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1 **SECTION 88.** 70.11 (41s) of the statutes is created to read:

2 70.11 **(41s)** WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
3 the Wisconsin Quality Home Care Authority, provided that use of the property is
4 primarily related to the purposes of the authority.

5 **SECTION 89.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

7 71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin
8 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
9 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
10 Navigational System Authority, of the Wisconsin Economic Development
11 Corporation, and of the Wisconsin Aerospace Authority.

12 **SECTION 90.** 73.03 (68) of the statutes, as created by 2011 Wisconsin Act 10, is
13 repealed.

14 **SECTION 91.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
15 is amended to read:

16 77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin
17 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
18 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
19 Authority, the Wisconsin Economic Development Corporation, and the Fox River
20 Navigational System Authority.

21 **SECTION 92.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
22 10, is amended to read:

23 100.45 **(1)** (dm) "State agency" means any office, department, agency,
24 institution of higher education, association, society or other body in state
25 government created or authorized to be created by the constitution or any law which

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1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
3 Center Sports and Entertainment Corporation, the University of Wisconsin
4 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
5 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
6 Authority, the Wisconsin Economic Development Corporation, and the Fox River
7 Navigational System Authority.

8 **SECTION 93.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
9 10, is amended to read:

10 101.177 (1) (d) "State agency" means any office, department, agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
17 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
18 and the Wisconsin Health and Educational Facilities Authority, but excluding the
19 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
20 Remediation Authority.

21 **SECTION 94.** 109.03 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
22 is amended to read:

23 109.03 (1) (b) School district and private school employees who voluntarily
24 request payment over a 12-month period for personal services performed during the
25 school year, unless, ~~with respect to private school employees, the~~ such employees are

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1 covered under a valid collective bargaining agreement which precludes this method
2 of payment.

3 **SECTION 95.** 111.02 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
4 amended to read:

5 111.02 (1) "All-union agreement" means an agreement between an employer
6 other than the University of Wisconsin Hospitals and Clinics Authority and the
7 representative of the employer's employees in a collective bargaining unit whereby
8 all or any of the employees in such unit are required to be members of a single labor
9 organization.

10 **SECTION 96.** 111.02 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
11 amended to read:

12 111.02 (2) "Collective bargaining" means the negotiation by an employer and
13 a majority of the employer's employees in a collective bargaining unit, or their
14 representatives, concerning representation or terms and conditions of employment
15 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a
16 mutually genuine effort to reach an agreement with reference to the subject under
17 negotiation.

18 **SECTION 97.** 111.02 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
19 amended to read:

20 111.02 (3) "Collective bargaining unit" means all of the employees of one
21 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
22 except that where a majority of the employees engaged in a single craft, division,
23 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
24 constitute such group a separate bargaining unit they shall be so considered, but, in
25 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to

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

10 **SECTION 98.** 111.02 (6) (am) of the statutes is created to read:

11 111.02 (6) (am) "Employee" includes a child care provider certified under s.
12 48.651 and a child care provider licensed under s. 48.65 who provides care and
13 supervision for not more than 8 children who are not related to the child care
14 provider.

15 **SECTION 99.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
16 and amended to read:

17 111.02 (7) (a) (intro.) "Employer" means a person who engages the services of
18 an employee, and includes ~~a~~ 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.

21 **SECTION 100.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

22 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

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

BILL

1 4. With respect to an employee under sub. (6) (am), the state, counties, and
2 other administrative entities involved in regulation and subsidization of employees
3 under sub. (6) (am).

4 **SECTION 101.** 111.02 (7) (b) 1. of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

6 111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political
7 subdivision thereof.

8 **SECTION 102.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

9 111.02 (7m) "Fair-share agreement" means an agreement between the
10 University of Wisconsin Hospitals and Clinics Authority and a labor organization
11 representing employees of that authority, or between an employer defined under sub.
12 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
13 which all of the employees in a collective bargaining unit are required to pay their
14 proportionate share of the cost of the collective bargaining process and contract
15 administration measured by the amount of dues uniformly required of all members.

16 **(9m)** "Maintenance of membership agreement" means any of the following:

17 (a) An agreement between the University of Wisconsin Hospitals and Clinics
18 Authority and a labor organization representing employees of that authority which
19 requires that all of the employees whose dues are being deducted from earnings
20 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall
21 continue to have dues deducted for the duration of the agreement and that dues shall
22 be deducted from the earnings of all employees who are hired on or after the effective
23 date of the agreement.

24 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
25 organization representing employees under sub. (6) (am) which requires that all of

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1 the employees whose dues are being deducted from earnings under s. 111.06 (1) (i)
2 at the time the agreement takes effect shall continue to have dues deducted for the
3 duration of the agreement and that dues shall be deducted from the earnings of all
4 employees who are hired on or after the effective date of the agreement.

5 **(10m)** "Referendum" means a proceeding conducted by the commission in
6 which employees of the University of Wisconsin Hospitals and Clinics Authority in
7 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
8 bargaining unit may cast a secret ballot on the question of directing the labor
9 organization and the employer to enter into a fair-share or maintenance of
10 membership agreement or to terminate such an agreement.

11 **SECTION 103.** 111.05 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
14 question arises concerning the determination of a collective bargaining unit, it shall
15 be determined by secret ballot, and the commission, upon request, shall cause the
16 ballot to be taken in such manner as to show separately the wishes of the employees
17 in any craft, division, department or plant as to the determination of the collective
18 bargaining unit.

19 **SECTION 104.** 111.05 (3g) of the statutes is created to read:

20 111.05 (3g) Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a
21 representative recognized or certified to represent any of the units specified in s.
22 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the
23 employees in the corresponding collective bargaining units specified in sub. (5) (a)
24 1. to 3., without the necessity of filing a petition or conducting an election, subject to
25 the right of any person to file a petition under this section on or after October 1, 1998.

BILL

1 **SECTION 105.** 111.05 (5) of the statutes is created to read:

2 111.05 (5) (a) Collective bargaining units for representation of the employees
3 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
4 for employees engaged in each of the following functions:

- 5 1. Fiscal and staff services.
- 6 2. Patient care.
- 7 3. Science.
- 8 4. Clerical and related.
- 9 5. Blue collar and nonbuilding trades.
- 10 6. Building trades crafts.
- 11 7. Security and public safety.
- 12 8. Technical.

13 (b) Collective bargaining units for representation of the employees of the
14 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
15 function not specified in par. (a) shall be determined in the manner provided in this
16 section. The creation of any collective bargaining unit for such employees is subject
17 to approval of the commission. The commission shall not permit fragmentation of
18 such collective bargaining units or creation of any such collective bargaining unit
19 that is too small to provide adequate representation of employees. In approving such
20 collective bargaining units, the commission shall give primary consideration to the
21 authority's needs to fulfill its statutory missions.

22 **SECTION 106.** 111.05 (6) of the statutes is created to read:

23 111.05 (6) If a single representative is recognized or certified to represent more
24 than one of the collective bargaining units specified in sub. (5), that representative
25 and the employer may jointly agree to combine the collective bargaining units,

BILL

1 subject to the right of the employees in any of the collective bargaining units that
2 were combined to petition for an election under subs. (3) and (3g). Any agreement
3 under this subsection is effective upon written notice of the agreement by the parties
4 to the commission and terminates upon written notice of termination by the parties
5 to the commission or upon decertification of the representative entering into the
6 agreement as representative of one of the combined collective bargaining units,
7 whichever occurs first.

8 **SECTION 107.** 111.05 (7) of the statutes is created to read:

9 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
10 bargaining unit.

11 **SECTION 108.** 111.06 (1) (c) 1. of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 111.06 (1) (c) 1. To encourage or discourage membership in any labor
14 organization, employee agency, committee, association or representation plan by
15 discrimination in regard to hiring, tenure or other terms or conditions of employment
16 except in a collective bargaining unit where an all-union, fair-share, or
17 maintenance of membership agreement is in effect. An employer is not prohibited
18 from entering into an all-union agreement with the voluntarily recognized
19 representative of the employees in a collective bargaining unit, where at least a
20 majority of such employees voting have voted affirmatively, by secret ballot, in favor
21 of the all-union agreement in a referendum conducted by the commission, except
22 that where the bargaining representative has been certified by either the
23 commission or the national labor relations board as the result of a representation
24 election, no referendum is required to authorize the entry into an all-union
25 agreement. An authorization of an all-union agreement continues, subject to the

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1 right of either party to the all-union agreement to petition the commission to conduct
2 a new referendum on the subject. Upon receipt of the petition, the commission shall
3 determine whether there is reasonable ground to believe that the employees
4 concerned have changed their attitude toward the all-union agreement and upon so
5 finding the commission shall conduct a referendum. If the continuance of the
6 all-union agreement is supported on a referendum by a vote at least equal to that
7 provided in this subdivision for its initial authorization, it may continue, subject to
8 the right to petition for a further vote by the procedure under this subdivision. If the
9 continuance of the all-union agreement is not supported on a referendum, it
10 terminates at the expiration of the contract of which it is then a part or at the end
11 of one year from the date of the announcement by the commission of the result of the
12 referendum, whichever is earlier. The commission shall declare any all-union
13 agreement terminated whenever it finds that the labor organization involved has
14 unreasonably refused to receive as a member any employee of such employer, and
15 each such all-union agreement is subject to this duty of the commission. Any person
16 interested may come before the commission as provided in s. 111.07 and ask the
17 performance of this duty. Any all-union agreement in effect on October 4, 1975,
18 made in accordance with the law in effect at the time it is made is valid.

19 **SECTION 109.** 111.06 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
20 10, is amended to read:

21 111.06 (1) (d) To refuse to bargain collectively with the representative of a
22 majority of the employer's employees in any collective bargaining unit with respect
23 to representation or terms and conditions of employment, except as provided under
24 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
25 the commission a petition requesting a determination as to majority representation,

BILL

1 the employer shall not be deemed to have refused to bargain until an election has
2 been held and the result thereof has been certified to the employer by the
3 commission.

4 **SECTION 110.** 111.06 (1) (i) of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

6 111.06 (1) (i) To deduct labor organization dues or assessments from an
7 employee's earnings, unless the employer has been presented with an individual
8 order therefor, signed by the employee personally, and terminable at the end of any
9 year of its life by the employee giving at least thirty days' written notice of such
10 termination unless there is an all-union, fair-share or maintenance of membership
11 agreement in effect. The employer shall give notice to the labor organization of
12 receipt of such notice of termination.

13 **SECTION 111.** 111.06 (1) (m) of the statutes is created to read:

14 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
15 provided in s. 111.115 (2).

16 **SECTION 112.** 111.06 (2) (i) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
19 in s. 111.115 (2) or (3).

20 **SECTION 113.** 111.075 of the statutes is created to read:

21 **111.075 Fair-share and maintenance of membership agreements. (1)**

22 (a) No fair-share or maintenance of membership agreement is effective unless
23 authorized by a referendum. The commission shall order a referendum whenever it
24 receives a petition supported by proof that at least 30 percent of the employees in a
25 collective bargaining unit desire that a fair-share or maintenance of membership

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1 agreement be entered into between the employer and a labor organization. A petition
2 may specify that a referendum is requested on a maintenance of membership
3 agreement only, in which case the ballot shall be limited to that question.

4 (b) For a fair-share agreement to be authorized, at least two-thirds of the
5 eligible employees voting in a referendum must vote in favor of the agreement. For
6 a maintenance of membership agreement to be authorized, at least a majority of the
7 eligible employees voting in a referendum must vote in favor of the agreement. In
8 a referendum on a fair-share agreement, if less than two-thirds but more than
9 one-half of the eligible employees vote in favor of the agreement, a maintenance of
10 membership agreement is authorized.

11 (c) If a fair-share or maintenance of membership agreement is authorized in
12 a referendum, the employer shall enter into a fair-share or maintenance of
13 membership agreement with the labor organization named on the ballot in the
14 referendum. Each fair-share or maintenance of membership agreement must
15 contain a provision requiring the employer to deduct the amount of dues as certified
16 by the labor organization from the earnings of the employees affected by the
17 agreement and to pay the amount deducted to the labor organization. Unless the
18 parties agree to an earlier date, the agreement takes effect 60 days after certification
19 by the commission that the referendum vote authorized the agreement. The
20 employer shall be held harmless against any claims, demands, suits, and other forms
21 of liability made by employees or local labor organizations which may arise for
22 actions taken by the employer in compliance with this section. All lawful claims,
23 demands, suits, and other forms of liability are the responsibility of the labor
24 organization entering into the agreement.

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1 (d) Under each fair-share or maintenance of membership agreement, an
2 employee who has religious convictions against dues payments to a labor
3 organization based on teachings or tenets of a church or religious body of which he
4 or she is a member shall, on request to the labor organization, have his or her dues
5 paid to a charity mutually agreed upon by the employee and the labor organization.
6 Any dispute concerning this paragraph may be submitted to the commission for
7 adjudication.

8 **(2)** (a) Once authorized, a fair-share or maintenance of membership
9 agreement continues, subject to the right of the employer or labor organization
10 concerned to petition the commission to conduct a new referendum. The petition
11 must be supported by proof that at least 30 percent of the employees in the collective
12 bargaining unit desire that the fair-share or maintenance of membership agreement
13 be discontinued. Upon so finding, the commission shall conduct a new referendum.
14 If the continuance of the fair-share or maintenance of membership agreement is
15 approved in the referendum by at least the percentage of eligible voting employees
16 required for its initial authorization, it shall continue, subject to the right of the
17 employer or labor organization to later initiate a further vote following the procedure
18 prescribed in this subsection. If the continuation of the agreement is not supported
19 in any referendum, it terminates at the expiration of the collective bargaining
20 agreement, or one year from the date of the certification of the result of the
21 referendum, whichever is earlier.

22 (b) The commission shall declare any fair-share or maintenance of
23 membership agreement suspended upon such conditions and for such time as the
24 commission decides whenever it finds that the labor organization involved has
25 refused on the basis of race, color, sexual orientation, or creed to receive as a member

BILL

1 any employee in the collective bargaining unit involved, and the agreement shall be
2 subject to the findings and orders of the commission. Any of the parties to the
3 agreement, or any employee covered thereby, may come before the commission, as
4 provided in s. 111.07, and petition the commission to make such a finding.

5 (3) A stipulation for a referendum executed by an employer and a labor
6 organization may not be filed until after the representation election has been held
7 and the results certified.

8 (4) The commission may, under rules adopted for that purpose, appoint as its
9 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
10 conduct the referenda provided for in this section.

11 (5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair-share or
12 maintenance of membership agreement in effect in any of the collective bargaining
13 units specified in s. 111.825 (1) (f) 1., 5. or 9., that fair-share or maintenance of
14 membership agreement shall apply to the corresponding collective bargaining unit
15 under s. 111.05 (5) (a) 1. to 3. without the necessity of filing a petition or conducting
16 a referendum, subject to the right of the employees in each collective bargaining unit
17 to file a petition requesting a referendum under sub. (2) (a).

18 (6) This section applies only in collective bargaining units comprised of
19 employees of the University of Wisconsin Hospitals and Clinics Authority.

20 **SECTION 114.** 111.115 (title) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 **111.115 (title) Notice of certain proposed lockouts or strikes.**

23 **SECTION 115.** 111.115 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
24 is renumbered 111.115 (1) (intro.) and amended to read:

25 111.115 (1) (intro.) In this section, “strike” subsection:

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1 **(b) "Strike"** includes any concerted stoppage of work by employees, and any
2 concerted slowdown or other concerted interruption of operations or services by
3 employees, or any concerted refusal of employees to work or perform their usual
4 duties as employees, for the purpose of enforcing demands upon an employer.

5 **SECTION 116.** 111.115 (1) (a) of the statutes is created to read:

6 **111.115 (1) (a)** "Lockout" means the barring of one or more employees from their
7 employment in an establishment by an employer as a part of a labor dispute, which
8 is not directly subsequent to a strike or other job action of a labor organization or
9 group of employees of the employer, or which continues or occurs after the
10 termination of a strike or other job action of a labor organization or group of
11 employees of the employer.

12 **SECTION 117.** 111.115 (2) of the statutes is created to read:

13 **111.115 (2)** If no collective bargaining agreement is in effect between the
14 University of Wisconsin Hospitals and Clinics Authority and the recognized or
15 certified representative of employees of that authority in a collective bargaining unit,
16 the employer may not engage in a lockout affecting employees in that collective
17 bargaining unit without first giving 10 days' written notice to the representative of
18 its intention to engage in a lockout, and the representative may not engage in a strike
19 without first giving 10 days' written notice to the employer of its intention to engage
20 in a strike.

21 **SECTION 118.** 111.17 of the statutes, as affected by 2011 Wisconsin Act 10, is
22 renumbered 111.17 (intro.) and amended to read:

23 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
24 the provisions of other statutes or laws conflict with the application of the provisions
25 of this subchapter, this subchapter shall prevail, except ~~that in~~ for the following:

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1 **(1)** In any situation where the provisions of this subchapter cannot be validly
2 enforced the provisions of such other statutes or laws shall apply.

3 **SECTION 119.** 111.17 (2) of the statutes is created to read:

4 **111.17 (2)** All fringe benefits authorized or required to be provided by the
5 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
6 40 shall be governed exclusively by ch. 40, except that if any provision of ch. 40
7 specifically permits a collective bargaining agreement under this subchapter to
8 govern the eligibility for or the application, cost, or terms of a fringe benefit under
9 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
10 benefit under ch. 40 shall be governed by a collective bargaining agreement under
11 this subchapter, a collective bargaining agreement may contain a provision so
12 governing and such a provision supersedes any provision of ch. 40 with respect to the
13 employees to whom the agreement applies. The employer is prohibited from
14 engaging in collective bargaining concerning any matter governed exclusively by ch.
15 40 under this subsection.

16 **SECTION 120.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
17 32, is amended to read:

18 **111.70 (1) (a)** “Collective bargaining” means the performance of the mutual
19 obligation of a municipal employer, through its officers and agents, and the
20 representative of its municipal employees in a collective bargaining unit, to meet and
21 confer at reasonable times, in good faith, with the intention of reaching an
22 agreement, or to resolve questions arising under such an agreement, with respect to
23 wages, hours, and conditions of employment for ~~public safety employees or transit~~
24 ~~employees and with respect to wages for general municipal employees~~, and with
25 respect to a requirement of the municipal employer for a municipal employee to

BILL

1 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13
2 (2e) and for a school district with respect to any matter under sub. (4) (n) or (o), except
3 as provided in ~~sub. subs. (3m), (3p), and (4) (mb) (m) and (mc)~~ and s. 40.81 (3) and
4 except that a municipal employer shall not meet and confer with respect to any
5 proposal to diminish or abridge the rights guaranteed to any ~~public safety~~ municipal
6 employees under ch. 164. Collective bargaining includes the reduction of any
7 agreement reached to a written and signed document.

8 **SECTION 121.** 111.70 (1) (cm) of the statutes, as created by 2011 Wisconsin Act
9 10, is repealed.

10 **SECTION 122.** 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
11 32, is amended to read:

12 111.70 (1) (f) “Fair-share agreement” means an agreement between a
13 municipal employer and a labor organization ~~that represents public safety~~
14 ~~employees or transit employees~~ under which all or any of the ~~public safety~~ employees
15 ~~or transit employees~~ in the 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 123.** 111.70 (1) (fm) of the statutes, as affected by 2011 Wisconsin Act
19 32, is repealed.

20 **SECTION 124.** 111.70 (1) (j) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
23 metropolitan sewerage district, school district, long-term care district, transit
24 authority under s. 59.58 (7) or 66.1039, ~~local cultural arts district created under~~
25 ~~subch. V of ch. 229~~, or any other political subdivision of the state, or instrumentality

BILL

1 of one or more political subdivisions of the state, that engages the services of an
2 employee and includes any person acting on behalf of a municipal employer within
3 the scope of the person's authority, express or implied, but specifically does not
4 include a local cultural arts district created under subch. V of ch. 229.

5 **SECTION 125.** 111.70 (1) (mm) of the statutes, as affected by 2011 Wisconsin Act
6 32, is repealed.

7 **SECTION 126.** 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin Act
8 32, is amended to read:

9 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
10 in which ~~public safety employees or transit~~ employees in a collective bargaining unit
11 may cast a secret ballot on the question of authorizing a labor organization and the
12 employer to continue a fair-share agreement.

13 **SECTION 127.** 111.70 (1) (p) of the statutes, as created by 2011 Wisconsin Act
14 32, is repealed.

15 **SECTION 128.** 111.70 (1g) of the statutes is created to read:

16 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
17 disputes arising in municipal employment is to encourage voluntary settlement
18 through the procedures of collective bargaining. Accordingly, it is in the public
19 interest that municipal employees so desiring be given an opportunity to bargain
20 collectively with the municipal employer through a labor organization or other
21 representative of the employees' own choice. If such procedures fail, the parties
22 should have available to them a fair, speedy, effective and, above all, peaceful
23 procedure for settlement as provided in this subchapter.

24 (b) In creating this subchapter the legislature recognizes that the municipal
25 employer must exercise its powers and responsibilities to act for the government and

BILL

1 good order of the jurisdiction which it serves, its commercial benefit and the health,
2 safety, and welfare of the public to assure orderly operations and functions within its
3 jurisdiction, subject to those rights secured to municipal employees by the
4 constitutions of this state and of the United States and by this subchapter.

5 **SECTION 129.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
6 is amended to read:

7 **111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES.** Municipal employees have the right
8 of self-organization, and the right to form, join, or assist labor organizations, to
9 bargain collectively through representatives of their own choosing, and to engage in
10 lawful, concerted activities for the purpose of collective bargaining or other mutual
11 aid or protection. Municipal employees have the right to refrain from any and all
12 such activities. ~~A general municipal employee has the right to refrain from paying~~
13 ~~dues while remaining a member of a collective bargaining unit. A public safety~~
14 ~~employee or a transit employee, however, except that an employee may be required~~
15 ~~to pay dues in the manner provided in a fair-share agreement; a fair-share~~
16 ~~agreement covering a public safety employee or a transit employee must contain a~~
17 ~~provision requiring the municipal employer to deduct the amount of dues as certified~~
18 ~~by the labor organization from the earnings of the employee affected by the~~
19 ~~fair-share agreement and to pay the amount deducted to the labor organization. A~~
20 ~~fair-share agreement covering a public safety employee or transit employee is~~
21 ~~subject to the right of the municipal employer or a labor organization to petition the~~
22 ~~commission to conduct a referendum. Such petition must be supported by proof that~~
23 ~~at least 30% of the employees in the collective bargaining unit desire that the~~
24 ~~fair-share agreement be terminated. Upon so finding, the commission shall conduct~~
25 ~~a referendum. If the continuation of the agreement is not supported by at least the~~

BILL

1 majority of the eligible employees, it shall terminate. The commission shall declare
2 any fair-share agreement suspended upon such conditions and for such time as the
3 commission decides whenever it finds that the labor organization involved has
4 refused on the basis of race, color, sexual orientation, creed, or sex to receive as a
5 member any ~~public safety employee or transit~~ employee of the municipal employer
6 in the bargaining unit involved, and such agreement is subject to this duty of the
7 commission. Any of the parties to such agreement or any ~~public safety employee or~~
8 ~~transit~~ municipal employee covered by the agreement may come before the
9 commission, as provided in s. 111.07, and ask the performance of this duty.

10 **SECTION 130.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin Act
11 32, is amended to read:

12 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
13 organization by discrimination in regard to hiring, tenure, or other terms or
14 conditions of employment; but the prohibition shall not apply to a fair-share
15 agreement ~~that covers public safety employees or transit employees.~~

16 **SECTION 131.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin Act
17 32, is amended to read:

18 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
19 agreed upon by the parties with respect to wages, hours and conditions of
20 employment affecting ~~public safety employees or transit~~ municipal employees,
21 including an agreement to arbitrate questions arising as to the meaning or
22 application of the terms of a collective bargaining agreement or to accept the terms
23 of such arbitration award, where previously the parties have agreed to accept such
24 award as final and binding upon them ~~or to violate any collective bargaining~~

BILL

1 ~~agreement affecting general municipal employees, that was previously agreed upon~~
2 ~~by the parties with respect to wages.~~

3 **SECTION 132.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin Act
4 32, is amended to read:

5 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a ~~public~~
6 ~~safety employee or a transit~~ municipal employee, unless the municipal employer has
7 been presented with an individual order therefor, signed by the employee personally,
8 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~
9 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such
10 termination to the municipal employer and to the representative organization,
11 except when a fair-share agreement is in effect.

12 **SECTION 133.** 111.70 (3) (a) 7. of the statutes is created to read:

13 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision
14 lawfully made under sub. (4) (cm).

15 **SECTION 134.** 111.70 (3) (a) 7m. of the statutes, as created by 2011 Wisconsin
16 Act 32, is repealed.

17 **SECTION 135.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin Act
18 32, is amended to read:

19 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
20 ~~employee or transit employee, after~~ After a collective bargaining agreement expires
21 and before another collective bargaining agreement takes effect, to fail to follow any
22 fair-share agreement in the expired collective bargaining agreement.

23 **SECTION 136.** 111.70 (3) (b) 6. of the statutes is created to read:

24 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
25 lawfully made under sub. (4) (cm).

BILL

1 **SECTION 137.** 111.70 (3) (b) 6m. of the statutes, as created by 2011 Wisconsin
2 Act 32, is repealed.

3 **SECTION 138.** 111.70 (3g) of the statutes, as created by 2011 Wisconsin Act 10,
4 is repealed.

5 **SECTION 139.** 111.70 (3m) of the statutes is created to read:

6 **111.70 (3m)** MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective
7 bargaining agreement that covers municipal employees performing services for the
8 Milwaukee County enrollment services unit under s. 49.825 shall contain a provision
9 that permits the terms of the agreement to be modified with respect to hours and
10 conditions of employment by a memorandum of understanding under s. 49.825 (3)
11 (b) 4.

12 **SECTION 140.** 111.70 (3p) of the statutes is created to read:

13 **111.70 (3p)** CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining
14 agreement that covers municipal employees performing services for the child care
15 provider services unit under s. 49.826 shall contain a provision that permits the
16 terms of the agreement to be modified with respect to hours and conditions of
17 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

18 **SECTION 141.** 111.70 (4) (bm) of the statutes, as created by 2011 Wisconsin Act
19 32, is repealed.

20 **SECTION 142.** 111.70 (4) (c) (title) of the statutes, as affected by 2011 Wisconsin
21 Act 10, is amended to read:

22 **111.70 (4) (c) (title)** *Methods for peaceful settlement of disputes; ~~public safety~~*
23 *employees law enforcement and fire fighting personnel.*

24 **SECTION 143.** 111.70 (4) (c) 1. of the statutes, as affected by 2011 Wisconsin Act
25 10, is renumbered 111.70 (4) (c) 1m. and amended to read:

BILL

1 111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in
2 labor disputes ~~involving a collective bargaining unit containing a public safety~~
3 ~~employee~~. Such mediation may be carried on by a person designated to act by the
4 commission upon request of one or both of the parties or upon initiation of the
5 commission. The function of the mediator is to encourage voluntary settlement by
6 the parties but no mediator has the power of compulsion.

7 **SECTION 144.** 111.70 (4) (c) 1g. of the statutes is created to read:

8 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal
9 employees who are engaged in law enforcement or fire fighting functions.

10 **SECTION 145.** 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin Act
11 32, is amended to read:

12 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning
13 or application of the terms of a written collective bargaining agreement ~~involving a~~
14 ~~collective bargaining unit containing a public safety employee~~ may agree in writing
15 to have the commission or any other appropriate agency serve as arbitrator or may
16 designate any other competent, impartial and disinterested person to so serve.

17 **SECTION 146.** 111.70 (4) (c) 3. (intro.) of the statutes, as affected by 2011
18 Wisconsin Act 10, is amended to read:

19 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute
20 ~~involving a collective bargaining unit containing a public safety employee~~ has not
21 been settled after a reasonable period of negotiation and after the settlement
22 procedures, if any, established by the parties have been exhausted, and the parties
23 are deadlocked with respect to any dispute between them arising in the collective
24 bargaining process, either party, or the parties jointly, may petition the commission,

BILL

1 in writing, to initiate fact-finding, and to make recommendations to resolve the
2 deadlock, as follows:

3 **SECTION 147.** 111.70 (4) (cg) of the statutes, as created by 2011 Wisconsin Act
4 32, is repealed.

5 **SECTION 148.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes, as affected
6 by 2011 Wisconsin Act 10, are amended to read:

7 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; ~~general~~*
8 *~~municipal employees~~ other personnel.*

9 1. 'Notice of commencement of contract negotiations.' For the purpose of
10 advising the commission of the commencement of contract negotiations ~~involving a~~
11 ~~collective bargaining unit containing general municipal employees~~, whenever either
12 party requests the other to reopen negotiations under a binding collective bargaining
13 agreement, or the parties otherwise commence negotiations if no such agreement
14 exists, the party requesting negotiations shall immediately notify the commission in
15 writing. Upon failure of the requesting party to provide such notice, the other party
16 may so notify the commission. The notice shall specify the expiration date of the
17 existing collective bargaining agreement, if any, and shall set forth any additional
18 information the commission may require on a form provided by the commission.

19 2. 'Presentation of initial proposals; open meetings.' The meetings between
20 parties to a collective bargaining agreement or proposed collective bargaining
21 agreement under this subchapter that ~~involve a collective bargaining unit~~
22 ~~containing a general municipal employee and that~~ are held for the purpose of
23 presenting initial bargaining proposals, along with supporting rationale, shall be
24 open to the public. Each party shall submit its initial bargaining proposals to the

BILL

1 other party in writing. Failure to comply with this subdivision is not cause to
2 invalidate a collective bargaining agreement under this subchapter.

3 3. 'Mediation.' The commission or its designee shall function as mediator in
4 labor disputes involving ~~general~~ municipal employees upon request of one or both of
5 the parties, or upon initiation of the commission. The function of the mediator shall
6 be to encourage voluntary settlement by the parties. No mediator has the power of
7 compulsion.

8 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
9 application of the terms of a written collective bargaining agreement ~~involving a~~
10 ~~collective bargaining unit containing a general municipal employee~~ may agree in
11 writing to have the commission or any other appropriate agency serve as arbitrator
12 or may designate any other competent, impartial and disinterested person to so
13 serve.

14 **SECTION 149.** 111.70 (4) (cm) 5. of the statutes is created to read:

15 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
16 other impasse resolution procedures provided in this paragraph, a municipal
17 employer and labor organization may, as a permissive subject of bargaining, agree
18 in writing to a dispute settlement procedure, including authorization for a strike by
19 municipal employees or binding interest arbitration, that is acceptable to the parties
20 for resolving an impasse over terms of any collective bargaining agreement under
21 this subchapter. The parties shall file a copy of the agreement with the commission.
22 If the parties agree to any form of binding interest arbitration, the arbitrator shall
23 give weight to the factors enumerated under subds. 7. and 7g. for a collective
24 bargaining unit consisting of municipal employees who are not school district

BILL**SECTION 149**

1 employees and under subd. 7r. for a collective bargaining unit consisting of municipal
2 employees.

3 **SECTION 150.** 111.70 (4) (cm) 6. of the statutes is created to read:

4 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
5 a dispute relating to any issue has not been settled after a reasonable period of
6 negotiation and after mediation by the commission under subd. 3. and other
7 settlement procedures, if any, established by the parties have been exhausted, and
8 the parties are deadlocked with respect to any dispute between them over wages,
9 hours, or conditions of employment to be included in a new collective bargaining
10 agreement, either party, or the parties jointly, may petition the commission, in
11 writing, to initiate compulsory, final, and binding arbitration, as provided in this
12 paragraph. At the time the petition is filed, the petitioning party shall submit in
13 writing to the other party and the commission its preliminary final offer containing
14 its latest proposals on all issues in dispute. Within 14 calendar days after the date
15 of that submission, the other party shall submit in writing its preliminary final offer
16 on all disputed issues to the petitioning party and the commission. If a petition is
17 filed jointly, both parties shall exchange their preliminary final offers in writing and
18 submit copies to the commission at the time the petition is filed.

19 am. Upon receipt of a petition to initiate arbitration, the commission shall
20 investigate, with or without a formal hearing, whether arbitration should be
21 commenced. If in determining whether an impasse exists the commission finds that
22 the procedures under this paragraph have not been complied with and that the
23 compliance would tend to result in a settlement, it may order compliance before
24 ordering arbitration. The validity of any arbitration award or collective bargaining
25 agreement is not affected by failure to comply with the procedures. Prior to the close

BILL

1 of the investigation each party shall submit in writing to the commission its single
2 final offer containing its final proposals on all issues in dispute that are subject to
3 interest arbitration under this subdivision. If a party fails to submit a single,
4 ultimate final offer, the commission shall close the investigation based on the last
5 written position of the party. Such final offers may include only mandatory subjects
6 of bargaining, except that a permissive subject of bargaining may be included by a
7 party if the other party does not object and shall then be treated as a mandatory
8 subject. No later than such time, the parties shall also submit to the commission a
9 stipulation, in writing, with respect to all matters that are agreed upon for inclusion
10 in the new or amended collective bargaining agreement. The commission, after
11 receiving a report from its investigator and determining that arbitration should be
12 commenced, shall issue an order requiring arbitration and immediately submit to
13 the parties a list of 7 arbitrators. The parties shall alternately strike names from the
14 list until a single name is left, who shall be appointed as arbitrator. The petitioning
15 party shall notify the commission in writing of the identity of the arbitrator selected.
16 Upon receipt of the notice, the commission shall formally appoint the arbitrator and
17 submit to him or her the final offers of the parties. The final offers are public
18 documents and shall be available from the commission. In lieu of a single arbitrator
19 and upon request of both parties, the commission shall appoint a tripartite
20 arbitration panel consisting of one member selected by each of the parties and a
21 neutral person designated by the commission who shall serve as a chairperson. An
22 arbitration panel has the same powers and duties as provided in this section for any
23 other appointed arbitrator, and all arbitration decisions by a panel shall be
24 determined by majority vote. In place of selection of the arbitrator by the parties and
25 upon request of both parties, the commission shall establish a procedure for

BILL**SECTION 150**

1 randomly selecting names of arbitrators. Under the procedure, the commission shall
2 submit a list of 7 arbitrators to the parties. Each party shall strike one name from
3 the list. From the remaining 5 names, the commission shall randomly appoint an
4 arbitrator. Unless both parties to an arbitration proceeding otherwise agree in
5 writing, every individual whose name is submitted by the commission for
6 appointment as an arbitrator must be a resident of this state at the time of
7 submission and every individual who is designated as an arbitration panel
8 chairperson must be a resident of this state at the time of designation.

9 b. The arbitrator shall, within 10 days of his or her appointment, establish a
10 date and place for the conduct of the arbitration hearing. Upon petition of at least
11 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days
12 after the date on which the arbitrator is appointed, the arbitrator shall hold a public
13 hearing in the jurisdiction to provide the opportunity to both parties to explain or
14 present supporting arguments for their positions and to members of the public to
15 offer their comments and suggestions. The final offers of the parties, as transmitted
16 by the commission to the arbitrator, are the basis for continued negotiations, if any,
17 between the parties with respect to the issues in dispute. At any time prior to the
18 arbitration hearing, either party, with the consent of the other party, may modify its
19 final offer in writing.

20 c. Prior to the arbitration hearing, either party may, within a time limit
21 established by the arbitrator, withdraw its final offer and mutually agreed upon
22 modifications, if any, and shall immediately provide written notice of any withdrawal
23 to the other party, the arbitrator, and the commission. If both parties withdraw their
24 final offers and mutually agreed upon modifications, the labor organization, after
25 giving 10 days' written advance notice to the municipal employer and the

BILL

1 commission, may strike. Unless both parties withdraw their final offers and
2 mutually agreed upon modifications, the final offer of neither party is considered
3 withdrawn and the arbitrator shall proceed to resolve the dispute by final and
4 binding arbitration as provided in this paragraph.

5 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or
6 her own motion or at the request of either party, conduct a meeting open to the public
7 to provide the opportunity to both parties to explain or present supporting
8 arguments for their complete offer on all matters to be covered by the proposed
9 agreement. The arbitrator shall adopt without further modification the final offer
10 of one of the parties on all disputed issues submitted under subd. 6. am., except those
11 items that the commission determines not to be mandatory subjects of bargaining
12 and those items that have not been treated as mandatory subjects by the parties, and
13 including any prior modifications of the offer mutually agreed upon by the parties
14 under subd. 6. b., which decision is final and binding on both parties and shall be
15 incorporated into a written collective bargaining agreement. The arbitrator shall
16 serve a copy of his or her decision on both parties and the commission.

17 e. Arbitration proceedings may not be interrupted or terminated by reason of
18 any prohibited practice complaint filed by either party at any time.

19 f. The parties shall equally divide the costs of arbitration. The arbitrator shall
20 submit a statement of his or her costs to both parties and to the commission.

21 g. If a question arises as to whether any proposal made in negotiations by either
22 party is a mandatory, permissive, or prohibited subject of bargaining, the
23 commission shall determine the issue pursuant to par. (b). If either party to the
24 dispute petitions the commission for a declaratory ruling under par. (b), the
25 proceedings under subd. 6. c. and d. may not occur until the commission renders a

BILL

1 decision in the matter and the decision is final. The arbitrator's award shall be made
2 in accordance with the commission's ruling, subject to automatic amendment by any
3 subsequent court reversal.

4 **SECTION 151.** 111.70 (4) (cm) 7. of the statutes is created to read:

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

14 **SECTION 152.** 111.70 (4) (cm) 7g. of the statutes is created to read:

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

21 **SECTION 153.** 111.70 (4) (cm) 7r. of the statutes is created to read:

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

25 a. The lawful authority of the municipal employer.

BILL

1 b. Stipulations of the parties.

2 c. The interests and welfare of the public and the financial ability of the unit
3 of government to meet the costs of any proposed settlement.

4 d. Comparison of wages, hours, and conditions of employment of the municipal
5 employees involved in the arbitration proceedings with the wages, hours, and
6 conditions of employment of other employees performing similar services.

7 e. Comparison of the wages, hours, and conditions of employment of the
8 municipal employees involved in the arbitration proceedings with the wages, hours,
9 and conditions of employment of other employees generally in public employment in
10 the same community and in comparable communities.

11 f. Comparison of the wages, hours, and conditions of employment of the
12 municipal employees involved in the arbitration proceedings with the wages, hours,
13 and conditions of employment of other employees in private employment in the same
14 community and in comparable communities.

15 g. The average consumer prices for goods and services, commonly known as the
16 cost of living.

17 h. The overall compensation presently received by the municipal employees,
18 including direct wage compensation, vacation, holidays and excused time, insurance
19 and pensions, medical and hospitalization benefits, the continuity and stability of
20 employment, and all other benefits received.

21 i. Changes in any of the foregoing circumstances during the pendency of the
22 arbitration proceedings.

23 j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally
24 taken into consideration in the determination of wages, hours, and conditions of
25 employment through voluntary collective bargaining, mediation, fact-finding,

BILL

1 arbitration, or otherwise between the parties, in the public service, or in private
2 employment.

3 **SECTION 154.** 111.70 (4) (cm) 8. of the statutes is created to read:

4 111.70 (4) (cm) 8. 'Rule making.' The commission shall adopt rules for the
5 conduct of all arbitration proceedings under subd. 6., including, but not limited to,
6 rules for:

7 a. The appointment of tripartite arbitration panels when requested by the
8 parties.

9 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
10 and transcripts.

11 c. The removal of individuals who have repeatedly failed to issue timely
12 decisions from the commission's list of qualified arbitrators.

13 d. Proceedings for the enforcement of arbitration decisions.

14 **SECTION 155.** 111.70 (4) (cm) 8m. of the statutes, as affected by 2011 Wisconsin
15 Act 10, is amended to read:

16 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
17 the initial collective bargaining agreement between the parties and except as the
18 parties otherwise agree, every collective bargaining agreement covering general
19 municipal employees subject to this paragraph shall be for a term of ~~one year and~~
20 ~~may not be extended 2 years, but in no case may a collective bargaining agreement~~
21 for any collective bargaining unit consisting of municipal employees subject to this
22 paragraph other than school district employees be for a term exceeding 3 years nor
23 may a collective bargaining agreement for any collective bargaining unit consisting
24 of school district employees subject to this paragraph be for a term exceeding 4 years.
25 No arbitration award may contain a provision for reopening of negotiations during

BILL

1 ~~the term of a~~ collective bargaining agreement ~~covering general municipal employees~~
2 ~~may be reopened for negotiations,~~ unless both parties agree to reopen the collective
3 bargaining agreement. The requirement for agreement by both parties does not
4 apply to a provision for reopening of negotiations with respect to any portion of an
5 agreement that is declared invalid by a court or administrative agency or rendered
6 invalid by the enactment of a law or promulgation of a federal regulation.

7 **SECTION 156.** 111.70 (4) (cm) 9. of the statutes is created to read:

8 111.70 (4) (cm) 9. 'Application.'

9 a. Chapter 788 does not apply to arbitration proceedings under this paragraph.

10 b. This paragraph does not apply to labor disputes involving municipal
11 employees who are engaged in law enforcement or fire fighting functions.

12 **SECTION 157.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011 Wisconsin
13 Act 32, is amended to read:

14 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
15 bargaining unit for the purpose of collective bargaining and shall whenever possible
16 avoid fragmentation by maintaining as few collective bargaining units as practicable
17 in keeping with the size of the total municipal workforce. The commission may
18 decide whether, in a particular case, the municipal employees in the same or several
19 departments, divisions, institutions, crafts, professions, or other occupational
20 groupings constitute a collective bargaining unit. Before making its determination,
21 the commission may provide an opportunity for the municipal employees concerned
22 to determine, by secret ballot, whether they desire to be established as a separate
23 collective bargaining unit. The commission may not decide, however, that any group
24 of municipal employees constitutes an appropriate collective bargaining unit if the
25 group includes both professional employees and nonprofessional employees, unless

BILL

1 a majority of the professional employees vote for inclusion in the unit. The
2 commission may not decide that any group of municipal employees constitutes an
3 appropriate collective bargaining unit if the group includes both school district
4 employees and general municipal employees who are not school district employees.
5 ~~The commission may not decide that any group of municipal employees constitutes~~
6 ~~an appropriate collective bargaining unit if the group includes both public safety~~
7 ~~employees and general municipal employees, if the group include includes both~~
8 ~~transit employees and general municipal employees, or if the group includes both~~
9 ~~transit employees and public safety employees.~~ The commission may not decide that
10 any group of municipal employees constitutes an appropriate collective bargaining
11 unit if the group includes both craft employees and noncraft employees unless a
12 majority of the craft employees vote for inclusion in the unit. The commission shall
13 place the professional employees who are assigned to perform any services at a
14 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
15 from a unit that includes any other professional employees whenever at least 30%
16 of those professional employees request an election to be held to determine that issue
17 and a majority of the professional employees at the charter school who cast votes in
18 the election decide to be represented in a separate collective bargaining unit.

19 **SECTION 158.** 111.70 (4) (d) 3. a. and c. of the statutes, as affected by 2011
20 Wisconsin Act 10, are consolidated, renumbered 111.70 (4) (d) 3. and amended to
21 read:

22 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning
23 representation or appropriate unit, calling for a vote, the commission shall certify the
24 results in writing to the municipal employer and the labor organization involved and
25 to any other interested parties. e. Any ballot used in a representation proceeding

BILL

1 under this subdivision shall include the names of all persons having an interest in
2 representing or the results. The ballot should be so designed as to permit a vote
3 against representation by any candidate named on the ballot. The findings of the
4 commission, on which a certification is based, shall be conclusive unless reviewed as
5 provided by s. 111.07 (8).

6 **SECTION 159.** 111.70 (4) (d) 3. b. of the statutes, as affected by 2011 Wisconsin
7 Act 32, is repealed.

8 **SECTION 160.** 111.70 (4) (L) of the statutes, as affected by 2011 Wisconsin Act
9 10, is amended to read:

10 111.70 (4) (L) *Strikes prohibited.* ~~Nothing~~ Except as authorized under par. (cm)
11 5. and 6. c., nothing contained in this subchapter constitutes a grant of the right to
12 strike by any municipal employee or labor organization, and such strikes are hereby
13 expressly prohibited. Paragraph (cm) does not authorize any strike after an
14 injunction has been issued against such strike under sub. (7m).

15 **SECTION 161.** 111.70 (4) (m) of the statutes is created to read:

16 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*
17 *employers.* In a school district, the municipal employer is prohibited from bargaining
18 collectively with respect to:

19 1. Reassignment of municipal employees who perform services for a board of
20 school directors under ch. 119, with or without regard to seniority, as a result of a
21 decision of the board of school directors to contract with an individual or group to
22 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school
23 to a charter school, or the impact of any such reassignment on the wages, hours, or
24 conditions of employment of the municipal employees who perform those services.

BILL

1 2. Reassignment of municipal employees who perform services for a board of
2 school directors, with or without regard to seniority, as a result of the decision of the
3 board to close or reopen a school under s. 119.18 (23), or the impact of any such
4 reassignment on the wages, hours, or conditions of employment of the municipal
5 employees who perform those services.

6 4. Any decision of a board of school directors to contract with a school or agency
7 to provide educational programs under s. 119.235, or the impact of any such decision
8 on the wages, hours, or conditions of employment of the municipal employees who
9 perform services for the board.

10 6. Solicitation of sealed bids for the provision of group health care benefits for
11 school district employees as provided in s. 120.12 (24).

12 **SECTION 162.** 111.70 (4) (mb) of the statutes, as affected by 2011 Wisconsin Act
13 32, is repealed.

14 **SECTION 163.** 111.70 (4) (mbb) of the statutes, as created by 2011 Wisconsin Act
15 32, is repealed.

16 **SECTION 164.** 111.70 (4) (mc) (intro.) of the statutes, as affected by 2011
17 Wisconsin Act 10, is renumbered 111.70 (4) (mc) and amended to read:

18 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.* The
19 If the municipal employee is a clerk who is not an employee of a city of the first class,
20 the municipal employer is prohibited from bargaining collectively with a collective
21 bargaining unit containing a public safety employee with respect to any of the
22 following: the judge's authority over the supervisory tasks provided in s. 755.10.

23 **SECTION 165.** 111.70 (4) (mc) 5. and 6. of the statutes, as created by 2011
24 Wisconsin Act 32, are repealed.

25 **SECTION 166.** 111.70 (4) (n) and (o) of the statutes are created to read:

BILL

1 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
2 to any subject of bargaining on which the municipal employer is required to bargain
3 under sub. (1) (a), the municipal employer is required to bargain collectively with
4 respect to time spent during the school day, separate from pupil contact time, to
5 prepare lessons, labs, or educational materials, to confer or collaborate with other
6 staff, or to complete administrative duties.

7 (o) *Mandatory subjects of bargaining.* In a school district, in addition to any
8 subject of bargaining on which the municipal employer is required to bargain under
9 sub. (1) (a), the municipal employer is required to bargain collectively with respect
10 to the development of or any changes to a teacher evaluation plan under s. 118.225.

11 **SECTION 167.** 111.70 (4) (p) of the statutes, as affected by 2011 Wisconsin Act
12 32, is amended to read:

13 111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety and~~*
14 *~~transit employees.~~* A municipal employer is not required to bargain with ~~public safety~~
15 ~~employees or transit employees~~ on subjects reserved to management and direction
16 of the governmental unit except insofar as the manner of exercise of such functions
17 affects the wages, hours, and conditions of employment of the ~~public safety~~
18 ~~employees or of the transit~~ municipal employees in a collective bargaining unit.

19 (b) This subsection applies only to municipal employees who are engaged in law
20 enforcement or fire fighting functions.

21 **SECTION 168.** 111.70 (7) of the statutes is created to read:

22 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
23 injunction against such a strike has been issued shall be fined \$10. After the
24 injunction has been issued, any employee who is absent from work because of
25 purported illness shall be presumed to be on strike unless the illness is verified by

BILL**SECTION 168**

1 a written report from a physician to the employer. Each day of continued violation
2 constitutes a separate offense. The court shall order that any fine imposed under this
3 subsection be paid by means of a salary deduction at a rate to be determined by the
4 court.

5 **SECTION 169.** 111.70 (7m) (b) of the statutes is created to read:

6 111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after
7 a labor organization gives advance notice of a strike under sub. (4) (cm) which is
8 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
9 directly affected by the strike may petition the circuit court to enjoin the strike. If
10 the court finds that the strike poses an imminent threat to the public health or safety,
11 the court shall, within 48 hours after the receipt of the petition but after notice to the
12 parties and after holding a hearing, issue an order immediately enjoining the strike,
13 and in addition shall order the parties to submit a new final offer on all disputed
14 issues to the commission for final and binding arbitration as provided in sub. (4) (cm).
15 The commission, upon receipt of the final offers of the parties, shall transmit them
16 to the arbitrator or a successor designated by the commission. The arbitrator shall
17 omit preliminary steps and shall commence immediately to arbitrate the dispute.

18 **SECTION 170.** 111.70 (7m) (c) 1. a. of the statutes, as affected by 2011 Wisconsin
19 Act 32, is amended to read:

20 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety or~~
21 ~~transit employees which~~ violates sub. (4) (L) may not collect any dues under a
22 collective bargaining agreement or under a fair-share agreement from any
23 municipal employee covered by either agreement for a period of one year. At the end
24 of the period of suspension, any such agreement shall be reinstated unless the labor
25 organization is no longer authorized to represent the ~~public safety employees or~~

BILL

1 ~~transit~~ municipal employees covered by the collective bargaining agreement or
2 fair-share agreement or the agreement is no longer in effect.

3 **SECTION 171.** 111.70 (7m) (c) 3. of the statutes is created to read:

4 111.70 (7m) (c) 3. 'Strike in violation of award.' Any person who authorizes or
5 otherwise participates in a strike after the issuance of any final and binding
6 arbitration award or decision under sub. (4) (cm) and prior to the end of the term of
7 the agreement which the award or decision amends or creates shall forfeit not less
8 than \$15. Each day of continued violation constitutes a separate offense.

9 **SECTION 172.** 111.70 (7m) (e) of the statutes is created to read:

10 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
11 award or decision under sub. (4) (cm) in a written collective bargaining agreement
12 or failing to implement the award or decision, unless good cause is shown, shall be
13 liable for attorney fees, interest on delayed monetary benefits, and other costs
14 incurred in any action by the nonoffending party to enforce the award or decision.

15 **SECTION 173.** 111.70 (7m) (f) of the statutes is created to read:

16 111.70 (7m) (f) *Application.* This subsection does not apply to strikes involving
17 municipal employees who are engaged in law enforcement or fire fighting functions.

18 **SECTION 174.** 111.70 (8) (a) of the statutes, as affected by 2011 Wisconsin Act
19 32, is amended to read:

20 111.70 (8) (a) This section, except ~~sub. subs. (1) (nm), (4) (eg) and (cm), and (7m).~~
21 applies to law enforcement supervisors employed by a 1st class city. This section,
22 except ~~sub. subs. (1) (nm), (4) (cm) and (jm), and (7m)~~ applies to law enforcement
23 supervisors employed by a county having a population of 500,000 or more. For
24 purposes of such application, the ~~terms term~~ "municipal employee" ~~and "public~~
25 ~~safety employee"~~ include ~~includes~~ such a supervisor.

BILL

1 **SECTION 175.** 111.71 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 111.71 (2) The commission shall assess and collect a filing fee for filing a
4 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
5 The commission shall assess and collect a filing fee for filing a request that the
6 commission act as an arbitrator to resolve a dispute involving the interpretation or
7 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., ~~(eg) 4.,~~ or
8 (cm) 4. The commission shall assess and collect a filing fee for filing a request that
9 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
10 assess and collect a filing fee for filing a request that the commission act as a
11 mediator under s. 111.70 (4) (c) 1., ~~(eg) 3.,~~ or (cm) 3. The commission shall assess and
12 collect a filing fee for filing a request that the commission initiate compulsory, final
13 and binding arbitration under s. 111.70 (4) ~~(eg) (cm) 6.~~ or (jm) or 111.77 (3). For the
14 performance of commission actions under ss. 111.70 (4) (c) 1., 1m., 2., and 3., ~~(eg) 3.,~~
15 ~~4., and 6.,~~ (cm) 3. ~~and 4., and 6.,~~ and (jm) and 111.77 (3), the commission shall require
16 that the parties to the dispute equally share in the payment of the fee and, for the
17 performance of commission actions involving a complaint alleging that a prohibited
18 practice has been committed under s. 111.70 (3), the commission shall require that
19 the party filing the complaint pay the entire fee. If any party has paid a filing fee
20 requesting the commission to act as a mediator for a labor dispute and the parties
21 do not enter into a voluntary settlement of the dispute, the commission may not
22 subsequently assess or collect a filing fee to initiate fact-finding or arbitration to
23 resolve the same labor dispute. If any request for the performance of commission
24 actions concerns issues arising as a result of more than one unrelated event or
25 occurrence, each such separate event or occurrence shall be treated as a separate

BILL

1 request. The commission shall promulgate rules establishing a schedule of filing fees
2 to be paid under this subsection. Fees required to be paid under this subsection shall
3 be paid at the time of filing the complaint or the request for fact-finding, mediation
4 or arbitration. A complaint or request for fact-finding, mediation or arbitration is
5 not filed until the date such fee or fees are paid, except that the failure of the
6 respondent party to pay the filing fee for having the commission initiate compulsory,
7 final and binding arbitration under s. 111.70 (4) ~~(eg)~~ (cm) 6. or (jm) or 111.77 (3) may
8 not prohibit the commission from initiating such arbitration. The commission may
9 initiate collection proceedings against the respondent party for the payment of the
10 filing fee. Fees collected under this subsection shall be credited to the appropriation
11 account under s. 20.425 (1) (i).

12 **SECTION 176.** 111.71 (4) of the statutes is created to read:

13 111.71 (4) The commission shall collect on a systematic basis information on
14 the operation of the arbitration law under s. 111.70 (4) (cm). The commission shall
15 report on the operation of the law to the legislature on an annual basis. The report
16 shall be submitted to the chief clerk of each house of the legislature for distribution
17 to the legislature under s. 13.172 (2).

18 **SECTION 177.** 111.71 (4m) of the statutes, as created by 2011 Wisconsin Act 32,
19 is repealed.

20 **SECTION 178.** 111.71 (5) of the statutes is created to read:

21 111.71 (5) The commission shall, on a regular basis, provide training programs
22 to prepare individuals for service as arbitrators or arbitration panel members under
23 s. 111.70 (4) (cm). The commission shall engage in appropriate promotional and
24 recruitment efforts to encourage participation in the training programs by
25 individuals throughout the state, including at least 10 residents of each

BILL

1 congressional district. The commission may also provide training programs to
2 individuals and organizations on other aspects of collective bargaining, including on
3 areas of management and labor cooperation directly or indirectly affecting collective
4 bargaining. The commission may charge a reasonable fee for participation in the
5 programs.

6 **SECTION 179.** 111.71 (5m) of the statutes, as created by 2011 Wisconsin Act 32,
7 is repealed.

8 **SECTION 180.** 111.77 (intro.) of the statutes, as affected by 2011 Wisconsin Act
9 10, is amended to read:

10 **111.77 Settlement of disputes in collective bargaining units composed**
11 **of law enforcement personnel and fire fighters.** (intro.) Municipal In fire
12 departments and city and county law enforcement agencies municipal employers
13 and ~~public safety~~ employees, as provided in sub. (8), have the duty to bargain
14 collectively in good faith including the duty to refrain from strikes or lockouts and
15 to comply with the following:

16 **SECTION 181.** 111.77 (8) (a) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 111.77 **(8)** (a) This section applies to ~~public safety employees who are law~~
19 enforcement supervisors employed by a county having a population of 500,000 or
20 more. For purposes of such application, the term “municipal employee” includes
21 such a supervisor.

22 **SECTION 182.** 111.77 (9) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 111.77 **(9)** Section 111.70 (4) (c) 3., ~~(eg)~~, and (cm) does not apply to employments
25 covered by this section.

BILL

1 **SECTION 183.** 111.80 of the statutes is created to read:

2 **111.80 Declaration of policy.** The public policy of the state as to labor
3 relations and collective bargaining in state employment, in the furtherance of which
4 this subchapter is enacted, is as follows:

5 **(1)** It recognizes that there are 3 major interests involved: that of the public,
6 that of the employee, and that of the employer. These 3 interests are to a considerable
7 extent interrelated. It is the policy of this state to protect and promote each of these
8 interests with due regard to the situation and to the rights of the others.

9 **(2)** Orderly and constructive employment relations for employees and the
10 efficient administration of state government are promotive of all these interests.
11 They are largely dependent upon the maintenance of fair, friendly, and mutually
12 satisfactory employee management relations in state employment, and the
13 availability of suitable machinery for fair and peaceful adjustment of whatever
14 controversies may arise. It is recognized that whatever may be the rights of
15 disputants with respect to each other in any controversy regarding state
16 employment relations, neither party has any right to engage in acts or practices that
17 jeopardize the public safety and interest and interfere with the effective conduct of
18 public business.

19 **(3)** Where permitted under this subchapter, negotiations of terms and
20 conditions of state employment should result from voluntary agreement between the
21 state and its agents as employer, and its employees. For that purpose an employee
22 may, if the employee desires, associate with others in organizing and in bargaining
23 collectively through representatives of the employee's own choosing without
24 intimidations or coercion from any source.

BILL

1 **(4)** It is the policy of this state, in order to preserve and promote the interests
2 of the public, the employee, and the employer alike, to encourage the practices and
3 procedures of collective bargaining in state employment subject to the requirements
4 of the public service and related laws, rules, and policies governing state
5 employment, by establishing standards of fair conduct in state employment
6 relations, and by providing a convenient, expeditious, and impartial tribunal in
7 which these interests may have their respective rights determined.

8 **SECTION 184.** 111.81 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
9 is amended to read:

10 111.81 **(1)** “Collective bargaining” means the performance of the mutual
11 obligation of the state as an employer, by its officers and agents, and the
12 representatives of its employees, to meet and confer at reasonable times, in good
13 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
14 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~
15 ~~with respect to general employees,~~ with the intention of reaching an agreement, or
16 to resolve questions arising under such an agreement. The duty to bargain, however,
17 does not compel either party to agree to a proposal or require the making of a
18 concession. Collective bargaining includes the reduction of any agreement reached
19 to a written and signed document.

20 **SECTION 185.** 111.81 (3h) of the statutes is created to read:

21 111.81 **(3h)** “Consumer” has the meaning given in s. 46.2898 (1) (cm).

22 **SECTION 186.** 111.81 (3n) of the statutes, as created by 2011 Wisconsin Act 10,
23 is repealed.

24 **SECTION 187.** 111.81 (7) (g) of the statutes is created to read:

BILL

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

4 **SECTION 188.** 111.81 (9) of the statutes, as affected by 2011 Wisconsin Act 10,
5 is amended to read:

6 111.81 (9) "Fair-share agreement" means an agreement between the employer
7 and a labor organization representing ~~public safety~~ employees or supervisors
8 specified in s. 111.825 (5) under which all of the ~~public safety~~ employees or
9 supervisors in a collective bargaining unit are required to pay their proportionate
10 share of the cost of the collective bargaining process and contract administration
11 measured by the amount of dues uniformly required of all members.

12 **SECTION 189.** 111.81 (9g) of the statutes, as created by 2011 Wisconsin Act 10,
13 is repealed.

14 **SECTION 190.** 111.81 (9k) of the statutes is created to read:

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

17 **SECTION 191.** 111.81 (12) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act 10, is amended to read:

19 111.81 (12) (intro.) "Labor organization" means any employee organization
20 whose purpose is to represent employees in collective bargaining with the employer,
21 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~
22 ~~or (3), whichever is applicable~~ pertaining to terms and conditions of employment; but
23 the term shall not include any organization:

24 **SECTION 192.** 111.81 (12m) of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

BILL**SECTION 192**

1 111.81 (12m) "Maintenance of membership agreement" means an agreement
2 between the employer and a labor organization representing ~~public safety~~ employees
3 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~
4 employees or supervisors whose dues are being deducted from earnings under s.
5 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
6 have dues deducted for the duration of the agreement, and that dues shall be
7 deducted from the earnings of all ~~public safety~~ employees or supervisors who are
8 hired on or after the effective date of the agreement.

9 **SECTION 193.** 111.81 (15r) of the statutes, as created by 2011 Wisconsin Act 10,
10 is repealed.

11 **SECTION 194.** 111.81 (16) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 111.81 (16) "Referendum" means a proceeding conducted by the commission in
14 which ~~public safety~~ employees, or supervisors specified in s. 111.825 (5), 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 195.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 111.815 (1) In the furtherance of this subchapter, the state shall be considered
21 as a single employer and employment relations policies and practices throughout the
22 state service shall be as consistent as practicable. The office shall negotiate and
23 administer collective bargaining agreements except that the department of health
24 services, subject to the approval of the federal centers for medicare and medicaid
25 services to use collective bargaining as the method of setting rates for

BILL

1 reimbursement of home care providers, shall negotiate and administer collective
2 bargaining agreements entered into with the collective bargaining unit specified in
3 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
4 the office, or the department of health services with regard to collective bargaining
5 agreements entered into with the collective bargaining unit specified in s. 111.825
6 (2g), shall maintain close liaison with the legislature relative to the negotiation of
7 agreements and the fiscal ramifications of those agreements. Except with respect
8 to the collective bargaining ~~unit~~ units specified in s. 111.825 (2) (f) and (2g), the office
9 is responsible for the employer functions of the executive branch under this
10 subchapter, and shall coordinate its collective bargaining activities with operating
11 state agencies on matters of agency concern. The legislative branch shall act upon
12 those portions of tentative agreements negotiated by the office that require
13 legislative action. With respect to the collective bargaining unit specified in s.
14 111.825 (2) (f), the governing board of the charter school established by contract
15 under s. 118.40 (2r) (cm) is responsible for the employer functions under this
16 subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g),
17 the department of health services is responsible for the employer functions of the
18 executive branch under this subchapter.

19 **SECTION 196.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Acts 32
20 and (this act), is repealed and recreated to read:

21 111.815 (1) In the furtherance of this subchapter, the state shall be considered
22 as a single employer and employment relations policies and practices throughout the
23 state service shall be as consistent as practicable. The office shall negotiate and
24 administer collective bargaining agreements except that the department of health
25 services, subject to the approval of the federal centers for medicare and medicaid

BILL

1 services to use collective bargaining as the method of setting rates for
2 reimbursement of home care providers, shall negotiate and administer collective
3 bargaining agreements entered into with the collective bargaining unit specified in
4 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
5 the office, or the department of health services with regard to collective bargaining
6 agreements entered into with the collective bargaining unit specified in s. 111.825
7 (2g), shall maintain close liaison with the legislature relative to the negotiation of
8 agreements and the fiscal ramifications of those agreements. Except with respect
9 to the collective bargaining units specified in s. 111.825 (1r), (1t), and (2g), the office
10 is responsible for the employer functions of the executive branch under this
11 subchapter, and shall coordinate its collective bargaining activities with operating
12 state agencies on matters of agency concern. The legislative branch shall act upon
13 those portions of tentative agreements negotiated by the office that require
14 legislative action. With respect to the collective bargaining units specified in s.
15 111.825 (1r), the Board of Regents of the University of Wisconsin System is
16 responsible for the employer functions under this subchapter. With respect to the
17 collective bargaining units specified in s. 111.825 (1t), the chancellor of the
18 University of Wisconsin–Madison is responsible for the employer functions under
19 this subchapter. With respect to the collective bargaining unit specified in s. 111.825
20 (1r) (ef), the governing board of the charter school established by contract under s.
21 118.40 (2r) (cm) is responsible for the employer functions under this subchapter.
22 With respect to the collective bargaining unit specified in s. 111.825 (2g), the
23 department of health services is responsible for the employer functions of the
24 executive branch under this subchapter.

BILL

1 **SECTION 197.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 111.815 (2) ~~The In the furtherance of the policy under s. 111.80 (4), the director~~
4 of the office shall, together with the appointing authorities or their representatives,
5 represent the state in its responsibility as an employer under this subchapter except
6 with respect to negotiations in the collective bargaining ~~unit~~ units specified in s.
7 111.825 (2) (f) and (2g). The director of the office shall establish and maintain,
8 wherever practicable, consistent employment relations policies and practices
9 throughout the state service.

10 **SECTION 198.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Acts 32
11 and (this act), is repealed and recreated to read:

12 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
13 the office shall, together with the appointing authorities or their representatives,
14 represent the state in its responsibility as an employer under this subchapter except
15 with respect to negotiations in the collective bargaining units specified in s. 111.825
16 (1r), (1t), and (2g). The director of the office shall establish and maintain, wherever
17 practicable, consistent employment relations policies and practices throughout the
18 state service.

19 **SECTION 199.** 111.82 of the statutes, as affected by 2011 Wisconsin Act 10, is
20 amended to read:

21 **111.82 Rights of employees.** Employees have the right of self-organization
22 and the right to form, join, or assist labor organizations, to bargain collectively
23 through representatives of their own choosing under this subchapter, and to engage
24 in lawful, concerted activities for the purpose of collective bargaining or other mutual
25 aid or protection. Employees also have the right to refrain from any or all of such

BILL

1 activities. ~~A general employee has the right to refrain from paying dues while~~
2 ~~remaining a member of a collective bargaining unit.~~

3 **SECTION 200.** 111.825 (1) (g) of the statutes, as created by 2011 Wisconsin Act
4 10, is repealed.

5 **SECTION 201.** 111.825 (2g) of the statutes is created to read:

6 111.825 (2g) A collective bargaining unit for employees who are home care
7 providers shall be structured as a single statewide collective bargaining unit.

8 **SECTION 202.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
9 is amended to read:

10 111.825 (3) The commission shall assign employees to the appropriate
11 collective bargaining units set forth in subs. (1) ~~and~~, (2), and (2g).

12 **SECTION 203.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Acts 32
13 and (this act), is repealed and recreated to read:

14 111.825 (3) The commission shall assign employees to the appropriate
15 collective bargaining units set forth in subs. (1), (1r), (1t), (2), and (2g).

16 **SECTION 204.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
17 is amended to read:

18 111.825 (4) Any labor organization may petition for recognition as the exclusive
19 representative of a collective bargaining unit specified in sub. (1) ~~or~~, (2), or (2g) in
20 accordance with the election procedures set forth in s. 111.83, provided the petition
21 is accompanied by a 30% showing of interest in the form of signed authorization
22 cards. Each additional labor organization seeking to appear on the ballot shall file
23 petitions within 60 days of the date of filing of the original petition and prove,
24 through signed authorization cards, that at least 10% of the employees in the
25 collective bargaining unit want it to be their representative.

BILL

1 **SECTION 205.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Acts 32
2 and (this act), is repealed and recreated to read:

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

11 **SECTION 206.** 111.825 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 111.825 (5) Although supervisors are not considered employees for purposes
14 of this subchapter, the commission may consider a petition for a statewide collective
15 bargaining unit of professional supervisors or a statewide unit of nonprofessional
16 supervisors in the classified service, but the representative of supervisors may not
17 be affiliated with any labor organization representing employees. For purposes of
18 this subsection, affiliation does not include membership in a national, state, county
19 or municipal federation of national or international labor organizations. The
20 certified representative of supervisors ~~who are not public safety employees~~ may not
21 bargain collectively with respect to any matter other than wages and fringe benefits
22 as provided in s. ~~111.91 (3), and the certified representative of supervisors who are~~
23 ~~public safety employees may not bargain collectively with respect to any matter other~~
24 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

BILL

1 **SECTION 207.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
2 10, is renumbered 111.825 (6).

3 **SECTION 208.** 111.825 (6) (b) of the statutes, as created by 2011 Wisconsin Act
4 10, is repealed.

5 **SECTION 209.** 111.83 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

7 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
8 chosen for the purposes of collective bargaining by a majority of the employees voting
9 in a collective bargaining unit shall be the exclusive representative of all of the
10 employees in such unit for the purposes of collective bargaining. Any individual
11 employee, or any minority group of employees in any collective bargaining unit, may
12 present grievances to the employer in person, or through representatives of their own
13 choosing, and the employer shall confer with said employee or group of employees in
14 relation thereto if the majority representative has been afforded the opportunity to
15 be present at the conference. Any adjustment resulting from such a conference may
16 not be inconsistent with the conditions of employment established by the majority
17 representative and the employer.

18 **SECTION 210.** 111.83 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
19 10, is renumbered 111.83 (3).

20 **SECTION 211.** 111.83 (3) (b) of the statutes, as affected by 2011 Wisconsin Act
21 32, is repealed.

22 **SECTION 212.** 111.83 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
23 is amended to read:

24 111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which
25 the name of more than one proposed representative appears on the ballot and results

BILL

1 in no conclusion, the commission may, if requested by any party to the proceeding
2 within 30 days from the date of the certification of the results of the election, conduct
3 a runoff election. In that runoff election, the commission shall drop from the ballot
4 the name of the representative who received the least number of votes at the original
5 election. The commission shall drop from the ballot the privilege of voting against
6 any representative if the least number of votes cast at the first election was against
7 representation by any named representative.

8 **SECTION 213.** 111.83 (5m) of the statutes is created to read:

9 111.83 (5m) (a) This subsection applies only to a collective bargaining unit
10 specified in s. 111.825 (2g).

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

14 a. The labor organization demonstrates a showing of interest of at least 3
15 percent of home care providers included in the collective bargaining unit under s.
16 111.825 (2g) to be represented by that labor organization.

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

19 c. The labor organization was a certified representative of any home care
20 providers in this state prior to July 1, 2009.

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

24 (b) Upon the filing of a petition with the commission indicating a showing of
25 interest of at least 30 percent of the home care providers included in the collective

BILL**SECTION 213**

1 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
2 change the existing representative, the commission shall hold an election in which
3 the home care providers may vote on the question of representation. The labor
4 organization named in the petition shall be included on the ballot. Within 60 days
5 of the time that the petition is filed, another petition may be filed with the
6 commission indicating a showing of interest of at least 10 percent of the home care
7 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
8 be represented by another labor organization, in which case the name of that labor
9 organization shall also be included on the ballot.

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

16 **SECTION 214.** 111.84 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
19 create, dominate or interfere with the formation or administration of any labor or
20 employee organization or contribute financial support to it. Except as provided in
21 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
22 retirement system under ch. 40 and no action by the employer that is authorized by
23 such a law constitutes a violation of this paragraph unless an applicable collective
24 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
25 specifically prohibits the change or action. No such change or action affects the

BILL

1 continuing duty to bargain collectively ~~with a collective bargaining unit under s.~~
2 ~~111.825 (1) (g)~~ regarding the Wisconsin retirement system under ch. 40 to the extent
3 required by s. 111.91 ~~(1)~~. It is not an unfair labor practice for the employer to
4 reimburse an employee at his or her prevailing wage rate for the time spent during
5 the employee's regularly scheduled hours conferring with the employer's officers or
6 agents and for attendance at commission or court hearings necessary for the
7 administration of this subchapter. Professional supervisory or craft personnel may
8 maintain membership in professional or craft organizations; however, as members
9 of such organizations they shall be prohibited from those activities related to
10 collective bargaining in which the organizations may engage.

11 **SECTION 215.** 111.84 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 111.84 **(1)** (d) To refuse to bargain collectively on matters set forth in s. 111.91
14 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its
15 employees in an appropriate collective bargaining unit. Where the employer has a
16 good faith doubt as to whether a labor organization claiming the support of a majority
17 of its employees in appropriate collective bargaining unit does in fact have that
18 support, it may file with the commission a petition requesting an election as to that
19 claim. It is not deemed to have refused to bargain until an election has been held and
20 the results thereof certified to it by the commission. A violation of this paragraph
21 includes, but is not limited to, the refusal to execute a collective bargaining
22 agreement previously orally agreed upon.

23 **SECTION 216.** 111.84 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

BILL**SECTION 216**

1 111.84 (1) (f) To deduct labor organization dues from ~~the~~ an employee's
2 earnings ~~of a public safety employee~~, unless the employer has been presented with
3 an individual order therefor, signed by the ~~public safety~~ employee personally, and
4 terminable by at least the end of any year of its life or earlier by the ~~public safety~~
5 employee giving at least 30 but not more than 120 days' written notice of such
6 termination to the employer and to the representative labor organization, except if
7 there is a fair-share or maintenance of membership agreement in effect. The
8 employer shall give notice to the labor organization of receipt of such notice of
9 termination.

10 **SECTION 217.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
13 (1) ~~or (3), whichever is appropriate~~, with the duly authorized officer or agent of the
14 employer which is the recognized or certified exclusive collective bargaining
15 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
16 bargaining unit or with the certified exclusive collective bargaining representative
17 of employees specified in s. 111.81 (7) (b) to ~~(f)~~ (g) in an appropriate collective
18 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
19 refusal to execute a collective bargaining agreement previously orally agreed upon.

20 **SECTION 218.** 111.84 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
23 on behalf of or in the interest of employers or employees, or in connection with or to
24 influence the outcome of any controversy as to employment relations, any act
25 prohibited by ~~sub.~~ subs. (1) ~~or~~ and (2).