

**2009 DRAFTING REQUEST**

**Bill**

Received: 08/25/2009

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Spencer Coggs (608) 266-2500

By/Representing: Adam Plotkin

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: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Public funds used to discourage union organization

---

**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>
/?	chanaman 08/31/2009	nnatzke 09/01/2009		_____			
/1	chanaman 10/21/2009	nnatzke 10/23/2009	jfrantze 09/01/2009	_____	mbarman 09/01/2009		
/2	chanaman 12/07/2009	nnatzke 12/07/2009	jfrantze 10/26/2009	_____	sbasford 10/26/2009		
/3			mduchek	_____	sbasford	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			12/08/2009 _____		12/08/2009	01/27/2010	

FE Sent For:

*None*

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			<i>MD 12/8</i>				

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1/?	chanaman	1 nwn 9/1		9/1			

FE Sent For:

<END>



**Hanaman, Cathlene**

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**From:** Plotkin, Adam  
**Sent:** Friday, August 21, 2009 11:22 AM  
**To:** Hanaman, Cathlene  
**Subject:** Public dollars draft

**Attachments:** 20090821111446661.pdf



2009082111144666  
1.pdf (70 KB)

Cathlene, attached is the info I mentioned in my voicemail. The asterisked paragraph is the suggested language for the draft. Let me know if you need anything else to get started.

Thank you,  
Adam

Adam Plotkin  
Clerk, Committee on Labor, Elections, and Urban Affairs Office of Senator Spencer Coggs  
phone, 608-266-2500 fax, 608-282-3546

## Misuse of Public Dollars Legislation

### Background

As stewards of public dollars, public institutions are trusted to spend taxpayers money in the manner in which they were approved to be spent. However some public institutions have used taxpayer funds that were intended to serve a specific purpose, to impede union organizing efforts. This misuse of public funds should be prohibited. More so, public institutions should be required to disclose how much tax-payer dollars have been spent on anti-union tactics.

Many states around the country have passed similar laws. Misuse of tax-payer dollars is not a common problem in public sector organizing drives, however, states have found it necessary to implement laws regulating this activity to ensure that public dollars are used for their intended purpose. In the few weeks since faculty and staff have earned the right to collectively bargain, rumors have already begun to circulate that the university has contracted with private law firms to 'advise' them in their union negotiations. This legislation would explicitly prohibit such contracts.

### Misuse of Public Funds Language

*111.06(1)(n)1 to utilize any state funds appropriated for any purpose to contract with a private entity for the purposes of discouraging union organization or to discourage an employee from participating in a union organizing drive; to train managers, supervisors, or other administrative personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive;*

Explanation: 111.06(1)(n)1 would add to the list of prohibited practices for public employers. Employers would not be able to use public dollars to discourage union organizing. State funds include both dollar allocated by the state as well as tuition dollars from students enrolled in public colleges or universities. This language is intended to cover the use of public dollars for internal union busting drives as well as efforts to hire private firms to engage in these practices.

### Public Disclosure

Proposed legislation should include public disclosure of any public dollars spent to contract with private entities relating to collective bargaining and union administration. Each year the university should be required to disclose how much they are spending on private contracts for union administration and for what purpose the contract is for.

We are currently reviewing language from other states to identify model language.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-33157

CMH:.....

nwn

W/CP  
per requester

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓  
X-ref ✓

progen car

1 AN ACT ...; relating to: unfair labor practices in violation of collective bargaining  
2 rights for the faculty and academic staff of the University of Wisconsin System. ✓

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

Current law provides collective bargaining rights to the faculty and academic staff of the University of Wisconsin System (UW System). ✓ Current law specifies unfair labor practices for the UW System. ✓ These practices include interfering with employees in the exercise of their rights to bargain collectively, ✓ creating or interfering with any labor organization, ✓ refusing to bargain collectively, ✓ and encouraging or discouraging membership in a labor organization by employment discrimination. ✓ This bill makes it an unfair labor practice for the UW System to use any state funds or tuition to discourage employees from exercising their rights to bargain collectively. ✓

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

3 SECTION 1. <sup>XA</sup> 111.991 (1) (g) of the statutes is created to read:  
4 111.991 (1) (g) To use any state funds appropriated for any purpose to  
5 discourage, to train any supervisor, ✓ management employee, ✓ or other employee to

1 discourage, or to contract with any person for the purposes of discouraging,  
2 employees<sup>✓</sup> in the exercise of their rights guaranteed under s. 111.97.<sup>✓</sup>

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to acts committed on the effective date of this  
5 subsection.<sup>✓</sup>

6 (END)



# 2009 BILL

SA ✓

gen cat

1 AN ACT to create 111.991 (1) (g) of the statutes; relating to: unfair labor  
 2 practices in violation of collective bargaining rights for the faculty and  
 3 academic staff of the University of Wisconsin System.

### Analysis by the Legislative Reference Bureau

INS A

Current law provides collective bargaining rights to the faculty and academic staff of the University of Wisconsin System (UW System). Current law specifies unfair labor practices for the UW System. These practices include interfering with employees in the exercise of their rights to bargain collectively, creating or interfering with any labor organization, refusing to bargain collectively, and encouraging or discouraging membership in a labor organization by employment discrimination. This bill makes it an unfair labor practice for the UW System to use any state funds or tuition to discourage employees from exercising their rights to bargain collectively.

the employers

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

MSA 1-4

4 SECTION 1. 111.991 (1) (g) of the statutes is created to read:  
 5 111.991 (1) (g) To use any state funds appropriated for any purpose to  
 6 discourage, to train any supervisor, management employee, or other employee to

**BILL**

1 discourage, or to contract with any person for the purposes of discouraging,  
2 employees in the exercise of their rights guaranteed under s. 111.97.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to acts committed on the effective date of this  
5 subsection.

6 (END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3315/2ins  
CMH:.....

1

Insert A

Under current law, state employees covered under the State Employment Labor Relations Act and the faculty and academic staff of the University of Wisconsin (UW) System have similar collective bargaining rights. Current law also specifies unfair labor practices for employers, including

2

*these*

3

Insert 1-4

4

<sup>^</sup>  
SECTION 1. 111.84 (1) (g) of the statutes is created to read:

5

111.84 (1) (g) To use any state funds appropriated for any purpose to

6

discourage, to train any supervisor, management employee, or other employee to

7

discourage, or to contract with any person for the purposes of discouraging,

8

employees in the exercise of their rights guaranteed under s. 111.82.



## 2009 BILL

SAJ

→ *reinsert*

- 1 AN ACT *to create* 111.84 (1) (g) and 111.991 (1) (g) of the statutes; relating to:
- 2 unfair labor practices in violation of collective bargaining rights.

### *Analysis by the Legislative Reference Bureau*

Under current law, state employees covered under the State Employment Labor Relations Act and the faculty and academic staff of the University of Wisconsin System have similar collective bargaining rights. Current law also specifies unfair labor practices for these employers, including interfering with employees in the exercise of their rights to bargain collectively, creating or interfering with any labor organization, refusing to bargain collectively, and encouraging or discouraging membership in a labor organization by employment discrimination. This bill makes it an unfair labor practice for these employers to use any state funds to discourage employees from exercising their rights to bargain collectively.

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

- 3 SECTION 1. 111.84 (1) (g) of the statutes is created to read:
- 4 111.84 (1) (g) To use any state funds appropriated for any purpose to
- 5 discourage, to train any supervisor, management employee, or other employee to

*moneys received*

*moneys received*



**BILL**

1 discourage, or to contract with any person for the purposes of discouraging,  
2 employees in the exercise of their rights guaranteed under s. 111.82.

3 **SECTION 2.** 111.991 (1) (g) of the statutes is created to read:

4 111.991 (1) (g) To use any ~~state funds~~ <sup>money received</sup> appropriated for any purpose to  
5 discourage, to train any supervisor, management employee, or other employee to  
6 discourage, or to contract with any person for the purposes of discouraging,  
7 employees in the exercise of their rights guaranteed under s. 111.97.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to acts committed on the effective date of this  
10 subsection.

11

(END)

**Parisi, Lori**

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**From:** Plotkin, Adam  
**Sent:** Tuesday, January 26, 2010 4:24 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3315/3 Topic: Public funds used to discourage union organization

Please Jacket LRB 09-3315/3 for the SENATE.