

BILL

1 **SECTION 219.** 111.845 of the statutes, as created by 2011 Wisconsin Act 10, is
2 repealed.

3 **SECTION 220.** 111.85 (1), (2) and (4) of the statutes, as affected by 2011
4 Wisconsin Act 10, are amended to read:

5 111.85 **(1)** (a) No fair-share or maintenance of membership agreement
6 ~~covering public safety employees~~ may become effective unless authorized by a
7 referendum. The commission shall order a referendum whenever it receives a
8 petition supported by proof that at least 30% of the ~~public safety employees or~~
9 supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a
10 fair-share or maintenance of membership agreement be entered into between the
11 employer and a labor organization. A petition may specify that a referendum is
12 requested on a maintenance of membership agreement only, in which case the ballot
13 shall be limited to that question.

14 (b) For a fair-share agreement to be authorized, at least two-thirds of the
15 eligible ~~public safety employees or supervisors~~ voting in a referendum shall vote in
16 favor of the agreement. For a maintenance of membership agreement to be
17 authorized, at least a majority of the eligible ~~public safety employees or supervisors~~
18 voting in a referendum shall vote in favor of the agreement. In a referendum on a
19 fair-share agreement, if less than two-thirds but more than one-half of the eligible
20 ~~public safety employees or supervisors~~ vote in favor of the agreement, a maintenance
21 of membership agreement is authorized.

22 (c) If a fair-share or maintenance of membership agreement is authorized in
23 a referendum, the employer shall enter into such an agreement with the labor
24 organization named on the ballot in the referendum. Each fair-share or
25 maintenance of membership agreement shall contain a provision requiring the

BILL

1 employer to deduct the amount of dues as certified by the labor organization from the
2 earnings of the ~~public safety employees~~ or supervisors affected by the agreement and
3 to pay the amount so deducted to the labor organization. Unless the parties agree
4 to an earlier date, the agreement shall take effect 60 days after certification by the
5 commission that the referendum vote authorized the agreement. The employer shall
6 be held harmless against any claims, demands, suits and other forms of liability
7 made by ~~public safety employees~~ or supervisors or local labor organizations which
8 may arise for actions taken by the employer in compliance with this section. All such
9 lawful claims, demands, suits and other forms of liability are the responsibility of the
10 labor organization entering into the agreement.

11 (d) Under each fair-share or maintenance of membership agreement, ~~a public~~
12 ~~safety~~ an employee or supervisor who has religious convictions against dues
13 payments to a labor organization based on teachings or tenets of a church or religious
14 body of which he or she is a member shall, on request to the labor organization, have
15 his or her dues paid to a charity mutually agreed upon by the ~~public safety~~ employee
16 or supervisor and the labor organization. Any dispute concerning this paragraph
17 may be submitted to the commission for adjudication.

18 (2) (a) Once authorized, a fair-share or maintenance of membership
19 agreement ~~covering public safety employees~~ shall continue in effect, subject to the
20 right of the employer or labor organization concerned to petition the commission to
21 conduct a new referendum. Such petition must be supported by proof that at least
22 30% of the ~~public safety employees~~ or supervisors in the collective bargaining unit
23 desire that the fair-share or maintenance of membership agreement be
24 discontinued. Upon so finding, the commission shall conduct a new referendum. If
25 the continuance of the fair-share or maintenance of membership agreement is

BILL

1 approved in the referendum by at least the percentage of eligible voting ~~public safety~~
2 employees or supervisors required for its initial authorization, it shall be continued
3 in effect, subject to the right of the employer or labor organization to later initiate a
4 further vote following the procedure prescribed in this subsection. If the
5 continuation of the agreement is not supported in any referendum, it is deemed
6 terminated at the termination of the collective bargaining agreement, or one year
7 from the date of the certification of the result of the referendum, whichever is earlier.

8 (b) The commission shall declare any fair-share or maintenance of
9 membership agreement suspended upon such conditions and for such time as the
10 commission decides whenever it finds that the labor organization involved has
11 refused on the basis of race, color, sexual orientation or creed to receive as a member
12 any ~~public safety employee or supervisor~~ in the collective bargaining unit involved,
13 and the agreement shall be made subject to the findings and orders of the
14 commission. Any of the parties to the agreement, or any ~~public safety employee or~~
15 supervisor covered thereby, may come before the commission, as provided in s.
16 111.07, and petition the commission to make such a finding.

17 (4) The commission may, under rules adopted for that purpose, appoint as its
18 agent an official of a state agency whose ~~public safety~~ employees are entitled to vote
19 in a referendum to conduct a referendum provided for herein.

20 **SECTION 221.** 111.90 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 111.90 (2) ~~Manage~~ Subject to s. 111.91 (1) (am), manage the employees of a state
23 agency; hire, promote, transfer, assign or retain employees in positions within the
24 agency; and in that regard establish reasonable work rules.

25 **SECTION 222.** 111.905 of the statutes is created to read:

BILL

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

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

6 **SECTION 223.** 111.91 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
7 10, is amended to read:

8 111.91 (1) (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~
9 ~~bargaining unit under s. 111.825 (1) (g) (e)~~, matters subject to collective bargaining
10 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
11 reassignment of classifications to pay ranges, determination of an incumbent's pay
12 status resulting from position reallocation or reclassification, and pay adjustments
13 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher
14 classification or downward reallocations of a classified ~~public safety~~ employee's
15 position; fringe benefits consistent with sub. (2); hours and conditions of
16 employment.

17 **SECTION 224.** 111.91 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
18 10, is amended to read:

19 111.91 (1) (b) The employer is not required to bargain ~~with a collective~~
20 ~~bargaining unit under s. 111.825 (1) (g)~~ on management rights under s. 111.90, except
21 that procedures for the adjustment or settlement of grievances or disputes arising
22 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of
23 bargaining.

24 **SECTION 225.** 111.91 (1) (c) of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

BILL

1 111.91 (1) (c) The employer is prohibited from bargaining with a collective
2 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

3 **SECTION 226.** 111.91 (1) (cg) of the statutes is created to read:

4 111.91 (1) (cg) The representative of home care providers in the collective
5 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with
6 respect to any matter other than wages and fringe benefits.

7 **SECTION 227.** 111.91 (1) (cm) of the statutes, as affected by 2011 Wisconsin Act
8 32, is amended to read:

9 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)
10 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
11 and all actions of the employer that are authorized under any such law which apply
12 to nonrepresented individuals employed by the state shall apply to similarly situated
13 public safety employees, unless otherwise specifically provided in a collective
14 bargaining agreement that applies to the public safety employees.

15 **SECTION 228.** 111.91 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
16 10, is amended to read:

17 111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~
18 ~~demands~~ Demands relating to retirement and group insurance shall be submitted
19 to the employer at least one year prior to commencement of negotiations.

20 **SECTION 229.** 111.91 (1) (e) of the statutes is created to read:

21 111.91 (1) (e) The employer shall not be required to bargain on matters related
22 to employee occupancy of houses or other lodging provided by the state.

23 **SECTION 230.** 111.91 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
24 Act 10, is amended to read:

BILL

1 111.91 (2) (intro.) The employer is prohibited from bargaining with a collective
2 ~~bargaining unit under s. 111.825 (1) (g)~~ with respect to all of the following:

3 **SECTION 231.** 111.91 (2) (fm) of the statutes, as created by 2011 Wisconsin Act
4 32, is repealed.

5 **SECTION 232.** 111.91 (2) (gu) of the statutes, as affected by 2011 Wisconsin Act
6 10, is amended to read:

7 111.91 (2) (gu) The right of ~~a public safety employee, who is~~ an employee, as
8 defined in s. 103.88 (1) (d), ~~and~~ who is a fire fighter, emergency medical technician,
9 first responder, or ambulance driver for a volunteer fire department or fire company,
10 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
11 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

12 **SECTION 233.** 111.91 (2c) of the statutes is created to read:

13 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
14 is prohibited from bargaining with a collective bargaining unit formed under s.
15 111.825 (2g) on any of the following:

16 (a) Policies.

17 (b) Work rules.

18 (c) Hours of employment.

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

20 **SECTION 234.** 111.91 (3) of the statutes, as affected by 2011 Wisconsin Acts 10,
21 and 32 is repealed.

22 **SECTION 235.** 111.91 (3q) of the statutes, as created by 2011 Wisconsin Act 10,
23 is repealed.

24 **SECTION 236.** 111.92 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

BILL

1 111.92 (1) (a) Any tentative agreement reached between the office, or, as
2 provided in s. 111.815 (1), the department of health services, acting for the state, and
3 any labor organization representing a collective bargaining unit specified in s.
4 111.825 (1) ~~or~~, (2) (a) to (e), or (2g) shall, after official ratification by the labor
5 organization, be submitted by the office or department of health services to the joint
6 committee on employment relations, which shall hold a public hearing before
7 determining its approval or disapproval. If the committee approves the tentative
8 agreement, it shall introduce in a bill or companion bills, to be put on the calendar
9 or referred to the appropriate scheduling committee of each house, that portion of the
10 tentative agreement which requires legislative action for implementation, such as
11 salary and wage adjustments, changes in fringe benefits, and any proposed
12 amendments, deletions or additions to existing law. Such bill or companion bills are
13 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,
14 however, submit suitable portions of the tentative agreement to appropriate
15 legislative committees for advisory recommendations on the proposed terms. The
16 committee shall accompany the introduction of such proposed legislation with a
17 message that informs the legislature of the committee's concurrence with the
18 matters under consideration and which recommends the passage of such legislation
19 without change. If the joint committee on employment relations does not approve
20 the tentative agreement, it shall be returned to the parties for renegotiation. If the
21 legislature does not adopt without change that portion of the tentative agreement
22 introduced by the joint committee on employment relations, the tentative agreement
23 shall be returned to the parties for renegotiation.

24 **SECTION 237.** 111.92 (2m) of the statutes is created to read:

BILL

1 111.92 **(2m)** A collective bargaining agreement entered into by a collective
2 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

3 **SECTION 238.** 111.92 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
4 10, is renumbered 111.92 (3) and amended to read:

5 111.92 **(3)** Agreements ~~covering a collective bargaining unit specified under s.~~
6 ~~111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.

7 **SECTION 239.** 111.92 (3) (b) of the statutes, as created by 2011 Wisconsin Act
8 10, is repealed.

9 **SECTION 240.** 111.93 (3) (intro.) and (a) of the statutes, as affected by 2011
10 Wisconsin Act 10, are consolidated, renumbered 111.93 (3) and amended to read:

11 111.93 **(3)** Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
12 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply: (a) If if a~~
13 collective bargaining agreement exists between the employer and a labor
14 organization representing employees in a collective bargaining unit ~~under s. 111.825~~
15 ~~(1) (g)~~, the provisions of that agreement shall supersede the provisions of civil service
16 and other applicable statutes, as well as rules and policies of the board of regents of
17 the University of Wisconsin System, related to wages, fringe benefits, hours, and
18 conditions of employment whether or not the matters contained in those statutes,
19 rules, and policies are set forth in the collective bargaining agreement.

20 **SECTION 241.** 111.93 (3) (b) of the statutes, as created by 2011 Wisconsin Act
21 10, is repealed.

22 **SECTION 242.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
23 created to read:

CHAPTER 111**SUBCHAPTER VI**

BILL1 UNIVERSITY OF WISCONSIN SYSTEM
2 FACULTY AND ACADEMIC STAFF
3 LABOR RELATIONS

4 **111.95 Declaration of policy.** The public policy of the state as to labor
5 relations and collective bargaining involving faculty and academic staff at the
6 University of Wisconsin System, in furtherance of which this subchapter is enacted,
7 is as follows:

8 (1) The people of the state of Wisconsin have a fundamental interest in
9 developing harmonious and cooperative labor relations within the University of
10 Wisconsin System.

11 (2) It recognizes that there are 3 major interests involved: that of the public,
12 that of the employee, and that of the employer. These 3 interests are to a considerable
13 extent interrelated. It is the policy of this state to protect and promote each of these
14 interests with due regard to the rights of the others.

15 **111.96 Definitions.** In this subchapter:

16 (1) "Academic staff" means academic staff under s. 36.15, but does not include
17 any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is
18 appointed to a visiting faculty position.

19 (2) "Board" means the Board of Regents of the University of Wisconsin System.

20 (3) "Collective bargaining" means the performance of the mutual obligation of
21 the state as an employer, by its officers and agents, and the representatives of its
22 employees, to meet and confer at reasonable times, in good faith, with respect to the
23 subjects of bargaining provided in s. 111.998 with the intention of reaching an
24 agreement, or to resolve questions arising under such an agreement. The duty to
25 bargain, however, does not compel either party to agree to a proposal or require the

BILL

1 making of a concession. Collective bargaining includes the reduction of any
2 agreement reached to a written and signed document.

3 (4) “Collective bargaining unit” means a unit established under s. 111.98 (1).

4 (5) “Commission” means the employment relations commission.

5 (6) “Election” means a proceeding conducted by the commission in which the
6 employees in a collective bargaining unit cast a secret ballot for collective bargaining
7 representatives, or for any other purpose specified in this subchapter.

8 (7) “Employee” includes:

9 (a) All faculty, including specifically faculty who are supervisors or
10 management employees, but not including faculty holding a limited appointment
11 under s. 36.17 or deans.

12 (b) All academic staff, except for supervisors, management employees, and
13 individuals who are privy to confidential matters affecting the employer–employee
14 relationship.

15 (8) “Employer” means the state of Wisconsin.

16 (9) “Faculty” means faculty under s. 36.13, except for an individual holding an
17 appointment under s. 36.15.

18 (10) “Fair–share agreement” means an agreement between the employer and
19 a labor organization representing employees under which all of the employees in a
20 collective bargaining unit are required to pay their proportionate share of the cost
21 of the collective bargaining process and contract administration measured by the
22 amount of dues uniformly required of all members.

23 (11) “Institution” has the meaning given in s. 36.05 (9).

24 (12) “Labor dispute” means any controversy with respect to the subjects of
25 bargaining provided in this subchapter.

BILL

1 **(13)** “Labor organization” means any employee organization whose purpose is
2 to represent employees in collective bargaining with the employer, or its agents, on
3 matters pertaining to terms and conditions of employment, but does not include any
4 organization that does any of the following:

5 (a) Advocates the overthrow of the constitutional form of government in the
6 United States.

7 (b) Discriminates with regard to the terms or conditions of membership
8 because of race, color, creed, sex, age, sexual orientation, or national origin.

9 **(14)** “Maintenance of membership agreement” means an agreement between
10 the employer and a labor organization representing employees that requires that all
11 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
12 or 111.992 at or after the time the agreement takes effect shall continue to have dues
13 deducted for the duration of the agreement and that dues shall be deducted from the
14 earnings of all employees who are hired on or after the effective date of the
15 agreement.

16 **(15)** “Management employees” includes those personnel engaged
17 predominately in executive and managerial functions.

18 **(16)** “Office” means the office of state employment relations in the department
19 of administration.

20 **(17)** “Referendum” means a proceeding conducted by the commission in which
21 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
22 may cast a secret ballot on the question of directing the labor organization and the
23 employer to enter into a fair-share agreement or to terminate a fair-share
24 agreement.

BILL

1 (18) “Representative” includes any person chosen by an employee to represent
2 the employee.

3 (19) “Strike” includes any strike or other concerted stoppage of work by
4 employees, any concerted slowdown or other concerted interruption of operations or
5 services by employees, or any concerted refusal to work or perform their usual duties
6 as employees of the state.

7 (20) “Supervisor” means any individual whose principal work is different from
8 that of the individual’s subordinates and who has authority, in the interest of the
9 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
10 reward, or discipline employees, or to adjust their grievances, or to authoritatively
11 recommend such action, if the individual’s exercise of such authority is not of a
12 merely routine or clerical nature, but requires the use of independent judgment.

13 (21) “Unfair labor practice” means any unfair labor practice specified in s.
14 111.991.

15 **111.965 Duties of the state.** (1) In the furtherance of this subchapter, the
16 state shall be considered as a single employer. The board shall negotiate and
17 administer collective bargaining agreements. To coordinate the employer position
18 in the negotiation of agreements, the board shall maintain close liaison with the
19 office relative to the negotiation of agreements and the fiscal ramifications of those
20 agreements. The board shall coordinate its collective bargaining activities with the
21 office. The legislative branch shall act upon those portions of tentative agreements
22 negotiated by the board that require legislative action.

23 (2) The board shall establish a collective bargaining capacity and shall
24 represent the state in its responsibility as an employer under this subchapter. The
25 board shall coordinate its actions with the director of the office.

BILL

1 **111.97 Rights of employees.** Employees shall have the right of
2 self-organization and the right to form, join, or assist labor organizations, to bargain
3 collectively through representatives of their own choosing under this subchapter,
4 and to engage in lawful, concerted activities for the purpose of collective bargaining
5 or other mutual aid or protection. Employees shall also have the right to refrain from
6 any such activities.

7 **111.98 Collective bargaining units. (1)** Collective bargaining units for
8 faculty and staff shall be structured with a collective bargaining unit for each of the
9 following groups:

- 10 (a) Faculty of the University of Wisconsin–Madison.
11 (b) Faculty of the University of Wisconsin–Milwaukee.
12 (c) Faculty of the University of Wisconsin–Extension.
13 (cm) Faculty of the University of Wisconsin–Eau Claire.
14 (d) Faculty of the University of Wisconsin–Green Bay.
15 (dm) Faculty of the University of Wisconsin–La Crosse.
16 (e) Faculty of the University of Wisconsin–Oshkosh.
17 (em) Faculty of the University of Wisconsin–Parkside.
18 (f) Faculty of the University of Wisconsin–Platteville.
19 (fm) Faculty of the University of Wisconsin–River Falls.
20 (g) Faculty of the University of Wisconsin–Stevens Point.
21 (gm) Faculty of the University of Wisconsin–Stout.
22 (h) Faculty of the University of Wisconsin–Superior.
23 (hm) Faculty of the University of Wisconsin–Whitewater.
24 (i) Faculty of the University of Wisconsin Colleges.
25 (j) Academic staff of the University of Wisconsin–Madison.

BILL

1 (jk) Academic staff employed at the University of Wisconsin System
2 administration.

3 (jm) Academic staff of the University of Wisconsin–Milwaukee.

4 (k) Academic staff of the University of Wisconsin–Extension.

5 (km) Academic staff of the University of Wisconsin–Eau Claire.

6 (L) Academic staff of the University of Wisconsin–Green Bay.

7 (Lm) Academic staff of the University of Wisconsin–La Crosse.

8 (n) Academic staff of the University of Wisconsin–Oshkosh.

9 (nm) Academic staff of the University of Wisconsin–Parkside.

10 (o) Academic staff of the University of Wisconsin–Platteville.

11 (om) Academic staff of the University of Wisconsin–River Falls.

12 (p) Academic staff of the University of Wisconsin–Stevens Point.

13 (pm) Academic staff of the University of Wisconsin–Stout.

14 (q) Academic staff of the University of Wisconsin–Superior.

15 (qm) Academic staff of the University of Wisconsin–Whitewater.

16 (r) Academic staff of the University of Wisconsin Colleges.

17 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
18 under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective
19 bargaining units seek to combine into a single collective bargaining unit, the
20 commission shall, upon the petition of at least 30 percent of the employees in each
21 unit, hold an election, or include on any ballot for an election held under s. 111.990
22 (2) the question of whether to combine units, to determine whether a majority of
23 those employees voting in each unit desire to combine into a single unit. A combined
24 collective bargaining unit shall be formed including all employees from each of those
25 units in which a majority of the employees voting in the election approve a combined

BILL

1 unit. The combined collective bargaining unit shall be formed immediately if there
2 is no existing collective bargaining agreement in force in any of the units to be
3 combined. If there is a collective bargaining agreement in force at the time of the
4 election in any of the collective bargaining units to be combined, the combined unit
5 shall be formed upon expiration of the last agreement for the units concerned.

6 (b) If 2 or more collective bargaining units have combined under par. (a), the
7 commission shall, upon petition of at least 30 percent of the employees in any of the
8 original units, hold an election of the employees in the original unit to determine
9 whether the employees in that unit desire to withdraw from the combined collective
10 bargaining unit. If a majority of the employees voting desire to withdraw from the
11 combined collective bargaining unit, separate units consisting of the unit in which
12 the election was held and a unit composed of the remainder of the combined unit shall
13 be formed. The new collective bargaining units shall be formed immediately if there
14 is no collective bargaining agreement in force for the combined unit. If there is a
15 collective bargaining agreement in force for the combined collective bargaining unit,
16 the new units shall be formed upon the expiration of the agreement. While there is
17 a collective bargaining agreement in force for the combined collective bargaining
18 unit, a petition for an election under this paragraph may be filed only during October
19 in the calendar year prior to the expiration of the agreement.

20 (4) Any labor organization may petition for recognition as the exclusive
21 representative of a collective bargaining unit described under sub. (1) or (2) in
22 accordance with the election procedures under s. 111.990 if the petition is
23 accompanied by a 30 percent showing of interest in the form of signed authorization
24 cards. Any additional labor organization seeking to appear on the ballot shall file a
25 petition within 60 days of the date of filing of the original petition and prove, through

BILL

1 signed authorization cards, that at least 10 percent of the employees in the collective
2 bargaining unit want it to be their representative.

3 (5) Although academic staff supervisors are not considered employees for the
4 purpose of this subchapter, the commission may consider a petition for a statewide
5 collective bargaining unit consisting of academic staff supervisors, but the
6 representative of the supervisors may not be affiliated with any labor organization
7 representing employees. For purposes of this subsection, affiliation does not include
8 membership in a national, state, county, or municipal federation of national or
9 international labor organizations. The certified representative of the supervisors
10 may not bargain collectively with respect to any matter other than wages and fringe
11 benefits.

12 **111.990 Representatives and elections. (1)** A representative chosen for the
13 purposes of collective bargaining by a majority of the employees voting in a collective
14 bargaining unit shall be the exclusive representative of all of the employees in such
15 unit for the purposes of collective bargaining. Any individual employee, or any
16 minority group of employees in any collective bargaining unit, may present any
17 grievance to the employer in person, or through representatives of their own
18 choosing, and the employer shall confer with the individual employee or group of
19 employees with respect to the grievance if the majority representative has been
20 afforded the opportunity to be present at the conference. Any adjustment resulting
21 from such a conference may not be inconsistent with the conditions of employment
22 established by the majority representative and the employer.

23 (2) (a) Whenever a question arises concerning the representation of employees
24 in a collective bargaining unit, the commission shall determine the representation
25 by taking a secret ballot of the employees and certifying in writing the results to the

BILL

1 interested parties. There shall be included on any ballot for the election of
2 representatives the names of all labor organizations having an interest in
3 representing the employees participating in the election as indicated in petitions
4 filed with the commission. The name of any existing representative shall be included
5 on the ballot without the necessity of filing a petition. The commission may exclude
6 from the ballot one who, at the time of the election, stands deprived of his or her rights
7 under this subchapter by reason of a prior adjudication of his or her having engaged
8 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
9 representation by anyone named on the ballot.

10 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
11 composed of employees who are members of the faculty or academic staff, whenever
12 more than one representative qualifies to appear on the ballot, the ballot shall be so
13 prepared as to provide separate votes on 2 questions. The first question shall be:
14 “Shall the employees of the (name of collective bargaining unit) participate in
15 collective bargaining?” The 2nd question shall be: “If the employees of the (name
16 of collective bargaining unit) elect to participate in collective bargaining, which labor
17 organization do you favor to act as representative of the employees?” The 2nd
18 question shall not include a choice for no representative. All employees in the
19 collective bargaining unit may vote on both questions. Unless a majority of those
20 employees voting in the election vote to participate in collective bargaining, no votes
21 for a particular representative may be counted. If a majority of those employees
22 voting in the election vote to participate in collective bargaining, the ballots for
23 representatives shall be counted.

24 2. For elections in a collective bargaining unit composed of employees who are
25 members of the faculty or academic staff, whenever more than one representative

BILL

1 qualifies to appear on the ballot and a question of whether to combine collective
2 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
3 the ballot shall be so prepared as to provide separate votes on 3 questions and each
4 ballot shall identify the collective bargaining unit to which each voter currently
5 belongs. The first question shall be: “Shall the employees of the (name of the
6 voter’s current collective bargaining unit) participate in collective bargaining?” The
7 2nd question shall be “Shall the employees of the (names of all of the collective
8 bargaining units that qualify to appear on the ballot, including the name of the
9 voter’s current collective bargaining unit) combine to participate in collective
10 bargaining?” The 3rd question shall be: “If the employees of the (name of the
11 voter’s current collective bargaining unit) elect to participate in collective
12 bargaining, which labor organization do you favor to act as representative of the
13 employees?” The 3rd question shall not include a choice for no representative. All
14 employees in the collective bargaining unit may vote on all questions. Unless a
15 majority of those employees voting in the election vote to participate in collective
16 bargaining, no votes for combination or for a particular representative may be
17 counted. If a majority of those employees voting in the election vote to participate
18 in collective bargaining, the ballots for combination shall be counted. If the ballots
19 for combination are counted and a majority of those employees voting from each
20 collective bargaining unit listed in the 2nd question on the ballot vote to combine,
21 then the ballots for representatives of the combined collective bargaining unit shall
22 be counted. If the ballots for combination are counted and a majority of those
23 employees voting from each collective bargaining unit listed in the 2nd question on
24 the ballot do not vote to combine, then the ballots for representatives of each current
25 collective bargaining unit shall be counted.

BILL

1 (c) The commission's certification of the results of any election is conclusive as
2 to the findings included therein unless reviewed under s. 111.07 (8).

3 (3) Whenever an election has been conducted under sub. (2) in which the ballots
4 for representatives have been counted but in which no named representative is
5 favored by a majority of the employees voting, the commission may, if requested by
6 a party to the proceeding within 30 days from the date of the certification of the
7 results of the election, conduct a runoff election. In that runoff election, the
8 commission shall drop from the ballot the name of the representative who received
9 the least number of votes at the original election.

10 (4) While a collective bargaining agreement between a labor organization and
11 an employer is in force under this subchapter, a petition for an election in the
12 collective bargaining unit to which the agreement applies may be filed only during
13 October in the calendar year prior to the expiration of that agreement. An election
14 held under that petition may be held only if the petition is supported by proof that
15 at least 30 percent of the employees in the collective bargaining unit desire a change
16 or discontinuance of existing representation. Within 60 days of the time that an
17 original petition is filed, another petition may be filed supported by proof that at least
18 10 percent of the employees in the same collective bargaining unit desire a different
19 representative. If a majority of the employees in the collective bargaining unit vote
20 for a change or discontinuance of representation by any named representative, the
21 decision takes effect upon expiration of any existing collective bargaining agreement
22 between the employer and the existing representative.

23 **111.991 Unfair labor practices.** (1) It is an unfair labor practice for an
24 employer individually or in concert with others:

BILL

1 (a) To interfere with, restrain, or coerce employees in the exercise of their rights
2 guaranteed under s. 111.97.

3 (b) Except as otherwise provided in this paragraph, to initiate, create,
4 dominate, or interfere with the formation or administration of any labor or employee
5 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
6 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
7 System under ch. 40 and no action by the employer that is authorized by such a law
8 is a violation of this paragraph unless an applicable collective bargaining agreement
9 specifically prohibits the change or action. No such change or action affects the
10 continuing duty to bargain collectively regarding the Wisconsin Retirement System
11 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
12 for the employer to reimburse an employee at his or her prevailing wage rate for the
13 time spent during the employee's regularly scheduled hours conferring with the
14 employer's officers or agents and for attendance at commission or court hearings
15 necessary for the administration of this subchapter.

16 (c) To encourage or discourage membership in any labor organization by
17 discrimination in regard to hiring, tenure, or other terms or conditions of
18 employment. This paragraph does not apply to fair-share or maintenance of
19 membership agreements.

20 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
21 representative of a majority of its employees in an appropriate collective bargaining
22 unit. Whenever the employer has a good faith doubt as to whether a labor
23 organization claiming the support of a majority of its employees in an appropriate
24 collective bargaining unit does in fact have that support, it may file with the
25 commission a petition requesting an election as to that claim. The employer is not

BILL

1 considered to have refused to bargain until an election has been held and the results
2 of the election are certified to the employer by the commission. A violation of this
3 paragraph includes the refusal to execute a collective bargaining agreement
4 previously orally agreed upon.

5 (e) To violate any collective bargaining agreement previously agreed upon by
6 the parties with respect to wages, hours, and conditions of employment affecting the
7 employees, including an agreement to arbitrate or to accept the terms of an
8 arbitration award, when previously the parties have agreed to accept such award as
9 final and binding upon them.

10 (f) To deduct labor organization dues from an employee's earnings, unless the
11 employer has been presented with an individual order therefor, signed by the
12 employee personally, and terminable by at least the end of any year of its life or
13 earlier by the employee giving at least 30 but not more than 120 days' written notice
14 of such termination to the employer and to the representative labor organization,
15 except if there is a fair-share or maintenance of membership agreement in effect.
16 The employer shall give notice to the labor organization of receipt of such notice of
17 termination.

18 (g) To use any moneys received for any purpose to discourage, to train any
19 supervisor, management employee, or other employee to discourage, or to contract
20 with any person for the purposes of discouraging, employees in the exercise of their
21 rights guaranteed under s. 111.97.

22 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
23 to implement changes in salaries or conditions of employment for members of the
24 faculty or academic staff at one institution, and not for other members of the faculty
25 or academic staff at another institution, but this may be done only if the differential

BILL

1 treatment is based on comparisons with the compensation and working conditions
2 of employees performing similar services for comparable higher education
3 institutions or based upon other competitive factors.

4 (2) It is unfair practice for an employee individually or in concert with others:

5 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal
6 rights, including those guaranteed under s. 111.97.

7 (b) To coerce, intimidate, or induce any officer or agent of the employer to
8 interfere with any of the employer's employees in the enjoyment of their legal rights
9 including those guaranteed under s. 111.97 or to engage in any practice with regard
10 to its employees which would constitute an unfair labor practice if undertaken by the
11 officer or agent on the officer's or agent's own initiative.

12 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the
13 authorized officer or agent of the employer that is the recognized or certified
14 exclusive collective bargaining representative of employees in an appropriate
15 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
16 a collective bargaining agreement previously orally agreed upon.

17 (d) To violate the provisions of any written agreement with respect to terms and
18 conditions of employment affecting employees, including an agreement to arbitrate
19 or to accept the terms of an arbitration award, when previously the parties have
20 agreed to accept such awards as final and binding upon them.

21 (e) To engage in, induce, or encourage any employees to engage in a strike or
22 a concerted refusal to work or perform their usual duties as employees.

23 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
24 employer, working at the same trade or profession as the employer's employees, to

BILL

1 induce the person to become a member of or act in concert with the labor organization
2 of which the employee is a member.

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

7 (3m) This section does not interfere with a faculty member's right of academic
8 freedom.

9 (4) Any controversy concerning unfair labor practices may be submitted to the
10 commission as provided in s. 111.07, except that the commission shall schedule a
11 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
12 filing of a complaint, and notice shall be given to each party interested by service on
13 the party personally, or by telegram, advising the party of the nature of the complaint
14 and of the date, time, and place of hearing. The commission may appoint a substitute
15 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
16 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
17 Any such panel shall report its finding to the commission for appropriate action.

18 **111.992 Fair-share and maintenance of membership agreements. (1)**

19 (a) 1. No fair-share agreement may become effective unless authorized by a
20 referendum. The commission shall order a referendum whenever it receives a
21 petition supported by proof that at least 30 percent of the employees or supervisors
22 specified in s. 111.98 (5) in a collective bargaining unit desire that a fair-share
23 agreement be entered into between the employer and a labor organization.

24 2. For a fair-share agreement to be authorized, at least a majority of the eligible
25 employees or supervisors voting in a referendum shall vote in favor of the agreement.

BILL

1 (b) No maintenance of membership agreement may be effective unless
2 authorized. For a maintenance of membership agreement to be authorized, the
3 employer and the labor organization representing the employees must voluntarily
4 agree to establish the maintenance of membership agreement.

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

24 (d) Under each fair-share or maintenance of membership agreement, an
25 employee or supervisor who has religious convictions against dues payments to a

BILL

1 labor organization based on teachings or tenets of a church or religious body of which
2 he or she is a member shall, on request to the labor organization, have his or her dues
3 paid to a charity mutually agreed upon by the employee or supervisor and the labor
4 organization. Any dispute concerning this paragraph may be submitted to the
5 commission for adjudication.

6 (2) (a) 1. Once authorized, a fair-share agreement shall continue in effect,
7 subject to the right of the employer or labor organization concerned to petition the
8 commission to conduct a new referendum. Such a petition must be supported by
9 proof that at least 30 percent of the employees or supervisors in the collective
10 bargaining unit desire that the fair-share agreement be discontinued. Upon so
11 finding, the commission shall conduct a new referendum. If the continuance of the
12 fair-share agreement is approved in the referendum by at least the percentage of
13 eligible voting employees or supervisors required for its initial authorization, it shall
14 be continued in effect, subject to the right of the employer or labor organization to
15 later initiate a further vote following the procedure prescribed in this subsection. If
16 the continuance of the fair-share agreement is not supported in any referendum, it
17 is considered terminated at the termination of the collective bargaining agreement,
18 or one year from the date of the certification of the result of the referendum,
19 whichever is earlier.

20 2. Once authorized, a maintenance of membership agreement shall continue
21 in effect, subject to the right of the employer or the labor organization concerned to
22 notify the commission that it no longer voluntarily agrees to continue the agreement.
23 After the commission is notified, the maintenance of membership agreement is
24 terminated at the termination of the collective bargaining agreement or one year
25 from the notification, whichever is earlier.

BILL

1 (b) The commission shall declare any fair-share or maintenance of
2 membership 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, or creed to receive as a member
5 any employee or supervisor in the collective bargaining unit involved, and the
6 agreement shall be made subject to the findings and orders of the commission. Any
7 of the parties to the agreement, or any employee or supervisor covered under the
8 agreement, may come before the commission, as provided in s. 111.07, and petition
9 the commission to make such a finding.

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

13 (4) The commission may, under rules adopted for that purpose, appoint as its
14 agent an official of a state agency whose employees are entitled to vote in a
15 referendum to conduct a referendum under this section.

16 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
17 interpretation of a collective bargaining agreement may agree in writing to have the
18 commission or any other appointing state agency serve as arbitrator or may
19 designate any other competent, impartial, and disinterested persons to so serve.
20 Such arbitration proceedings shall be governed by ch. 788.

21 (2) The board shall charge an institution for the employer's share of the cost
22 related to grievance arbitration under sub. (1) for any arbitration that involves one
23 or more employees of the institution. Each institution so charged shall pay the
24 amount that the board charges from the appropriation account or accounts used to

BILL

1 pay the salary of the grievant. Funds received under this subsection shall be credited
2 to the appropriation account under s. 20.545 (1) (km).

3 **111.994 Mediation.** The commission may appoint any competent, impartial,
4 disinterested person to act as mediator in any labor dispute either upon its own
5 initiative or upon the joint request of both parties to the dispute. It is the function
6 of a mediator to bring the parties together voluntarily under such favorable auspices
7 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
8 commission shall have any power of compulsion in mediation proceedings.

9 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
10 period of negotiation and after the settlement procedures, if any, established by the
11 parties have been exhausted, the representative that has been certified by the
12 commission after an election, as the exclusive representative of employees in an
13 appropriate bargaining unit, and the employer, its officers, and agents, after a
14 reasonable period of negotiation, are deadlocked with respect to any dispute between
15 them arising in the collective bargaining process, either party, or the parties jointly,
16 may petition the commission, in writing, to initiate fact-finding under this section,
17 and to make recommendations to resolve the deadlock.

18 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall
19 make an investigation with or without a formal hearing, to determine whether a
20 deadlock in fact exists. The commission shall certify the results of the investigation.
21 If the commission decides that fact-finding should be initiated, it shall appoint a
22 qualified, disinterested person or, when jointly requested by the parties, a 3-member
23 panel to function as a fact finder.

24 **(3)** The fact finder may establish dates and place of hearings and shall conduct
25 the hearings under rules established by the commission. Upon request, the

BILL

1 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
2 finder may administer oaths. Upon completion of the hearing, the fact finder shall
3 make written findings of fact and recommendations for solution of the dispute and
4 shall cause the same to be served on the parties and the commission. In making
5 findings and recommendations, the fact finder shall take into consideration among
6 other pertinent factors the principles vital to the public interest in efficient and
7 economical governmental administration. Upon the request of either party, the fact
8 finder may orally present the recommendations in advance of service of the written
9 findings and recommendations. Cost of fact-finding proceedings shall be divided
10 equally between the parties. At the time the fact finder submits a statement of his
11 or her costs to the parties, the fact finder shall submit a copy thereof to the
12 commission at its Madison office.

13 (4) A fact finder may mediate a dispute at any time prior to the issuance of the
14 fact finder's recommendations.

15 (5) Within 30 days of the receipt of the fact finder's recommendations or within
16 a time period mutually agreed upon by the parties, each party shall advise the other,
17 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact
18 finder's recommendations and, at the same time, send a copy of the notification to
19 the commission at its Madison office. Failure to comply with this subsection, by the
20 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

21 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
22 the employer may either seek an injunction or file an unfair labor practice charge
23 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
24 board to decide whether to seek an injunction or file an unfair labor practice charge.

BILL

1 The existence of an administrative remedy does not constitute grounds for denial of
2 injunctive relief.

3 (2) The occurrence of a strike and the participation in the strike by an employee
4 do not affect the rights of the employer, in law or in equity, to deal with the strike,
5 including all of the following:

6 (a) The right to impose discipline, including discharge, or suspension without
7 pay, of any employee participating in the strike.

8 (b) The right to cancel the reinstatement eligibility of any employee engaging
9 in the strike.

10 (c) The right of the employer to request the imposition of fines, either against
11 the labor organization or the employee engaging in the strike, or to sue for damages
12 because of such strike activity.

13 **111.997 Management rights.** Nothing in this subchapter shall interfere with
14 the right of the board, in accordance with this subchapter, to do any of the following:

15 (1) Carry out the statutory mandate and goals assigned to the board by the
16 most appropriate and efficient methods and means and utilize personnel in the most
17 appropriate and efficient manner possible.

18 (2) Suspend, demote, discharge, or take other appropriate disciplinary action
19 against the employee; or to lay off employees in the event of lack of work or funds or
20 under conditions where continuation of such work would be inefficient and
21 nonproductive.

22 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to
23 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe
24 benefits consistent with sub. (2); and hours and conditions of employment.

BILL

1 (b) The board is not required to bargain on management rights under s.
2 111.997, except that procedures for the adjustment or settlement of grievances or
3 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of
4 bargaining.

5 (c) The board is prohibited from bargaining on matters contained in sub. (2).

6 (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all
7 laws governing the Wisconsin Retirement System under ch. 40 and all actions of the
8 board that are authorized under any such law which apply to nonrepresented
9 individuals employed by the state shall apply to similarly situated employees, unless
10 otherwise specifically provided in a collective bargaining agreement that applies to
11 those employees.

12 (e) Demands relating to retirement and group insurance shall be submitted to
13 the board at least one year prior to commencement of negotiations.

14 (f) The board is not required to bargain on matters related to employee
15 occupancy of houses or other lodging provided by the state.

16 **(2)** The board is prohibited from bargaining on:

17 (a) The mission and goals of the University of Wisconsin System as set forth
18 in the statutes; the diminution of the right of tenure provided the faculty under s.
19 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09
20 (4m), or the rights of appointment provided academic staff under s. 36.15; or
21 academic freedom.

22 (b) Amendments to this subchapter.

23 (c) Family leave and medical leave rights below the minimum afforded under
24 s. 103.10. Nothing in this paragraph prohibits bargaining on rights to family leave

BILL

1 or medical leave which are more generous to the employee than the rights provided
2 under s. 103.10.

3 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)
4 3.

5 (e) The rights of employees to have retirement benefits computed under s.
6 40.30.

7 (f) Honesty testing requirements that provide fewer rights and remedies to
8 employees than are provided under s. 111.37.

9 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

10 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
11 to (8) and (10), 632.747, and 632.748.

12 (j) Compliance with the insurance requirements under s. 631.95.

13 (k) The definition of earnings under s. 40.02 (22).

14 (L) The maximum benefit limitations under s. 40.31

15 (m) The limitations on contributions under s. 40.32.

16 (n) The provision to employees of the health insurance coverage required under
17 s. 632.895 (11) to (14).

18 (o) The requirements related to coverage of and prior authorization for
19 treatment of an emergency medical condition under s. 632.85.

20 (p) The requirements related to coverage of drugs and devices under s. 632.853.

21 (q) The requirements related to experimental treatment under s. 632.855.

22 (r) The requirements under s. 609.10 related to offering a point-of-service
23 option plan.

BILL

1 (s) The requirements related to internal grievance procedures under s. 632.83
2 and independent review of certain health benefit plan determinations under s.
3 632.835.

4 (3) Upon request, the chancellor at each institution, or his or her designee,
5 shall meet and confer with the collective bargaining representative, if any, with
6 regard to any issue that is a permissive subject of bargaining, except when the issue
7 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

8 **111.999 Labor proposals.** The board shall notify and consult with the joint
9 committee on employment relations, in such form and detail as the committee
10 requests, regarding substantial changes in wages, employee benefits, personnel
11 management, and program policy contract provisions to be included in any contract
12 proposal to be offered to any labor organization by the state or to be agreed to by the
13 state before such proposal is actually offered or accepted.

14 **111.9991 Agreements. (1)** Any tentative agreement reached between the
15 board, acting for the state, and any labor organization representing a collective
16 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
17 organization, be submitted by the board to the joint committee on employment
18 relations, which shall hold a public hearing before determining its approval or
19 disapproval. If the committee approves the tentative agreement, it shall introduce
20 in a bill or companion bills, to be put on the calendar or referred to the appropriate
21 scheduling committee of each house, that portion of the tentative agreement which
22 requires legislative action for implementation, such as salary and wage adjustments,
23 changes in fringe benefits, and any proposed amendments, deletions, or additions to
24 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
25 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of

BILL

1 the tentative agreement to appropriate legislative committees for advisory
2 recommendations on the proposed terms. The committee shall accompany the
3 introduction of such proposed legislation with a message that informs the legislature
4 of the committee's concurrence with the matters under consideration and that
5 recommends the passage of such legislation without change. If the joint committee
6 on employment relations does not approve the tentative agreement, it shall be
7 returned to the parties for renegotiation. If the legislature does not adopt without
8 change that portion of the tentative agreement introduced by the joint committee on
9 employment relations, the tentative agreement shall be returned to the parties for
10 renegotiation.

11 (2) No portion of any tentative agreement shall become effective separately.

12 (3) Agreements shall coincide with the fiscal year or biennium.

13 (4) The negotiation of collective bargaining agreements and their approval by
14 the parties should coincide with the overall fiscal planning and processes of the state.

15 (5) All compensation adjustments for employees shall be effective on the
16 beginning date of the pay period nearest the statutory or administrative date.

17 **111.9992 Status of existing benefits and rights.** Unless a prohibited
18 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
19 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
20 governing the salaries, fringe benefits, hours, and conditions of employment apply
21 to each employee, unless otherwise provided in a collective bargaining agreement.

22 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt
23 reasonable and proper rules relative to the exercise of its powers and authority and
24 proper rules to govern its proceedings and to regulate the conduct of all elections and
25 hearings under this subchapter. The commission shall, upon request, provide a

BILL

1 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
2 by the commission at a uniform rate per page. All transcript fees shall be credited
3 to the appropriation account under s. 20.425 (1) (i).

4 (2) The commission shall assess and collect a filing fee for filing a complaint
5 alleging that an unfair labor practice has been committed under s. 111.991. The
6 commission shall assess and collect a filing fee for filing a request that the
7 commission act as an arbitrator to resolve a dispute involving the interpretation or
8 application of a collective bargaining agreement under s. 111.993. The commission
9 shall assess and collect a filing fee for filing a request that the commission initiate
10 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
11 for filing a request that the commission act as a mediator under s. 111.994. For the
12 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
13 commission shall require that the parties to the dispute equally share in the payment
14 of the fee and, for the performance of commission actions involving a complaint
15 alleging that an unfair labor practice has been committed under s. 111.991, the
16 commission shall require that the party filing the complaint pay the entire fee. If any
17 party has paid a filing fee requesting the commission to act as a mediator for a labor
18 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
19 the commission may not subsequently assess or collect a filing fee to initiate
20 fact-finding to resolve the same labor dispute. If any request concerns issues arising
21 as a result of more than one unrelated event or occurrence, each such separate event
22 or occurrence shall be treated as a separate request. The commission shall
23 promulgate rules establishing a schedule of filing fees to be paid under this
24 subsection. Fees required to be paid under this subsection shall be paid at the time
25 of filing the complaint or the request for fact-finding, mediation, or arbitration. A

BILL

1 complaint or request for fact-finding, mediation, or arbitration is not filed until the
2 date such fee or fees are paid. Fees collected under this subsection shall be credited
3 to the appropriation account under s. 20.425 (1) (i).

4 **SECTION 243.** 111.965 of the statutes, as created by 2011 Wisconsin Act (this
5 act), is renumbered 111.965 (1m) and amended to read:

6 111.965 **(1m)** (a) In the furtherance of this subchapter, the state shall be
7 considered as a single employer. The With respect to a collective bargaining unit
8 specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall negotiate and administer
9 collective bargaining agreements. To coordinate the employer position in the
10 negotiation of agreements, the board shall maintain close liaison with the office
11 relative to the negotiation of agreements and the fiscal ramifications of those
12 agreements. The board shall coordinate its collective bargaining activities with the
13 office. The legislative branch shall act upon those portions of tentative agreements
14 negotiated by the board that require legislative action.

15 (b) The With respect to a collective bargaining unit specified in s. 111.98 (1) (b)
16 to (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall
17 represent the state in its responsibility as an employer under this subchapter. The
18 board shall coordinate its actions with the director of the office.

19 **SECTION 244.** 111.965 (2m) of the statutes is created to read:

20 111.965 **(2m)** (a) With respect to a collective bargaining unit specified in s.
21 111.98 (1) (a) or (j), the University of Wisconsin–Madison shall negotiate and
22 administer collective bargaining agreements. To coordinate the employer position
23 in the negotiation of agreements, the University of Wisconsin–Madison shall
24 maintain close liaison with the office relative to the negotiation of agreements and
25 the fiscal ramifications of those agreements. The University of Wisconsin–Madison

BILL

1 shall coordinate its collective bargaining activities with the office. The legislative
2 branch shall act upon those portions of tentative agreements negotiated by the
3 University of Wisconsin–Madison that require legislative action.

4 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
5 (j), the University of Wisconsin–Madison shall establish a collective bargaining
6 capacity and shall represent the state in its responsibility as an employer under this
7 subchapter. The University of Wisconsin–Madison shall coordinate its actions with
8 the director of the office.

9 **SECTION 245.** 111.98 (2) (a) of the statutes, as created by 2011 Wisconsin Act
10 (this act), is amended to read:

11 111.98 (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units
12 described under sub. (1) (a) (b) to (i) or (jk) to (r) may be combined into a single unit
13 or the collective bargaining units described under sub. (1) (a) and (j) may be combined
14 into a single unit. If 2 or more collective bargaining units seek to combine into a
15 single collective bargaining unit, the commission shall, upon the petition of at least
16 30 percent of the employees in each unit, hold an election, or include on any ballot
17 for an election held under s. 111.990 (2) the question of whether to combine units, to
18 determine whether a majority of those employees voting in each unit desire to
19 combine into a single unit. A combined collective bargaining unit shall be formed
20 including all employees from each of those units in which a majority of the employees
21 voting in the election approve a combined unit. The combined collective bargaining
22 unit shall be formed immediately if there is no existing collective bargaining
23 agreement in force in any of the units to be combined. If there is a collective
24 bargaining agreement in force at the time of the election in any of the collective

BILL

1 bargaining units to be combined, the combined unit shall be formed upon expiration
2 of the last agreement for the units concerned.

3 **SECTION 246.** 111.997 (intro.) and (1) of the statutes, as created by 2011
4 Wisconsin Act (this act), are amended to read:

5 **111.997 Management rights.** (intro.) Nothing in this subchapter shall
6 interfere with the right of the board or of the University of Wisconsin-Madison, in
7 accordance with this subchapter, to do any of the following:

8 (1) Carry out the statutory mandate and goals assigned to the board or to the
9 University of Wisconsin-Madison by the most appropriate and efficient methods and
10 means and utilize personnel in the most appropriate and efficient manner possible.

11 **SECTION 247.** 111.998 (1) (b) of the statutes, as created by 2011 Wisconsin Act
12 (this act), is amended to read:

13 111.998 (1) (b) ~~The~~ With respect to a collective bargaining unit specified in s.
14 111.98 (1) (b) to (i) or (jk) to (r), the board and, with respect to a collective bargaining
15 unit specified in s. 111.98 (1) (a) or (j), the University of Wisconsin-Madison is not
16 required to bargain on management rights under s. 111.997, except that procedures
17 for the adjustment or settlement of grievances or disputes arising out of any type of
18 disciplinary action in s. 111.997 (2) is a subject of bargaining.

19 **SECTION 248.** 111.998 (1) (c) of the statutes, as created by 2011 Wisconsin Act
20 (this act), is amended to read:

21 111.998 (1) (c) The board is and the University of Wisconsin-Madison are
22 prohibited from bargaining on matters contained in sub. (2).

23 **SECTION 249.** 111.998 (1) (d) of the statutes, as created by 2011 Wisconsin Act
24 (this act), is amended to read:

BILL

1 111.998 (1) (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23
2 (1) (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all
3 actions of the board and of the University of Wisconsin–Madison that are authorized
4 under any such law which apply to nonrepresented individuals employed by the state
5 shall apply to similarly situated employees, unless otherwise specifically provided
6 in a collective bargaining agreement that applies to those employees.

7 **SECTION 250.** 111.998 (1) (e) of the statutes, as created by 2011 Wisconsin Act
8 (this act), is amended to read:

9 111.998 (1) (e) Demands relating to retirement and group insurance shall be
10 submitted to the board or to the University of Wisconsin–Madison, whichever is
11 appropriate, at least one year prior to commencement of negotiations.

12 **SECTION 251.** 111.998 (1) (f) of the statutes, as created by 2011 Wisconsin Act
13 (this act), is amended to read:

14 111.998 (1) (f) ~~The~~ Neither the board nor the University of Wisconsin–Madison
15 ~~is not~~ required to bargain on matters related to employee occupancy of houses or
16 other lodging provided by the state.

17 **SECTION 252.** 111.998 (2) (intro.) of the statutes, as created by 2011 Wisconsin
18 Act (this act), is amended to read:

19 111.998 (2) (intro.) The board ~~is~~ and the University of Wisconsin–Madison are
20 prohibited from bargaining on:

21 **SECTION 253.** 111.999 of the statutes, as created by 2011 Wisconsin Act (this
22 act), is renumbered 111.999 (1) and amended to read:.

23 111.999 (1) ~~The~~ With respect to a collective bargaining unit specified in s.
24 111.98 (1) (b) to (i) or (j) to (r), the board shall notify and consult with the joint
25 committee on employment relations, in such form and detail as the committee

BILL

1 requests, regarding substantial changes in wages, employee benefits, personnel
2 management, and program policy contract provisions to be included in any contract
3 proposal to be offered to any labor organization by the state or to be agreed to by the
4 state before such proposal is actually offered or accepted.

5 **SECTION 254.** 111.999 (2) of the statutes is created to read:

6 111.999 (2) With respect to a collective bargaining unit specified in s. 111.98 (1)
7 (a) or (j), the University of Wisconsin-Madison shall notify and consult with the joint
8 committee on employment relations, in such form and detail as the committee
9 requests, regarding substantial changes in wages, employee benefits, personnel
10 management, and program policy contract provisions to be included in any contract
11 proposal to be offered to any labor organization or to be agreed to before such proposal
12 is actually offered or accepted.

13 **SECTION 255.** 111.9991 (1) of the statutes, as created by 2011 Wisconsin Act
14 (this act), is renumbered 111.9991 (1) (a) and amended to read:

15 111.9991 (1) (a) Any tentative agreement reached between the board, acting for
16 the state, and any labor organization representing a collective bargaining unit
17 specified in s. 111.98 (1) (b) to (i) or (jk) to (r) shall, after official ratification by the
18 labor organization, be submitted by the board to the joint committee on employment
19 relations, which shall hold a public hearing before determining its approval or
20 disapproval.

21 (c) If the committee approves the a tentative agreement under par. (a) or (b),
22 it shall introduce in a bill or companion bills, to be put on the calendar or referred
23 to the appropriate scheduling committee of each house, that portion of the tentative
24 agreement which requires legislative action for implementation, such as salary and
25 wage adjustments, changes in fringe benefits, and any proposed amendments,

BILL

1 deletions, or additions to existing law. Such bill or companion bills are not subject
2 to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however,
3 submit suitable portions of the tentative agreement to appropriate legislative
4 committees for advisory recommendations on the proposed terms. The committee
5 shall accompany the introduction of such proposed legislation with a message that
6 informs the legislature of the committee's concurrence with the matters under
7 consideration and that recommends the passage of such legislation without change.
8 If the joint committee on employment relations does not approve the tentative
9 agreement, it shall be returned to the parties for renegotiation. If the legislature
10 does not adopt without change that portion of the tentative agreement introduced by
11 the joint committee on employment relations, the tentative agreement shall be
12 returned to the parties for renegotiation.

13 **SECTION 256.** 111.9991 (1) (b) of the statutes is created to read:

14 111.9991 (1) (b) Any tentative agreement reached between the University of
15 Wisconsin–Madison, acting for the state, and any labor organization representing a
16 collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official
17 ratification by the labor organization, be submitted by the University of
18 Wisconsin–Madison to the joint committee on employment relations, which shall
19 hold a public hearing before determining its approval or disapproval.

20 **SECTION 257.** 118.22 (4) of the statutes is created to read:

21 118.22 (4) A collective bargaining agreement may modify, waive, or replace any
22 of the provisions of this section as they apply to teachers in the collective bargaining
23 unit, but neither the employer nor the bargaining agent for the employees is required
24 to bargain such modification, waiver, or replacement.

BILL

1 **SECTION 258.** 118.223 of the statutes, as created by 2011 Wisconsin Act 10, is
2 repealed.

3 **SECTION 259.** 118.23 (5) of the statutes is created to read:

4 118.23 (5) A collective bargaining agreement may modify, waive, or replace any
5 of the provisions of this section as they apply to teachers in the collective bargaining
6 unit, but neither the employer nor the bargaining agent for the employees is required
7 to bargain such modification, waiver, or replacement.

8 **SECTION 260.** 118.245 of the statutes, as created by 2011 Wisconsin Act 10, is
9 repealed.

10 **SECTION 261.** 118.40 (2r) (b) 3. a. of the statutes, as affected by 2011 Wisconsin
11 Act 10, is amended to read:

12 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
13 board of regents' authority to establish and adjust all compensation and fringe
14 benefits of instructional staff, subject to the terms of any collective bargaining
15 agreement under subch. V of ch. 111 that covers the instructional staff. In the
16 absence of a collective bargaining agreement, the governing board may establish and
17 adjust all compensation and fringe benefits of the instructional staff only with the
18 approval of the chancellor of the University of Wisconsin–Parkside.

19 **SECTION 262.** 118.42 (3) (a) 4. of the statutes, as affected by 2011 Wisconsin Act
20 10, is amended to read:

21 118.42 (3) (a) 4. Implement changes in administrative and personnel
22 structures that are consistent with applicable collective bargaining agreements.

23 **SECTION 263.** 118.42 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
24 is amended to read:

BILL

1 118.42 (5) Nothing in this section alters or otherwise affects the rights or
2 remedies afforded school districts and school district employees under federal or
3 state law or under the terms of any applicable collective bargaining agreement.

4 **SECTION 264.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10
5 and 32, is amended to read:

6 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
7 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
8 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
9 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
10 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, ~~118.223~~, 118.225, 118.24
11 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43,
12 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125, 120.13 (1),
13 (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21
14 (3), and 120.25 are applicable to a 1st class city school district and board.

15 **SECTION 265.** 120.12 (4m) of the statutes, as created by 2011 Wisconsin Act 10,
16 is repealed.

17 **SECTION 266.** 120.12 (15) of the statutes, as affected by 2011 Wisconsin Act 10,
18 is amended to read:

19 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
20 school day. The school board may differentiate between the various elementary and
21 high school grades in scheduling the school day. The equivalent of 180 such days, as
22 defined in s. 115.01 (10), shall be held during the school term. This subsection does
23 not eliminate a school district's duty to bargain with the employee's collective
24 bargaining representative over any calendaring proposal that is primarily related to
25 wages, hours, or conditions of employment.

BILL

1 **SECTION 267.** 120.18 (1) (gm) of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 120.18 **(1)** (gm) Payroll and related benefit costs for all school district
4 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
5 shall be based upon the costs ~~of wages~~ of any collective bargaining agreements
6 covering such employees for the previous school year. If, as of the time specified by
7 the department for filing the report, the school district has not entered into a
8 collective bargaining agreement for any portion of the previous school year with the
9 recognized or certified representative of any of its employees and the school district
10 and the representative have been required to submit final offers under s. 111.70 (4)
11 (cm) 6., increased costs ~~of wages~~ limited to the lower of the school district's offer or
12 the representative's offer shall be reflected in the report shall be equal to the
13 maximum wage expenditure that is subject to collective bargaining under s. 111.70
14 (4) (mb) 2. for the employees. The school district shall amend the annual report to
15 reflect any change in such costs as a result of any ~~collective bargaining agreement~~
16 entered into award or settlement under s. 111.70 (4) (cm) 6. between the date of filing
17 the report and October 1. Any such amendment shall be concurred in by the certified
18 public accountant licensed or certified under ch. 442 certifying the school district
19 audit.

20 **SECTION 268.** 230.01 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 230.01 **(3)** Nothing in this chapter shall be construed to either infringe upon
23 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

24 **SECTION 269.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
25 is amended to read:

BILL

1 230.03 (3) “Agency” means any board, commission, committee, council, or
2 department in state government or a unit thereof created by the constitution or
3 statutes if such board, commission, committee, council, department, unit, or the
4 head thereof, is authorized to appoint subordinate staff by the constitution or
5 statute, except a legislative or judicial board, commission, committee, council,
6 department, or unit thereof or an authority created under subch. II of ch. 114 or
7 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
8 “Agency” does not mean any local unit of government or body within one or more local
9 units of government that is created by law or by action of one or more local units of
10 government.

11 **SECTION 270.** 230.046 (10) (a) of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 230.046 (10) (a) Conduct off-the-job employee development and training
14 programs relating to functions under this chapter or subch. V or VI of ch. 111.

15 **SECTION 271.** 230.10 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
16 is amended to read:

17 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
18 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~
19 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~
20 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~
21 ~~relating to matters that are subject to bargaining under a collective bargaining~~
22 ~~agreement that covers the employee, unless they are covered by a collective~~
23 bargaining agreement under subch. V of ch. 111.

24 **SECTION 272.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

BILL

1 230.12 (3) (e) 1. The director, after receiving recommendations from the board
2 of regents, shall submit to the joint committee on employment relations a proposal
3 for adjusting compensation and employee benefits for employees under ss. 20.923
4 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining
5 unit under subch. V or VI of ch. 111 for which a representative is certified. The
6 proposal shall include the salary ranges and adjustments to the salary ranges for the
7 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
8 The proposal shall be based upon the competitive ability of the board of regents to
9 recruit and retain qualified faculty and academic staff, data collected as to rates of
10 pay for comparable work in other public services, universities and commercial and
11 industrial establishments, recommendations of the board of regents and any special
12 studies carried on as to the need for any changes in compensation and employee
13 benefits to cover each year of the biennium. The proposal shall also take proper
14 account of prevailing pay rates, costs and standards of living and the state's
15 employment policies. The proposal for such pay adjustments may contain
16 recommendations for across-the-board pay adjustments, merit or other
17 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
18 shall apply to the process for approval of all pay adjustments for such employees
19 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
20 by the joint committee on employment relations and the governor shall be based
21 upon a percentage of the budgeted salary base for such employees under ss. 20.923
22 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
23 and adjustments other than across-the-board pay adjustments is available for
24 discretionary use by the board of regents.

BILL

1 **SECTION 273.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

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

12 **SECTION 274.** 230.35 (1s) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 230.35 **(1s)** Annual leave of absence with pay for instructional staff employed
15 by the board of regents of the University of Wisconsin System who provide services
16 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
17 determined by the governing board of the charter school established by contract
18 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
19 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement
20 under subch. V of ch. 111 covering the instructional staff.

21 **SECTION 275.** 230.35 (2d) (e) of the statutes, as affected by 2011 Wisconsin Act
22 10, is amended to read:

23 230.35 **(2d)** (e) For employees who are included in a collective bargaining unit
24 for which a representative is recognized or certified under subch. V or VI of ch. 111,

BILL

1 this subsection shall apply unless otherwise provided in a collective bargaining
2 agreement.

3 **SECTION 276.** 230.35 (3) (e) 6. of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 230.35 **(3)** (e) 6. For employees who are included in a collective bargaining unit
6 for which a representative is recognized or certified under subch. V or VI of ch. 111,
7 this paragraph shall apply unless otherwise provided in a collective bargaining
8 agreement.

9 **SECTION 277.** 230.88 (2) (b) of the statutes, as affected by 2011 Wisconsin Act
10 10, is amended to read:

11 230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an
12 employee under this subchapter. However, nothing in this subchapter affects any
13 right of an employee to pursue a grievance procedure under a collective bargaining
14 agreement under subch. V or VI of ch. 111, and if the division of equal rights
15 determines that a grievance arising under such a collective bargaining agreement
16 involves the same parties and matters as a complaint under s. 230.85, it shall order
17 the arbitrator's final award on the merits conclusive as to the rights of the parties
18 to the complaint, on those matters determined in the arbitration which were at issue
19 and upon which the determination necessarily depended.

20 **SECTION 278.** 233.02 (1) (h) of the statutes is created to read:

21 233.02 **(1)** (h) Two nonvoting members appointed by the governor, one of whom
22 shall be an employee or a representative of a labor organization recognized or
23 certified to represent employees in one of the collective bargaining units specified in
24 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor

BILL

1 organization recognized or certified to represent employees in one of the collective
2 bargaining units specified in s. 111.825 (1m).

3 **SECTION 279.** 233.02 (8) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

5 233.02 (8) The members of the board of directors shall annually elect a
6 chairperson and may elect other officers as they consider appropriate. Eight voting
7 members of the board of directors constitute a quorum for the purpose of conducting
8 the business and exercising the powers of the authority, notwithstanding the
9 existence of any vacancy. The members of the board of directors specified under sub.
10 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
11 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
12 of a majority of the members present, unless the bylaws of the authority require a
13 larger number.

14 **SECTION 280.** 233.03 (7) of the statutes, as affected by 2011 Wisconsin Act 10,
15 is amended to read:

16 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
17 9159 (4) and the duty to engage in collective bargaining with employees in a collective
18 bargaining unit for which a representative is recognized or certified under subch. I
19 of ch. 111, employ any agent, employee or special advisor that the authority finds
20 necessary and fix his or her compensation and provide any employee benefits,
21 including an employee pension plan.

22 **SECTION 281.** 233.10 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is amended to read:

24 233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to
25 engage in collective bargaining with employees in a collective bargaining unit for

BILL

1 which a representative is recognized or certified under subch. I of ch. 111, the
2 authority shall establish any of the following:

3 **SECTION 282.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
6 233, 234, 237, or 238.

7 **SECTION 283.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

9 285.59 (1) (b) “State agency” means any office, department, agency, institution
10 of higher education, association, society or other body in state government created
11 or authorized to be created by the constitution or any law which is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, the Wisconsin
13 Housing and Economic Development Authority, the Bradley Center Sports and
14 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
15 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Wisconsin Health and Educational Facilities
18 Authority.

19 **SECTION 284.** 704.31 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
20 is amended to read:

21 704.31 (3) This section does not apply to a lease to which a local professional
22 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
23 Home Care Authority, or the Fox River Navigational System Authority is a party.

24 **SECTION 285.** 851.71 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
25 is amended to read:

BILL

1 851.71 (4) In counties having a population of 500,000 or more, the appointment
2 under subs. (1) and (2) shall be made as provided in those subsections but the judges
3 shall not remove the register in probate and deputy registers, except through charges
4 for dismissal made and sustained under s. 63.10 or an applicable collective
5 bargaining agreement.

6 **SECTION 286.** 904.085 (2) (a) of the statutes is amended to read:

7 904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation
8 under s. 111.54, mediation under s. 111.11, 111.70 (4) ~~(eg)~~ or (cm) 3. or 111.87,
9 mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
10 or s. 767.405, or any similar statutory, contractual or court-referred process
11 facilitating the voluntary resolution of disputes. “Mediation” does not include
12 binding arbitration or appraisal.

13 **SECTION 287.** 978.12 (1) (c) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
16 employed outside the classified service. For purposes of salary administration, the
17 director of the office of state employment relations shall establish one or more
18 classifications for assistant district attorneys in accordance with the classification
19 or classifications allocated to assistant attorneys general. Except as provided in s.
20 111.93 (3) ~~(b)~~, the salaries of assistant district attorneys shall be established and
21 adjusted in accordance with the state compensation plan for assistant attorneys
22 general whose positions are allocated to the classification or classifications
23 established by the director of the office of state employment relations.

24 **SECTION 288.** 2011 Wisconsin Act 10, section 9132 is repealed.

25 **SECTION 289.** 2011 Wisconsin Act 10, section 9155 is repealed.

Barman, Mike

From: Tuschen, Terry
Sent: Tuesday, October 04, 2011 1:03 PM
To: LRB.Legal
Cc: Tuschen, Terry
Subject: Draft Review: LRB 11-3060/1 Topic: Reinstate collective bargaining provisions eliminated in Act 10

Please Jacket LRB 11-3060/1 for the SENATE.