

2011 DRAFTING REQUEST

Bill

Received: 01/10/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Lance**

May Contact:

Drafter: **chanaman**

Subject: **Employ Pub - collective bargain**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Collective bargaining units under SELRA to specifically exclude certain appointments at the University of Wisconsin

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 01/10/2011	kfollett 01/10/2011		_____			S&L
/1	chanaman 01/11/2011	kfollett 01/11/2011	jfrantze 01/10/2011	_____	mbarman 01/10/2011		S&L
/2	chanaman 01/12/2011	kfollett 01/12/2011	jfrantze 01/11/2011	_____	lparisi 01/11/2011		S&L
/3	chanaman	kfollett	jfrantze	_____	lparisi		S&L

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	01/13/2011	01/13/2011	01/12/2011 _____		01/12/2011		
/4			phenry _____ 01/13/2011 _____		mbarman 01/13/2011	mbarman 01/27/2011	

FE Sent For:

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intro

<END>

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/2	chanaman 01/12/2011	kfollett 01/12/2011	jfrantze 01/11/2011	<i>ph</i>	lparisi 01/11/2011		S&L
/3		<i>1457</i> 01/13	jfrantze	_____	lparisi		

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/2		13/kf 11/12	jfrantze 01/11/2011	_____ _____	lparisi 01/11/2011		

Jo 1/12

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FE Sent For:

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/?	chanaman	1/10 JF	1/10 JF	1/10 md			

FE Sent For:

<END>

111.81(7m) "Employee" does not include academic staff or faculty appointed by the Board of Regents of the University of Wisconsin System pursuant to s. 36.15(2) or s. 36.13(2).

111.825(3) The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), (1m) and (2), except that the commission shall not assign academic staff appointed by the Board of Regents of the University of Wisconsin System pursuant to s. 36.15(2) to such units.

111.98() Nothing in this subchapter shall be construed to authorize the commission to assign academic staff appointed by the Board pursuant to s. 36.15(2) to collective bargaining units set forth in 111.825(1), (1m) and (2).

NON-STATUTORY PROVISIONS

Initial applicability: The amendment of ss. 111.81(7) and 111.825(3) and the creation of s. 111.98() first apply to pending unit clarifications petitions for which the commission has not yet assigned employees to a collective bargaining unit.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-09567

CMH: [Signature]

TODAY
please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

for cat

1 **AN ACT ...; relating to:** collective bargaining unit assignments under the State
2 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). This draft specifies that faculty and staff of the UW System may not be part of 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:

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

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

History: 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16; 2003 a. 33 ss. 1987m, 1988m, 9160; 2009 a. 28.



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

2 111.81 (7) (bm) "Employee" does not include academic staff or faculty appointed
3 by the Board of Regents of the University of Wisconsin System under s. 36.13 or
4 36.15.

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

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

7 111.825 (3) (b) The commission may not assign to any collective bargaining unit
8 set forth in sub. (1), (1m), or (2) any individual appointed by the Board of Regents of
9 the University of Wisconsin System under s. 36.13 or 36.15.

History: 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24; 2001 a. 16; 2005 a. 253; 2009 a. 28.

10 SECTION 5. 111.83 (2) of the statutes is amended to read:

11 111.83 (2) Whenever the commission decides to permit employees to determine
12 for themselves whether they desire to establish themselves as a collective bargaining
13 unit, such determination shall be conducted by secret ballot. In such instances, the
14 commission shall cause the balloting to be conducted so as to show separately the
15 wishes of the employees in the voting group involved as to the determination of the
16 collective bargaining unit. The commission may not permit any individual appointed
17 by the Board of Regents of the University of Wisconsin System under s. 36.13 or 36.15
18 to be included in a collective bargaining unit set forth in s. 111.825 (1), (1m), or (2).

History: 1971 c. 270; 1975 c. 238; 1985 a. 42; 1989 a. 336; 1995 a. 27; 2003 a. 33; 2009 a. 28.

19 SECTION 6. 111.98 (1m) of the statutes is created to read:

20 111.98 (1m) No employee appointed by the board under s. 36.13 or 36.15 may
21 be included in a collective bargaining unit set forth in s. 111.825 (1), (1m), or (2).

22 SECTION 7. Initial applicability.

Handwritten notes: "INS 2-14" with an arrow pointing to line 19, and "INS 2-22" with an arrow pointing to line 22.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0956/lins
CMH:.....

1 Insert 2-19

2 **SECTION 1.** 111.84 (2) (c) of the statutes is amended to read:

3 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
4 (1) with the duly authorized officer or agent of the employer which is the recognized
5 or certified exclusive collective bargaining representative of employees specified in
6 s. 111.81 (7) ~~(a)~~ (am) 1. in an appropriate collective bargaining unit or with the
7 certified exclusive collective bargaining representative of employees specified in s.
8 111.81 (7) ~~(b) to (g)~~ (am) 2. to 6.⁷ in an appropriate collective bargaining unit. Such
9 refusal to bargain shall include, but not be limited to, the refusal to execute a
10 collective bargaining agreement previously orally agreed upon.

11 History: 1971 c. 270; 1973 c. 212; 1983 a. 160; 1985 a. 42; 1989 a. 13, 31; 1991 a. 289; 1993 a. 492; 1995 a. 27; 2001 a. 16; 2009 a. 28, 289.

12 **SECTION 2.** 111.88 (1) of the statutes is amended to read:

13 111.88 (1) If a dispute has not been settled after a reasonable period of
14 negotiation and after the settlement procedures, if any, established by the parties
15 have been exhausted, the representative which has been certified by the commission
16 after an election, or, in the case of a representative of employees specified in s. 111.81
17 (7) ~~(a)~~ (am) 1.[✓], has been duly recognized by the employer, as the exclusive
18 representative of employees in an appropriate collective bargaining unit, and the
19 employer, its officers and agents, after a reasonable period of negotiation, are
20 deadlocked with respect to any dispute between them arising in the collective
21 bargaining process, the parties jointly, may petition the commission, in writing, to
22 initiate fact-finding under this section, and to make recommendations to resolve the
23 deadlock.

23 History: 1971 c. 270; 1985 a. 42; 1993 a. 492; 1995 a. 225.

24 **SECTION 3.** 111.91 (4) of the statutes is amended to read:

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

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237; 1999 a. 9, 95, 115, 155; 2001 a. 16, 26; 2003 a. 33; 2007 a. 36; 2009 a. 14, 28, 56, 140, 218, 276, 346; s. 13.92 (1) (bm) 2.

10 **SECTION 4.** 111.93 (2) of the statutes is amended to read:

11 111.93 (2) All civil service and other applicable statutes concerning wages,
 12 fringe benefits, hours and conditions of employment apply to employees specified in
 13 s. 111.81 (7) (a) (am) 1. who are not included in collective bargaining units for which
 14 a representative is recognized or certified and to employees specified in s. 111.81 (7)
 15 ~~(b) to (f)~~ (am) 2. to 5. who are not included in a collective bargaining unit for which
 16 a representative is certified.

History: 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 a. 46, 409; 1985 a. 42; 1989 a. 13, 31; 1999 a. 101, 125; 2001 a. 16, 38.

17

18 Insert 2-19) 22

19

19 **SECTION 5.** 230.10 (2) of the statutes is amended to read:

20

20 230.10 (2) The compensation plan in effect at the time that a representative
 21 is recognized or certified to represent employees in a collective bargaining unit and
 22 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
 23 that a representative is certified to represent employees in a collective bargaining
 24 unit under subch. V of ch. 111 constitute the compensation plan or employee salary

1 and benefit provisions for employees in the collective bargaining unit until a
 2 collective bargaining agreement becomes effective for that unit. If a collective
 3 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
 4 a subsequent agreement, and a representative continues to be recognized or certified
 5 to represent employees specified in s. 111.81 (7) (a) (am) 1, or certified to represent
 6 employees specified in s. 111.81 (7) (b) to (f) (am) 2. to ^{le 6} 5, in that collective bargaining
 7 unit, the wage rates of the employees in such a unit shall be frozen until a subsequent
 8 agreement becomes effective, and the compensation plan under s. 230.12 and salary
 9 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
 10 unit.

11 **History:** 1971 c. 270; 1977 c. 44; 1977 c. 196 ss. 35, 131; 1977 c. 272 s. 98; Stats. 1977 s. 230.10; 1985 a. 42; 1989 a. 31; 2001 a. 16.

11 **SECTION 6.** 230.34 (1) (ar) of the statutes is amended to read:

12 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
 13 status in class in the classified service and all employees who have served with the
 14 state as an assistant district attorney for a continuous period of 12 months or more,
 15 except that for employees specified in s. 111.81 (7) (a) (am) [✓] 1, in a collective
 16 bargaining unit for which a representative is recognized or certified, or for employees
 17 specified in s. 111.81 (7) (b) or (e) (am) ^{le a} 2. or 3. in a collective bargaining unit for which
 18 a representative is certified, if a collective bargaining agreement is in effect covering
 19 employees in the collective bargaining unit, the determination of just cause and all
 20 aspects of the appeal procedure shall be governed by the provisions of the collective
 21 bargaining agreement.

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102; 2003 a. 33.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0956/A 2
CMH:kjf

TODAY

2011 BILL

Regen

Under SELRA, the
Wisconsin Employment
Relations Commission
assigns state employees
to the appropriate
collective bargaining
unit.

1 AN ACT to renumber 111.825 (3); to renumber and amend 111.81 (7); to
2 amend 111.83 (2), 111.84 (2) (c), 111.88 (1), 111.91 (4), 111.93 (2), 230.10 (2) and
3 230.34 (1) (ar); and to create 111.81 (7) (bm), 111.825 (3) (b) and 111.98 (1m)
4 of the statutes; relating to: collective bargaining unit assignments under the
5 State 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). This draft specifies that faculty and staff of the UW System may not be part of a collective bargaining unit under SELRA.

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1 111.81 (7) (am) 6. For purposes of this subchapter only, home care providers.
2 This ~~paragraph~~ subdivision does not make home care providers state employees for
3 any other purpose except collective bargaining.

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

5 111.81 (7) (bm) "Employee" does not include academic staff or faculty appointed
6 by the Board of Regents of the University of Wisconsin System under s. 36.13 or
7 36.15.

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

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

10 111.825 (3) (b) The commission may not assign to any collective bargaining unit
11 set forth in sub. (1), (1m), or (2) any individual appointed by the Board of Regents of
12 the University of Wisconsin System under s. 36.13 or 36.15.

13 **SECTION 5.** 111.83 (2) of the statutes is amended to read:

14 111.83 (2) Whenever the commission decides to permit employees to determine
15 for themselves whether they desire to establish themselves as a collective bargaining
16 unit, such determination shall be conducted by secret ballot. In such instances, the
17 commission shall cause the balloting to be conducted so as to show separately the
18 wishes of the employees in the voting group involved as to the determination of the
19 collective bargaining unit. The commission may not permit any individual appointed
20 by the Board of Regents of the University of Wisconsin System under s. 36.13 or 36.15
21 to be included in a collective bargaining unit set forth in s. 111.825 (1), (1m), or (2).

22 **SECTION 6.** 111.84 (2) (c) of the statutes is amended to read:

23 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
24 (1) with the duly authorized officer or agent of the employer which is the recognized
25 or certified exclusive collective bargaining representative of employees specified in

BILL

1 s. 111.81 (7) ~~(a)~~ (am) 1. in an appropriate collective bargaining unit or with the
2 certified exclusive collective bargaining representative of employees specified in s.
3 111.81 (7) ~~(b) to (g)~~ (am) 2. to 7. in an appropriate collective bargaining unit. Such
4 refusal to bargain shall include, but not be limited to, the refusal to execute a
5 collective bargaining agreement previously orally agreed upon.

6 **SECTION 7.** 111.88 (1) of the statutes is amended to read:

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

18 **SECTION 8.** 111.91 (4) of the statutes is amended to read:

19 111.91 (4) The director of the office, in connection with the development of
20 tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
21 shall endeavor to obtain tentative agreements with each recognized or certified labor
22 organization representing employees or supervisors of employees specified in s.
23 111.81 (7) ~~(a)~~ (am) 1. and with each certified labor organization representing
24 employees specified in s. 111.81 (7) ~~(b) to (e)~~ (am) 2. to 5. which do not contain any
25 provision for the payment to any employee of a cumulative or noncumulative amount

BILL

1 of compensation in recognition of or based on the period of time an employee has been
2 employed by the state.

3 **SECTION 9.** 111.93 (2) of the statutes is amended to read:

4 111.93 (2) All civil service and other applicable statutes concerning wages,
5 fringe benefits, hours and conditions of employment apply to employees specified in
6 s. 111.81 (7) ~~(a)~~ (am) 1. who are not included in collective bargaining units for which
7 a representative is recognized or certified and to employees specified in s. 111.81 (7)
8 ~~(b) to (f)~~ (am) 2. to 6. who are not included in a collective bargaining unit for which
9 a representative is certified.

10 **SECTION 10.** 111.98 (1m) of the statutes is created to read:

11 111.98 (1m) No employee appointed by the board under s. 36.13 or 36.15 may
12 be ~~included in~~ ^{assigned by the commissioner to} a collective bargaining unit set forth in s. 111.825 (1), (1m), or (2).

13 **SECTION 11.** 230.10 (2) of the statutes is amended to read:

14 230.10 (2) The compensation plan in effect at the time that a representative
15 is recognized or certified to represent employees in a collective bargaining unit and
16 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
17 that a representative is certified to represent employees in a collective bargaining
18 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
19 and benefit provisions for employees in the collective bargaining unit until a
20 collective bargaining agreement becomes effective for that unit. If a collective
21 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
22 a subsequent agreement, and a representative continues to be recognized or certified
23 to represent employees specified in s. 111.81 (7) ~~(a)~~ (am) 1. or certified to represent
24 employees specified in s. 111.81 (7) ~~(b) to (f)~~ (am) 2. to 6. in that collective bargaining
25 unit, the wage rates of the employees in such a unit shall be frozen until a subsequent

BILL

1 agreement becomes effective, and the compensation plan under s. 230.12 and salary
2 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
3 unit.

4 **SECTION 12.** 230.34 (1) (ar) of the statutes is amended to read:

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

15 **SECTION 13. Initial applicability.**

16 (1) This act first applies to an individual who is assigned to, or votes to
17 establish, a collective bargaining unit on the effective date of this subsection.

18 (END)

BILL

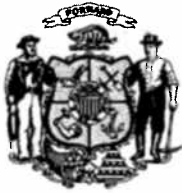
1 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
 2 status in class in the classified service and all employees who have served with the
 3 state as an assistant district attorney for a continuous period of 12 months or more,
 4 except that for employees specified in s. 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 (1) This act first applies to an individual who is assigned to a collective
 12 bargaining unit on the effective date of this subsection.

(END)

petitions pending



2011 BILL

for car

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:

BILL**SECTION 1**

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:

BILL

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

BILL

1 a representative is recognized or certified and to employees specified in s. 111.81 (7)
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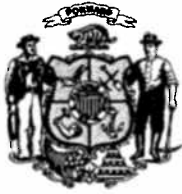
4 **SECTION 9.** 111.98 (1m) of the statutes is created to read:

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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2011 BILL

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

BILL

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2 (7) (am) 6., as renumbered, is amended to read:

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BILL

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21 employed by the state.

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BILL

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13 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
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BILL

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 5 bargaining unit for which a representative is recognized or certified, or for employees
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 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 (1) This act first applies to petitions⁹¹ pending on the effective date of this
 12 subsection.
 13

(END)

*unit
a unit clarification*

Barman, Mike

From: Burri, Lance
Sent: Wednesday, January 26, 2011 5:09 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0956/4 Topic: Collective bargaining units under SELRA to specifically exclude certain appointments at the University of Wisconsin

Please Jacket LRB 11-0956/4 for the SENATE.