the new or amended collective bargaining agreement. The commission,  
3 after receiving a report from its investigator and determining that arbitration should  
4 be commenced, shall issue an order requiring arbitration and immediately submit  
5 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall  
6 alternately strike names until a single name is left, who shall be appointed as  
7 arbitrator. The petitioning party shall notify the commission in writing of the  
8 identity of the arbitrator selected. Upon receipt of such notice, the commission shall  
9 formally appoint the arbitrator and submit to him or her the final offers of the  
10 parties. The final offers shall be considered public documents and shall be available  
11 from the commission. In lieu of a single arbitrator and upon request of both parties,  
12 the commission shall appoint a tripartite arbitration panel consisting of one member  
13 selected by each of the parties and a neutral person designated by the commission  
14 who shall serve as a chairperson. An arbitration panel has the same powers and  
15 duties as provided in this section for any other appointed arbitrator, and all  
16 arbitration decisions by such panel shall be determined by majority vote. In lieu of  
17 selection of the arbitrator by the parties and upon request of both parties, the  
18 commission shall establish a procedure for randomly selecting names of arbitrators.  
19 Under the procedure, the commission shall submit a list of 7 arbitrators to the  
20 parties. Each party shall strike one name from the list. From the remaining 5  
21 names, the commission shall randomly appoint an arbitrator. Unless both parties  
22 to an arbitration proceeding otherwise agree in writing, every individual whose  
23 name is submitted by the commission for appointment as an arbitrator shall be a  
24 resident of this state at the time of submission and every individual who is

1 designated as an arbitration panel chairperson shall be a resident of this state at the  
2 time of designation.

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

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

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

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

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

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

24 **SECTION 2233.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,  
25 renumbered 111.70 (4) (cm) 8m. and amended to read:

1           111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for  
2 the initial collective bargaining agreement between the parties and except as the  
3 parties otherwise agree, every collective bargaining agreement covering municipal  
4 employees subject to this paragraph ~~other than school district professional~~  
5 ~~employees~~ shall be for a term of 2 years. No, but in no case may a collective  
6 bargaining agreement for any collective bargaining unit consisting of municipal  
7 employees subject to this paragraph other than school district ~~professional~~  
8 employees ~~shall~~ be for a term exceeding 3 years. e. nor may a collective bargaining  
9 agreement for any collective bargaining unit consisting of school district employees  
10 subject to this paragraph be for a term exceeding 4 years. No arbitration award may  
11 contain a provision for reopening of negotiations during the term of a collective  
12 bargaining agreement, unless both parties agree to such a provision. The  
13 requirement for agreement by both parties does not apply to a provision for  
14 reopening of negotiations with respect to any portion of an agreement that is  
15 declared invalid by a court or administrative agency or rendered invalid by the  
16 enactment of a law or promulgation of a federal regulation.

17           **SECTION 2234.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

18           **SECTION 2235.** 111.70 (4) (cm) 8p. of the statutes is repealed.

19           **SECTION 2236.** 111.70 (4) (cm) 8s. of the statutes is repealed.

20           **SECTION 2237.** 111.70 (4) (cn) of the statutes is repealed.

21           **SECTION 2238.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

22           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
23 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
24 unless otherwise required under this subchapter, avoid fragmentation by  
25 maintaining as few collective bargaining units as practicable in keeping with the size



1 of the total municipal ~~work force~~ workforce. In making such a determination, the  
2 commission may decide whether, in a particular case, the municipal employees in the  
3 same or several departments, divisions, institutions, crafts, professions, or other  
4 occupational groupings constitute a collective bargaining unit. Before making its  
5 determination, the commission may provide an opportunity for the municipal  
6 employees concerned to determine, by secret ballot, whether ~~or not~~ they desire to be  
7 established as a separate collective bargaining unit. ~~The commission shall not~~  
8 ~~decide, however, that any group of municipal employees constitutes an appropriate~~  
9 ~~collective bargaining unit if the group includes both municipal employees who are~~  
10 ~~school district professional employees and municipal employees who are not school~~  
11 ~~district professional employees.~~ The commission shall not decide, however, that any  
12 ~~other~~ group of municipal employees constitutes an appropriate collective bargaining  
13 unit if the group includes both professional employees and nonprofessional  
14 employees, unless a majority of the professional employees vote for inclusion in the  
15 unit. The commission shall not decide that any group of municipal employees  
16 constitutes an appropriate collective bargaining unit if the group includes both craft  
17 employees and noncraft employees unless a majority of the craft employees vote for  
18 inclusion in the unit. The commission shall place the professional employees who are  
19 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in  
20 a separate collective bargaining unit from a unit that includes any other professional  
21 employees whenever at least 30% of those professional employees request an election  
22 to be held to determine that issue and a majority of the professional employees at the  
23 charter school who cast votes in the election decide to be represented in a separate  
24 collective bargaining unit. Upon the expiration of any collective bargaining  
25 agreement in force, the commission shall combine into a single collective bargaining

1 unit 2 or more collective bargaining units consisting of school district employees if  
2 a majority of the employees voting in each collective bargaining unit vote to combine.

3 Any vote taken under this subsection shall be by secret ballot.

4 **SECTION 2239.** 111.70 (4) (m) 6. of the statutes is amended to read:

5 111.70 (4) (m) 6. Solicitation of sealed bids for the provision of group health care  
6 benefits for school district ~~professional~~ employees as provided in s. 120.12 (24).

7 **SECTION 2240.** 111.81 (3h) of the statutes is created to read:

8 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

9 **SECTION 2241.** 111.81 (7) (g) of the statutes is created to read:

10 111.81 (7) (g) For purposes of this subchapter only, home care providers. This  
11 paragraph does not make home care providers state employees for any other purpose  
12 except collective bargaining.

13 **SECTION 2242.** 111.81 (9k) of the statutes is created to read:

14 111.81 (9k) "Home care provider" means a qualified provider under s. 46.2898  
15 (1) (f).

16  
17 **SECTION 2242s.** 111.81 (17m) of the statutes is created to read:

18 111.81 (17m) "Research assistant" means a graduate student enrolled in the  
19 University of Wisconsin System who is receiving a stipend to conduct research that  
20 is primarily for the benefit of the student's own learning and research and which is  
21 independent or self-directed, but does not include students provided fellowships,  
22 scholarships, or traineeships which are distributed through other titles such as  
23 advanced opportunity fellow, fellow, scholar, or trainee, and does not include  
24 students with either an F-1 or a J-1 visa issued by the federal department of state.

25 **SECTION 2243.** 111.815 (1) and (2) of the statutes are amended to read:

1           111.815 (1) In the furtherance of this subchapter, the state shall be considered  
2 as a single employer and employment relations policies and practices throughout the  
3 state service shall be as consistent as practicable. The office shall negotiate and  
4 administer collective bargaining agreements except that the department of health  
5 services, subject to the approval of the federal centers for medicare and medicaid  
6 services to use collective bargaining as the method of setting rates for  
7 reimbursement of home care providers, shall negotiate and administer collective  
8 bargaining agreements entered into with the collective bargaining unit specified in  
9 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,  
10 the office, or the department of health services with regard to collective bargaining  
11 agreements entered into with the collective bargaining unit specified in s. 111.825  
12 (2g), shall maintain close liaison with the legislature relative to the negotiation of  
13 agreements and the fiscal ramifications of those agreements. Except with respect  
14 to the collective bargaining units specified in s. 111.825 (1m) and, (2) (f), and (2g), the  
15 office is responsible for the employer functions of the executive branch under this  
16 subchapter, and shall coordinate its collective bargaining activities with operating  
17 state agencies on matters of agency concern. The legislative branch shall act upon  
18 those portions of tentative agreements negotiated by the office that require  
19 legislative action. With respect to the collective bargaining units specified in s.  
20 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible  
21 for the employer functions under this subchapter. With respect to the collective  
22 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter  
23 school established by contract under s. 118.40 (2r) (cm) is responsible for the  
24 employer functions under this subchapter. With respect to the collective bargaining

1 unit specified in s. 111.825 (2g), the department of health services is responsible for  
2 the employer functions of the executive branch under this subchapter.

3 (2) In the furtherance of the policy under s. 111.80 (4), the director of the office  
4 shall, together with the appointing authorities or their representatives, represent  
5 the state in its responsibility as an employer under this subchapter except with  
6 respect to negotiations in the collective bargaining units specified in s. 111.825 (1m),  
7 ~~and~~ (2) (f), and (2g). The director of the office shall establish and maintain, wherever  
8 practicable, consistent employment relations policies and practices throughout the  
9 state service.

10  
11 **SECTION 2243d.** 111.825 (2) (g) of the statutes is created to read:

12 111.825 (2) (g) Research assistants of the University of Wisconsin-Madison  
13 and University of Wisconsin-Extension.

14 **SECTION 2243p.** 111.825 (2) (h) of the statutes is created to read:

15 111.825 (2) (h) Research assistants of the University of Wisconsin-Milwaukee.

16 **SECTION 2243t.** 111.825 (2) (i) of the statutes is created to read:

17 111.825 (2) (i) Research assistants of the Universities of Wisconsin-Eau Claire,  
18 Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point,  
19 Stout, Superior, and Whitewater.

20 **SECTION 2244.** 111.825 (2g) of the statutes is created to read:

21 111.825 (2g) A collective bargaining unit for employees who are home care  
22 providers shall be structured as a single statewide collective bargaining unit.

23 **SECTION 2245.** 111.825 (3) of the statutes is amended to read:

24 111.825 (3) The commission shall assign employees to the appropriate  
25 collective bargaining units set forth in subs. (1), (1m) ~~and~~, (2), and (2g).

1           **SECTION 2246.** 111.825 (4) of the statutes is amended to read:

2           111.825 (4) Any labor organization may petition for recognition as the exclusive  
3 representative of a collective bargaining unit specified in sub. (1), (1m) ~~or~~, (2), or (2g)  
4 in accordance with the election procedures set forth in s. 111.83, provided the petition  
5 is accompanied by a 30% showing of interest in the form of signed authorization  
6 cards. Each additional labor organization seeking to appear on the ballot shall file  
7 petitions within 60 days of the date of filing of the original petition and prove,  
8 through signed authorization cards, that at least 10% of the employees in the  
9 collective bargaining unit want it to be their representative.

10           **SECTION 2247.** 111.83 (1) of the statutes is amended to read:

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

22           **SECTION 2248.** 111.83 (5m) of the statutes is created to read:

23           111.83 (5m) (a) This subsection applies only to a collective bargaining unit  
24 specified in s. 111.825 (2g).

1 (am) 1. Subject to subd. 2., the department of health services shall provide a  
2 labor organization with the list of home care providers provided to the department  
3 of health services under s. 52.20 (5) if any of the following apply:

4 a. The labor organization demonstrates a showing of interest of at least 3  
5 percent of home care providers included in the collective bargaining unit under s.  
6 111.825 (2g) to be represented by that labor organization.

7 b. The labor organization is a certified representative of any home care  
8 providers in this state.

9 c. The labor organization was a certified representative of any home care  
10 providers in this state prior to the effective date of this subdivision paragraph ....  
11 [LRB inserts date].

12 2. A labor organization shall agree to use any list it receives under subd. 1. only  
13 for communicating with home care providers concerning the exercise of their rights  
14 under s. 111.82 and shall agree to keep the list confidential.

15 (b) Upon the filing of a petition with the commission indicating a showing of  
16 interest of at least 30 percent of the home care providers included in the collective  
17 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to  
18 change the existing representative, the commission shall hold an election in which  
19 the home care providers may vote on the question of representation. The labor  
20 organization named in the petition shall be included on the ballot. Within 60 days  
21 of the time that the petition is filed, another petition may be filed with the  
22 commission indicating a showing of interest of at least 10 percent of the home care  
23 providers who are included in the collective bargaining unit under s. 111.825 (2g) to  
24 be represented by another labor organization, in which case the name of that labor  
25 organization shall also be included on the ballot.

1 (c) If at an election held under par. (b), a majority of home care providers voting  
2 in the collective bargaining unit vote for a single labor organization, the labor  
3 organization shall be the exclusive representative for all home care providers in that  
4 collective bargaining unit. If no single labor organization receives a majority of the  
5 votes cast, the commission may hold one or more runoff elections under sub. (4) until  
6 one labor organization receives a majority of the votes cast.

7 **SECTION 2249.** 111.84 (2) (c) of the statutes is amended to read:

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

16 **SECTION 2250.** 111.905 of the statutes is created to read:

17 **111.905 Rights of consumer.** (1) This subchapter does not interfere with the  
18 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,  
19 or discipline home care providers or to set conditions and duties of employment.

20 (2) A home care provider is an at will provider of home care services to a  
21 consumer and this subchapter does not interfere with that relationship.

22 **SECTION 2251.** 111.91 (1) (cg) of the statutes is created to read:

23 111.91 (1) (cg) The representative of home care providers in the collective  
24 bargaining unit specified under s. 118.825 (2g) may not bargain collectively with  
25 respect to any matter other than wages and fringe benefits.

1           **SECTION 2251w.** 111.91 (2) (n) of the statutes, as affected by 2009 Wisconsin  
2 Act 14, is amended to read:

3           111.91 (2) (n) The provision to employees of the health insurance coverage  
4 required under s. 632.895 (11) to (14) ~~and, (16), and (17).~~

5           **SECTION 2252.** 111.91 (2) (nm) of the statutes is amended to read:

6           111.91 (2) (nm) The requirements related to providing coverage for a dependent  
7 under s. 632.885 and to continuing coverage for a dependent student on a medical  
8 leave of absence under s. 632.895 (15).

9           **SECTION 2252m.** 111.91 (2) (t) of the statutes is created to read:

10           111.91 (2) (t) Retention payments to assistant state public defenders under s.  
11 977.10 (2) and retention payments to assistant district attorneys under s. 978.12 (7)  
12 (b). F

13           **SECTION 2253.** 111.91 (2c) of the statutes is created to read:

14           111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer G  
15 is prohibited from bargaining with a collective bargaining unit formed under s.  
16 111.825 (2g) on any of the following:

17           (a) Policies.

18           (b) Work rules.

19           (c) Hours of employment.

20           (d) Any right of the consumer under s. 111.905.

21           **SECTION 2254.** 111.92 (1) (a) of the statutes is amended to read:

22           111.92 (1) (a) Any tentative agreement reached between the office, or, as  
23 provided in s. 111.815 (1), the department of health services, acting for the state, and  
24 any labor organization representing a collective bargaining unit specified in s.  
25 111.825 (1) ~~or, (2) (a) to (e), or (2g)~~ shall, after official ratification by the labor