



2011 SENATE BILL 13

January 28, 2011 – Introduced by Senators GROTHMAN, DARLING, LAZICH, VUKMIR, GALLOWAY, LASEE, OLSEN and LEIBHAM, cosponsored by Representatives VOS, NASS, PRIDEMORE, JACQUE, LEMAHIEU, WYNN, J. OTT, BIES, THIESFELDT, TAUCHEN, LITJENS, KESTELL, MEYER, KAPENGA, BERNIER, RIVARD, VAN ROY, STRACHOTA and MURSAU. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1 **AN ACT** *to renumber* 111.825 (3); *to renumber and amend* 111.81 (7); *to*
2 *amend* 111.84 (2) (c), 111.88 (1), 111.91 (4), 111.93 (2), 230.10 (2) and 230.34 (1)
3 (ar); and *to create* 111.81 (7) (bm), 111.825 (3) (b) and 111.98 (1m) of the
4 statutes; **relating to:** collective bargaining unit assignments under the State
5 Employment Labor Relations Act.

Analysis by the Legislative Reference Bureau

Current law provides collective bargaining rights for state employees under the State Employment Labor Relations Act (SELRA) and for faculty and academic staff of the University of Wisconsin System (UW System). Under SELRA, the Wisconsin Employment Relations Commission (WERC) assigns state employees to the appropriate collective bargaining unit. This draft specifies that WERC may not assign faculty and staff of the UW System to a collective bargaining unit under SELRA.

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

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

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1 **SECTION 1.** 111.81 (7) of the statutes is renumbered 111.81 (7) (am), and 111.81
2 (7) (am) 6., as renumbered, is amended to read:

3 111.81 (7) (am) 6. For purposes of this subchapter only, home care providers.
4 This paragraph subdivision does not make home care providers state employees for
5 any other purpose except collective bargaining.

6 **SECTION 2.** 111.81 (7) (bm) of the statutes is created to read:

7 111.81 (7) (bm) “Employee” does not include academic staff or faculty appointed
8 by the Board of Regents of the University of Wisconsin System under s. 36.13 or
9 36.15.

10 **SECTION 3.** 111.825 (3) of the statutes is renumbered 111.825 (3) (a).

11 **SECTION 4.** 111.825 (3) (b) of the statutes is created to read:

12 111.825 (3) (b) The commission may not assign to any collective bargaining unit
13 set forth in sub. (1), (1m), or (2) any individual appointed by the Board of Regents of
14 the University of Wisconsin System under s. 36.13 or 36.15.

15 **SECTION 5.** 111.84 (2) (c) of the statutes is amended to read:

16 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
17 (1) with the duly authorized officer or agent of the employer which is the recognized
18 or certified exclusive collective bargaining representative of employees specified in
19 s. 111.81 (7) (a) (am) 1. in an appropriate collective bargaining unit or with the
20 certified exclusive collective bargaining representative of employees specified in s.
21 111.81 (7) ~~(b) to (g)~~ (am) 2. to 7. in an appropriate collective bargaining unit. Such
22 refusal to bargain shall include, but not be limited to, the refusal to execute a
23 collective bargaining agreement previously orally agreed upon.

24 **SECTION 6.** 111.88 (1) of the statutes is amended to read:

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1 111.88 (1) If a dispute has not been settled after a reasonable period of
2 negotiation and after the settlement procedures, if any, established by the parties
3 have been exhausted, the representative which has been certified by the commission
4 after an election, or, in the case of a representative of employees specified in s. 111.81
5 (7) ~~(a)~~ (am) 1., has been duly recognized by the employer, as the exclusive
6 representative of employees in an appropriate collective bargaining unit, and the
7 employer, its officers and agents, after a reasonable period of negotiation, are
8 deadlocked with respect to any dispute between them arising in the collective
9 bargaining process, the parties jointly, may petition the commission, in writing, to
10 initiate fact-finding under this section, and to make recommendations to resolve the
11 deadlock.

12 **SECTION 7.** 111.91 (4) of the statutes is amended to read:

13 111.91 (4) The director of the office, in connection with the development of
14 tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
15 shall endeavor to obtain tentative agreements with each recognized or certified labor
16 organization representing employees or supervisors of employees specified in s.
17 111.81 (7) ~~(a)~~ (am) 1. and with each certified labor organization representing
18 employees specified in s. 111.81 (7) ~~(b) to (e)~~ (am) 2. to 5. which do not contain any
19 provision for the payment to any employee of a cumulative or noncumulative amount
20 of compensation in recognition of or based on the period of time an employee has been
21 employed by the state.

22 **SECTION 8.** 111.93 (2) of the statutes is amended to read:

23 111.93 (2) All civil service and other applicable statutes concerning wages,
24 fringe benefits, hours and conditions of employment apply to employees specified in
25 s. 111.81 (7) ~~(a)~~ (am) 1. who are not included in collective bargaining units for which

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1 a representative is recognized or certified and to employees specified in s. 111.81 (7)
2 ~~(b) to (f)~~ (am) 2. to 6. who are not included in a collective bargaining unit for which
3 a representative is certified.

4 **SECTION 9.** 111.98 (1m) of the statutes is created to read:

5 111.98 **(1m)** No employee appointed by the board under s. 36.13 or 36.15 may
6 be assigned by the commission to a collective bargaining unit set forth in s. 111.825
7 (1), (1m), or (2).

8 **SECTION 10.** 230.10 (2) of the statutes is amended to read:

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

24 **SECTION 11.** 230.34 (1) (ar) of the statutes is amended to read:

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SECTION 11

1 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
2 status in class in the classified service and all employees who have served with the
3 state as an assistant district attorney for a continuous period of 12 months or more,
4 except that for employees specified in s. 111.81 (7) ~~(a)~~ (am) 1. in a collective
5 bargaining unit for which a representative is recognized or certified, or for employees
6 specified in s. 111.81 (7) ~~(b) or (c)~~ (am) 2. or 3. in a collective bargaining unit for which
7 a representative is certified, if a collective bargaining agreement is in effect covering
8 employees in the collective bargaining unit, the determination of just cause and all
9 aspects of the appeal procedure shall be governed by the provisions of the collective
10 bargaining agreement.

SECTION 12. Initial applicability.

11 **SECTION 12. Initial applicability.**
12 (1) This act first applies to a unit clarification petition pending on the effective
13 date of this subsection.

(END)