

LRB-1211  
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Under the Municipal Employment Relations Act (MERA), municipal employees, including school district employees, have the right to collectively bargain over wages, hours, and conditions of employment. This bill limits the collective bargaining right for municipal employees to municipal employees who are certain law enforcement or fire fighting personnel who are included as protective occupation participants under the Wisconsin Retirement System.

Under MERA, there are three categories of collective bargaining subjects. A mandatory subject of bargaining is one primarily related to wages, hours, and conditions of employment; the employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; the employer is permitted, but is not required, to bargain over this subject. A prohibited subject of bargaining is one that would violate a law if the parties bargained over it; there may be no bargaining over a prohibited subject. The bill prohibits bargaining over the amounts of the employer's and the employee's share of premium costs for health care coverage under a health care plan provided by the municipal employer. The bill makes the prohibition against the employer paying, on behalf of any employee, any employee-required contributions or employee share under certain retirement systems a prohibited subject of collective bargaining.

\*\*\*\*NOTE: Caitlin, this health care coverage prohibited subject language is a placeholder until I see the language Rick is drafting; the retirement prohibited language is from 0757.

This bill transfers certain hearings, appeals, and arbitration duties of the Wisconsin Employment Relations Commission (WERC) to the Division of Hearings and Appeals in the Department of Administration. This bill also allows the secretary of Administration to abolish positions at WERC.

This bill repeals the Wisconsin Quality Home Care Authority.

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

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

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1 SECTION 7.33 (1) (c) of the statutes is amended to read:  
2 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and  
3 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,  
4 or 237.

5 SECTION 2. 7.33 (4) of the statutes is amended to read:

1           7.33 (4) Except as otherwise provided in this subsection, each local  
 2 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon  
 3 proper application under sub. (3), permit each of its employees to serve as an election  
 4 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for  
 5 scheduled working hours during the period specified in sub. (3), without loss of pay  
 6 for scheduled working hours during the period specified in sub. (3) except as provided  
 7 in sub. (5), and without any other penalty. For employees who are included in a  
 8 collective bargaining unit for which a representative is recognized or certified under  
 9 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a  
 10 collective bargaining agreement.

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11           SECTION 3. 13.111 (2) of the statutes is amended to read:  
 12           13.111 (2) DUTIES. The joint committee on employment relations shall perform  
 13 the functions assigned to it under subchs. V and VI of ch. 111, subch. II of ch. 230 and  
 14 ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

15           SECTION ~~13~~ 13.172 (1) of the statutes is amended to read:  
 16           13.172 (1) In this section, "agency" means an office, department, agency,  
 17 institution of higher education, association, society, or other body in state  
 18 government created or authorized to be created by the constitution or any law, that  
 19 is entitled to expend moneys appropriated by law, including the legislature and the  
 20 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
 21 ch. ~~52~~, 231, 233, 234, or 279.

22           SECTION ~~13~~ 13.48 (13) (a) of the statutes is amended to read:  
 23           13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or  
 24 facility that is constructed for the benefit of or use of the state, any state agency,  
 25 board, commission or department, the University of Wisconsin Hospitals and Clinics

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1 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~  
✓ 2 ~~Home Care Authority~~, or any local professional baseball park district created under  
3 subch. III of ch. 229 if the construction is undertaken by the department of  
4 administration on behalf of the district, shall be in compliance with all applicable  
5 state laws, rules, codes and regulations but the construction is not subject to the  
6 ordinances or regulations of the municipality in which the construction takes place  
7 except zoning, including without limitation because of enumeration ordinances or  
8 regulations relating to materials used, permits, supervision of construction or  
9 installation, payment of permit fees, or other restrictions.

10 SECTION ~~#~~ 13.62 (2) of the statutes is amended to read:

✓ 11 13.62 (2) "Agency" means any board, commission, department, office, society,  
12 institution of higher education, council, or committee in the state government, or any  
13 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
14 233, 234, 237, or 279, except that the term does not include a council or committee  
15 of the legislature.

16 SECTION 7. 13.92 (3) (b) of the statutes is amended to read:

17 13.92 (3) (b) Notwithstanding s. 230.08 (2) (fc), those employees holding  
18 positions in the classified service at the revisor of statutes bureau on October 27,  
19 2007, who have achieved permanent status in class before that date, if they become  
20 employed by the legislative reference bureau under 2007 Wisconsin Act 20, section  
21 9130 (1f) (d) 1. or 2., shall retain, while serving in the unclassified service at the  
22 legislative reference bureau, those protections afforded employees in the classified  
23 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,  
24 discharge, layoff, or reduction in base pay. Each such employee shall also have  
25 reinstatement privileges to the classified service as provided under s. 230.31 (1) and

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1 any other reinstatement ~~privileges~~ or restoration rights provided under an  
2 applicable collective bargaining agreement under subch. V of ch. 111, 2009 stats.  
3 covering the employee on October 27, 2007.

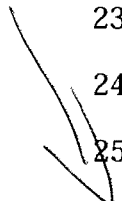
4 ~~SECTION 13.94~~ (4) (a) 1. of the statutes is amended to read:

5 13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
6 credentialing board, commission, independent agency, council or office in the  
7 executive branch of state government; all bodies created by the legislature in the  
8 legislative or judicial branch of state government; any public body corporate and  
9 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~  
10 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River  
11 Remediation Authority, and the Wisconsin Aerospace Authority, a professional  
12 baseball park district, a local professional football stadium district, a local cultural  
13 arts district and a long-term care district under s. 46.2895; every Wisconsin works  
14 agency under subch. III of ch. 49; every provider of medical assistance under subch.  
15 IV of ch. 49; technical college district boards; every county department under s. 51.42  
16 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative  
17 association to which moneys are specifically appropriated by state law; and every  
18 corporation, institution, association or other organization which receives more than  
19 50% of its annual budget from appropriations made by state law, including  
20 subgrantee or subcontractor recipients of such funds.

21 SECTION 9. 13.94 (5) of the statutes is amended to read:

22 13.94 (5) TREATMENT OF CLASSIFIED EMPLOYEES. Notwithstanding sub. (3) (b),  
23 those individuals holding positions in the classified service at the legislative audit  
24 bureau who achieved permanent status in class on July 31, 1981, shall retain, while  
25 serving in the unclassified service in the legislative audit bureau, those protections

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cont.



**SECTION 9**

1 afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c)  
 2 relating to demotion, suspension, discharge or layoff, except that the applicability of  
 3 any reduction in base pay of such an employee shall be determined on the basis of  
 4 the base pay received by the employee on July 31, 1981, plus the total amount of any  
 5 subsequent general economic increases approved by the joint committee on  
 6 employment relations for nonrepresented employees in the classified service. Such  
 7 employees shall also have reinstatement privileges to the classified service as  
 8 provided under s. 230.33 (1). Employees of the legislative audit bureau holding  
 9 positions in the classified service on July 31, 1981, who have not achieved permanent  
 10 status in class in any position in the legislative audit bureau on that date are eligible  
 11 to receive the protections and privileges preserved under this subsection if they  
 12 successfully complete the probationary period required for the position which they  
 13 hold.

14 **SECTION 13.95** (intro.) of the statutes is amended to read:

15 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
 16 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
 17 shall be strictly nonpartisan and shall at all times observe the confidential nature  
 18 of the research requests received by it; however, with the prior approval of the  
 19 requester in each instance, the bureau may duplicate the results of its research for  
 20 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
 21 designated employees shall at all times, with or without notice, have access to all  
 22 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
 23 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
 24 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
 25 Authority, and the Fox River Navigational System Authority, and to any books,

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1 records, or other documents maintained by such agencies or authorities and relating  
2 to their expenditures, revenues, operations, and structure.

✓ 3 SECTION ~~11~~. 15.07 (1) (a) 6. of the statutes is repealed.

✓ 4 SECTION ~~12~~. 15.96 (1) (h) of the statutes is repealed.

✓ 5 SECTION ~~13~~. 15.96 (2) of the statutes is amended to read:

6 15.96 (2) Eight voting members of the University of Wisconsin Hospitals and  
7 Clinics Board constitute a quorum for the purpose of conducting the business and  
8 exercising the powers of the board, notwithstanding the existence of a vacancy.

✓ 9 SECTION ~~14~~. 16.002 (2) of the statutes is amended to read:

10 16.002 (2) "Departments" means constitutional offices, departments, and  
11 independent agencies and includes all societies, associations, and other agencies of  
12 state government for which appropriations are made by law, but not including  
13 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and or in ~~chs. 52,~~  
14 ch. 231, 232, 233, 234, 235, 237, and or 279.

✓ 15 SECTION ~~15~~. 16.004 (4) of the statutes is amended to read:

16 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
17 department as the secretary designates may enter into the offices of state agencies  
18 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and  
19 under ~~chs. 52,~~ 231, 233, 234, 237, and 279, and may examine their books and  
20 accounts and any other matter that in the secretary's judgment should be examined  
21 and may interrogate the agency's employees publicly or privately relative thereto.

✓ 22 SECTION ~~16~~. 16.004 (5) of the statutes is amended to read:

23 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
24 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under  
25 ~~chs. 52,~~ 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate

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1 with the secretary and shall comply with every request of the secretary relating to  
2 his or her functions.

✓ 3 SECTION ~~18~~ 16.004 (12) (a) of the statutes is amended to read:

4 16.004 (12) (a) In this subsection, "state agency" means an association,  
5 authority, board, department, commission, independent agency, institution, office,  
6 society, or other body in state government created or authorized to be created by the  
7 constitution or any law, including the legislature, the office of the governor, and the  
8 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
9 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
10 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
11 ~~Care Authority~~, and the Fox River Navigational System Authority.

12 SECTION 18. 16.006 of the statutes is amended to read:

13 **16.006 Treatment of classified employees.** Those individuals holding  
14 positions in the classified service in the department who are engaged in legislative  
15 text processing functions and who achieved permanent status in class on August 9,  
16 1989, shall retain, while serving in the unclassified service in the legislature or any  
17 legislative branch agency, those protections afforded employees in the classified  
18 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,  
19 discharge, layoff, or reduction in base pay except that the applicability of any  
20 reduction in base pay of such an employee shall be determined on the basis of the base  
21 pay received by the employee on August 9, 1989, plus the total amount of any  
22 subsequent general economic increases provided in the compensation plan under s.  
23 230.12 for ~~nonrepresented~~ employees in the classified service. Such employees shall  
24 also have reinstatement privileges to the classified service as provided under s.  
25 230.33 (1). Employees of the department holding positions in the classified service

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1 on August 9, 1989, who are engaged in legislative text processing functions and who  
2 have not achieved permanent status in class in any position in the department on  
3 that date are eligible to receive the protections and privileges preserved under this  
4 section if they successfully complete service equivalent to the probationary period  
5 required in the classified service for the positions which they hold.

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6 SECTION ~~16~~ 16.045 (1) (a) of the statutes is amended to read:

7 16.045 (1) (a) "Agency" means an office, department, independent agency,  
8 institution of higher education, association, society, or other body in state  
9 government created or authorized to be created by the constitution or any law, that  
10 is entitled to expend moneys appropriated by law, including the legislature and the  
11 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
12 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, or 279.

13 SECTION ~~16~~ 16.15 (1) (ab) of the statutes is amended to read:

14 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but  
15 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
16 River Remediation Authority, the Wisconsin Quality Home Care Authority, and the  
17 Health Insurance Risk-Sharing Plan Authority.

18 SECTION 21. 16.40 (18) of the statutes is amended to read:

19 16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES. Require each state agency, at  
20 the time that the agency submits a request to the department for an increased  
21 appropriation to be provided in an executive budget bill which is necessitated by the  
22 compensation plan under s. 230.12 or a collective bargaining agreement approved  
23 under s. 111.92, to provide a copy of the request to the director of the office of state  
24 employment relations and the joint committee on employment relations.

25 SECTION ~~16~~ 16.41 (4) of the statutes is amended to read:





1 16.41 (4) In this section, "authority" means a body created under subch. II of  
2 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, or 279.

3 ~~SECTION 23:~~ 16.417 (1) (b) of the statutes is amended to read:

4 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or  
5 ch. 52, 231, 232, 233, 234, 235, 237, or 279.

6 SECTION 24. 16.50 (3) (b) of the statutes is amended to read:

7 16.50 (3) (b) No change in the number of full-time equivalent positions  
8 authorized through the biennial budget process or other legislative act may be made  
9 without the approval of the joint committee on finance, except for position changes  
10 made by the governor under s. 16.505 (1) (c) or (2), by the secretary under s. 16.505  
11 (2e), by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n),  
12 or by the board of regents of the University of Wisconsin System under s. 16.505 (2m)  
13 or (2p).

14 SECTION 25. 16.50 (3) (e) of the statutes is amended to read:

15 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
16 the pay ranges prescribed in the compensation plan or as provided in a collective  
17 bargaining agreement under subch. V or VI of ch. 111.

18 SECTION 26. 16.505 (1) (intro.) of the statutes is amended to read:

19 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m), (2n), and (2p), no  
20 position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
21 created or abolished unless authorized by one of the following:

22 SECTION 27. 16.505 (2e) of the statutes is created to read:

23 16.505 (2e) The secretary may abolish any full-time equivalent position or  
24 portion thereof at the employment relations commission or transfer any position or  
25 portion thereof to the division of hearings and appeals in the department. The

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1 ~~secretary may transfer an incumbent employee to the division of hearings and~~  
 2 ~~appeals. Employees who are transferred have all the rights and the same status~~  
 3 ~~under ch. 230 in the division of hearings and appeals that they enjoyed in the~~  
 4 ~~employment relations commission immediately before the transfer.~~  
 5 ~~Notwithstanding s. 230.28 (4), no employee so transferred who has attained~~  
 6 ~~permanent status in class is required to serve a probationary period.~~

7 SECTION ~~#~~ 16.52 (7) of the statutes is amended to read:

8 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
 9 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
 10 petty cash account from its contingent fund. The procedure for operation and  
 11 maintenance of petty cash accounts and the character of expenditures therefrom  
 12 shall be prescribed by the secretary. In this subsection, "agency" means an office,  
 13 department, independent agency, institution of higher education, association,  
 14 society, or other body in state government created or authorized to be created by the  
 15 constitution or any law, that is entitled to expend moneys appropriated by law,  
 16 including the legislature and the courts, but not including an authority created in  
 17 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

18 SECTION ~~#~~ 16.528 (1) (a) of the statutes is amended to read:

19 16.528 (1) (a) "Agency" means an office, department, independent agency,  
 20 institution of higher education, association, society, or other body in state  
 21 government created or authorized to be created by the constitution or any law, that  
 22 is entitled to expend moneys appropriated by law, including the legislature and the  
 23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
 24 ch. ~~52~~, 231, 233, 234, 237, or 279.

25 SECTION ~~#~~ 16.53 (2) of the statutes is amended to read:

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**SECTION 30**

1           16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
 2 invoice, the agency shall notify the sender of the invoice within 10 working days after  
 3 it receives the invoice of the reason it is improperly completed. In this subsection,  
 4 “agency” means an office, department, independent agency, institution of higher  
 5 education, association, society, or other body in state government created or  
 6 authorized to be created by the constitution or any law, that is entitled to expend  
 7 moneys appropriated by law, including the legislature and the courts, but not  
 8 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
 9 ~~52~~, 231, 233, 234, 237, or 279.

10           ~~SECTION 31.~~ 16.54 (9) (a) 1. of the statutes is amended to read:

11           16.54 (9) (a) 1. “Agency” means an office, department, independent agency,  
 12 institution of higher education, association, society or other body in state  
 13 government created or authorized to be created by the constitution or any law, which  
 14 is entitled to expend moneys appropriated by law, including the legislature and the  
 15 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
 16 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

17           ~~SECTION 32.~~ 16.70 (2) of the statutes is amended to read:

18           16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.  
 19 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

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20           ~~SECTION 33.~~ 16.705 (3) (c) of the statutes is repealed.

21           ~~SECTION 34.~~ 16.765 (1) of the statutes is amended to read:

22           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
 23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
 24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
 25 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and

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1 the Bradley Center Sports and Entertainment Corporation shall include in all  
2 contracts executed by them a provision obligating the contractor not to discriminate  
3 against any employee or applicant for employment because of age, race, religion,  
4 color, handicap, sex, physical condition, developmental disability as defined in s.  
5 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,  
6 except with respect to sexual orientation, obligating the contractor to take  
7 affirmative action to ensure equal employment opportunities.

8 ~~SECTION 34.~~ 16.765 (2) of the statutes is amended to read:

9 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
11 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
12 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
13 the Bradley Center Sports and Entertainment Corporation shall include the  
14 following provision in every contract executed by them: "In connection with the  
15 performance of work under this contract, the contractor agrees not to discriminate  
16 against any employee or applicant for employment because of age, race, religion,  
17 color, handicap, sex, physical condition, developmental disability as defined in s.  
18 51.01 (5), sexual orientation or national origin. This provision shall include, but not  
19 be limited to, the following: employment, upgrading, demotion or transfer;  
20 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
21 forms of compensation; and selection for training, including apprenticeship. Except  
22 with respect to sexual orientation, the contractor further agrees to take affirmative  
23 action to ensure equal employment opportunities. The contractor agrees to post in  
24 conspicuous places, available for employees and applicants for employment, notices

1 to be provided by the contracting officer setting forth the provisions of the  
2 nondiscrimination clause”.

3 ~~SECTION 36.~~ SECTION 16.765 (4) of the statutes is amended to read:

4 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
7 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
8 the Bradley Center Sports and Entertainment Corporation shall take appropriate  
9 action to revise the standard government contract forms under this section.

10 ~~SECTION 37.~~ SECTION 16.765 (5) of the statutes is amended to read:

11 16.765 (5) The head of each contracting agency and the boards of directors of  
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
13 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
14 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
15 Authority, ~~the Wisconsin Quality Home Care Authority,~~ and the Bradley Center  
16 Sports and Entertainment Corporation shall be primarily responsible for obtaining  
17 compliance by any contractor with the nondiscrimination and affirmative action  
18 provisions prescribed by this section, according to procedures recommended by the  
19 department. The department shall make recommendations to the contracting  
20 agencies and the boards of directors of the University of Wisconsin Hospitals and  
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
23 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
24 the Bradley Center Sports and Entertainment Corporation for improving and  
25 making more effective the nondiscrimination and affirmative action provisions of

1 contracts. The department shall promulgate such rules as may be necessary for the  
2 performance of its functions under this section.

3 ~~SECTION 38.~~ 16.765 (6) of the statutes is amended to read:

4 16.765 (6) The department may receive complaints of alleged violations of the  
5 nondiscrimination provisions of such contracts. The department shall investigate  
6 and determine whether a violation of this section has occurred. The department may  
7 delegate this authority to the contracting agency, the University of Wisconsin  
8 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
10 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
11 ~~Authority~~, or the Bradley Center Sports and Entertainment Corporation for  
12 processing in accordance with the department's procedures.

13 ~~SECTION 39.~~ 16.765 (7) (intro.) of the statutes is amended to read:

14 16.765 (7) (intro.) When a violation of this section has been determined by the  
15 department, the contracting agency, the University of Wisconsin Hospitals and  
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
18 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, or  
19 the Bradley Center Sports and Entertainment Corporation, the contracting agency,  
20 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
21 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
22 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
23 Authority, ~~the Wisconsin Quality Home Care Authority~~, or the Bradley Center Sports  
24 and Entertainment Corporation shall:

25 ~~SECTION 40.~~ 16.765 (7) (d) of the statutes is amended to read:

1           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
2 further violations of this section and to report its corrective action to the contracting  
3 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
4 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
5 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
6 Authority, ~~the Wisconsin Quality Home Care Authority~~, or the Bradley Center Sports  
7 and Entertainment Corporation.

8           ~~SECTION 40.~~ 16.765 (8) of the statutes is amended to read:

9           16.765 (8) If further violations of this section are committed during the term  
10 of the contract, the contracting agency, the Fox River Navigational System Authority,  
11 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
12 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
13 ~~Care Authority~~, or the Bradley Center Sports and Entertainment Corporation may  
14 permit the violating party to complete the contract, after complying with this section,  
15 but thereafter the contracting agency, the Fox River Navigational System Authority,  
16 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
17 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
18 ~~Care Authority~~, or the Bradley Center Sports and Entertainment Corporation shall  
19 request the department to place the name of the party on the ineligible list for state  
20 contracts, or the contracting agency, the Fox River Navigational System Authority,  
21 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
22 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
23 ~~Care Authority~~, or the Bradley Center Sports and Entertainment Corporation may  
24 terminate the contract without liability for the uncompleted portion or any materials

1 or services purchased or paid for by the contracting party for use in completing the  
2 contract.

3 SECTION ~~42~~ 16.85 (2) of the statutes is amended to read:

4 16.85 (2) To furnish engineering, architectural, project management, and other  
5 building construction services whenever requisitions therefor are presented to the  
6 department by any agency. The department may deposit moneys received from the  
7 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
8 fund as general purpose revenue — earned. In this subsection, “agency” means an  
9 office, department, independent agency, institution of higher education, association,  
10 society, or other body in state government created or authorized to be created by the  
11 constitution or any law, which is entitled to expend moneys appropriated by law,  
12 including the legislature and the courts, but not including an authority created in  
13 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

14 SECTION ~~43~~ 16.865 (8) of the statutes is amended to read:

15 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
16 proportionate share of the estimated costs attributable to programs administered by  
17 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
18 may charge premiums to agencies to finance costs under this subsection and pay the  
19 costs from the appropriation on an actual basis. The department shall deposit all  
20 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
21 Costs assessed under this subsection may include judgments, investigative and  
22 adjustment fees, data processing and staff support costs, program administration  
23 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
24 subsection, “agency” means an office, department, independent agency, institution  
25 of higher education, association, society, or other body in state government created



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2-16  
cont

1 or authorized to be created by the constitution or any law, that is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, but not  
3 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
4 52, 231, 232, 233, 234, 235, 237, or 279.

5 **SECTION 44.** 19.356 (2) (b) of the statutes is amended to read:

6 19.356 (2) (b) Paragraph (a) does not apply to an authority who provides access  
7 to a record pertaining to an employee to the employee who is the subject of the record  
8 or to his or her representative to the extent required under s. 103.13 or to a  
9 recognized or certified collective bargaining representative to the extent required to  
10 fulfill a duty to bargain or pursuant to a collective bargaining agreement under ch.  
11 111.

12 **SECTION 45.** 19.36 (10) (intro.) of the statutes is amended to read:

13 19.36 (10) EMPLOYEE PERSONNEL RECORDS. (intro.) Unless access is specifically  
14 authorized or required by statute, an authority shall not provide access under s.  
15 19.35 (1) to records containing the following information, except to an employee or  
16 the employee's representative to the extent required under s. 103.13 or to a  
17 recognized or certified collective bargaining representative to the extent required to  
18 fulfill a duty to bargain under ch. 111 or pursuant to a collective bargaining  
19 agreement under ch. 111:

\*\*\*\*NOTE: Caitlin, we will have to review SECTIONS 44 and 45 to ensure that these authorities won't have employees still covered by MERA. See definition of "authority" in s. 19.32 (1)

20 **SECTION 46.** 19.42 (10) (s) of the statutes is repealed.

21 **SECTION 47.** 19.42 (13) (o) of the statutes is repealed.

22 **SECTION 48.** 19.82 (1) of the statutes is amended to read:

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1           19.82 (1) "Governmental body" means a state or local agency, board,  
 2 commission, committee, council, department or public body corporate and politic  
 3 created by constitution, statute, ordinance, rule or order; a governmental or  
 4 quasi-governmental corporation except for the Bradley center sports and  
 5 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
 6 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
 7 the foregoing, but excludes any such body or committee or subunit of such body which  
 8 is formed for or meeting for the purpose of collective bargaining under subch. I <sup>or</sup>  
 9 <sup>or</sup> IV, V, or VI of ch. 111. <sup>plain</sup>

10           SECTION 49. 19.85 (3) of the statutes is amended to read:

11           19.85 (3) Nothing in this subchapter shall be construed to authorize a  
 12 governmental body to consider at a meeting in closed session the final ratification or  
 13 approval of a collective bargaining agreement under subch. I <sup>or</sup> IV, V, or VI of ch. 111 <sup>plain</sup>  
 14 which has been negotiated by such body or on its behalf. <sup>or</sup>

15           SECTION 50. 19.86 of the statutes is amended to read:

16           **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
 17 19.82 (1), where notice has been given by either party to a collective bargaining  
 18 agreement under subch. I <sup>or</sup> IV, V, or VI of ch. 111 to reopen such agreement at its <sup>plain</sup>  
 19 expiration date, the employer shall give notice of such contract reopening as provided  
 20 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
 21 by the employer's chief officer or such person's designee.

22           SECTION 51. 20.425 (1) (a) of the statutes is amended to read:

23           20.425 (1) (a) *General program operations.* The amounts in the schedule for  
 24 the purposes provided in subchs. I <sup>or</sup> IV, V, or VI of ch. 111 <sup>plain</sup> and s. 230.45 (1).

SECTION ~~51~~ 20.425 (1) (i) of the statutes is amended to read: <sup>plain</sup>

IN 25  
2-11

1 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
 2 The amounts in the schedule for the performance of fact-finding, mediation, and  
 3 arbitration functions, for the provision of copies of transcripts, for the cost of  
 4 operating training programs under ss. 111.09 (3), and 111.71 (5), and 111.94 (3), for  
 5 the preparation of publications, transcripts, reports, and other copied material, and  
 6 for costs related to conducting appeals under s. 230.45. All moneys received under  
 7 ss. 111.09 (1) and (2), and 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45  
 8 (3), all moneys received from arbitrators and arbitration panel members, and  
 9 individuals who are interested in serving in such positions, and from individuals and  
 10 organizations who participate in other collective bargaining training programs  
 11 conducted by the commission, and all moneys received from the sale of publications,  
 12 transcripts, reports, and other copied material shall be credited to this appropriation  
 13 account.

14 SECTION 53. 20.505 (4) (f) of the statutes is amended to read:

15 20.505 (4) (f) *Hearings and appeals operations.* The amounts in the schedule  
 16 for the general program operations of the division of hearings and appeals and for  
 17 the purposes provided in s. 230.45 (1). All moneys received under s. 230.45 (3) shall  
 18 be credited to this appropriation account.

19 SECTION 54. 20.545 (1) (k) of the statutes is amended to read:

20 20.545 (1) (k) *General program operations.* The amounts in the schedule to  
 21 administer state employment relations functions and the civil service system under  
 22 subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray  
 23 the expenses of the state employees suggestion board. All moneys received from  
 24 state agencies for materials and services provided by the office of state employment  
 25 relations shall be credited to this appropriation.

END INS 2-11

END OF INSERT

**SECTION 64**

1 Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d)  
2 ~~who are not included within a collective bargaining unit for which a representative~~  
3 ~~is certified under subch. V or VI of ch. 111, as determined under s. 20.928.~~

4 **SECTION 65.** 20.865 (1) (sm) of the statutes is repealed.

5 **SECTION 66.** 20.917 (3) (b) of the statutes is amended to read:

6 20.917 (3) (b) This subsection applies to employees in all positions in the civil  
7 service, ~~including those employees in positions included in collective bargaining~~  
8 ~~units under subch. V or VI of ch. 111, whether or not the employees are covered by~~  
9 ~~a collective bargaining agreement.~~

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10 ✓ **SECTION 67.** 20.921 (1) (a) 2. of the statutes is repealed.

11 ✓ **SECTION 68.** 20.921 (1) (b) of the statutes is amended to read:

12 20.921 (1) (b) ~~Except as provided in ss. 111.06 (1) (c) and 111.84 (1) (f), the~~ The  
13 request under par. (a) shall be made to the state agency or to the University of  
14 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the  
15 directions and information prescribed by each state agency or by the authority. The  
16 request may be withdrawn or the amount paid to the payee may be changed by  
17 notifying the state agency or the authority to that effect, but no such withdrawal or  
18 change shall affect a payroll certification already prepared.

19 **SECTION 69.** 20.923 (6) (intro.) of the statutes is amended to read:

20 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
21 following positions may be set by the appointing authority, subject to restrictions  
22 otherwise set forth in the statutes and the compensation plan under s. 230.12, ~~except~~  
23 ~~where the salaries are a subject of bargaining with a certified representative of a~~  
24 ~~collective bargaining unit under s. 111.91 or 111.998:~~

25 **SECTION 70.** 20.928 (1) of the statutes is amended to read:

1 board authorizes the salary increase to correct a salary inequity or to recognize  
2 competitive factors. The board may not increase the salary of any position identified  
3 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the  
4 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless  
5 the increase is approved by the office of state employment relations. The granting  
6 of salary increases to recognize competitive factors does not obligate inclusion of the  
7 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
8 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
9 report to the joint committee on finance and the secretary of administration and  
10 director of the office of state employment relations concerning the amounts of any  
11 salary increases granted to recognize competitive factors, and the institutions at  
12 which they are granted, for the 12-month period ending on the preceding June 30.

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13 SECTION ~~74~~ 36.25 (13g) (c) 1. of the statutes is renumbered 36.25 (13g) (c) and  
14 amended to read:

15 36.25 (13g) (c) The board may negotiate and enter into a contractual services  
16 agreement with the University of Wisconsin Hospitals and Clinics Board for the  
17 provision of services by employees of the University of Wisconsin Hospitals and  
18 Clinics Board. Any agreement under this ~~subdivision~~ paragraph shall include a  
19 provision that requires the board to make adequate payments to the University of  
20 Wisconsin Hospitals and Clinics Board for any services provided under the  
21 agreement in advance of their need by the University of Wisconsin Hospitals and  
22 Clinics Board to pay its employees for such services.

23 SECTION ~~76~~ 36.25 (13g) (c) 2. of the statutes is repealed.

24 SECTION ~~77~~ 40.02 (25) (b) 8. of the statutes is amended to read:

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1 ~~SECTION 93. 40.95 (1) (a) 2. and 3. of the statutes are repealed.~~

2 SECTION ~~94~~ 46.284 (4) (m) of the statutes is repealed.

3 SECTION ~~95~~ 46.2895 (8) (a) 1. of the statutes is repealed.

4 SECTION ~~96~~ 46.2898 of the statutes is repealed.

5 SECTION ~~97~~ 46.48 (9m) of the statutes is repealed.

6 SECTION 98. 49.825 (3) (a) of the statutes is amended to read:

7 49.825 (3) (a) Supervisory personnel in the unit shall be state employees.

8 Nonsupervisory staff performing services under this section for the unit may be a  
9 combination of state employees and employees of Milwaukee County. For the  
10 performance of services under this section for the unit, the county shall maintain no  
11 fewer represented authorized full-time employee positions than the number of  
12 represented full-time employee positions that were authorized on February 1, 2009,  
13 for performance of the same types of services.

\*\*\*\*NOTE: Please review this SECTION and SECTION 100 to ensure the amendments are consistent with your intent.

14 SECTION 99. 49.825 (3) (b) 4. of the statutes is repealed

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15 SECTION 100. 49.826 (3) (a) of the statutes is amended to read:

16 49.826 (3) (a) Supervisory personnel in the unit shall be state employees.

17 Nonsupervisory staff performing services under this section for the unit in a county  
18 may be a combination of state employees and employees of the county. For the  
19 performance of services under this section for the unit, a county shall maintain no  
20 fewer represented authorized full-time employee positions than the number of  
21 represented full-time employee positions that were authorized on February 1, 2009,  
22 for performance of the same types of services.

23 SECTION 101. 49.826 (3) (b) 4. of the statutes is repealed.

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1 SECTION ~~102~~ Chapter 52 of the statutes is repealed.

2 SECTION 103. 59.58 (4) (b) of the statutes is repealed.

3 SECTION 104. 59.58 (4) (c) of the statutes is repealed.

4 SECTION 105. 66.0508 of the statutes is created to read:

5 **66.0508 Collective bargaining. (1)** Except as provided under subch. IV of  
6 ch. 111, no city, village, town, or county may collectively bargain with its employees.

7 **(2)** If a city, village, town, or county has in effect on the effective date of this  
subsubsection .... [LRB inserts date], an ordinance or resolution that is inconsistent with  
sub. (1), the ordinance or resolution does not apply and may not be enforced.

10 SECTION ~~106~~. 66.1039 (6) (b) of the statutes is repealed.

11 SECTION ~~107~~. 66.1104 (1) (a) of the statutes is amended to read:

12 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or  
13 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,  
14 233, 234, 235, 237, or 279.

15 SECTION ~~108~~. 70.11 (41s) of the statutes is repealed.

16 SECTION ~~109~~. 71.26 (1) (be) of the statutes is amended to read:

17 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
18 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
19 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
20 Navigational System Authority, and of the Wisconsin Aerospace Authority.

21 SECTION ~~110~~. 77.54 (9a) (a) of the statutes is amended to read:

22 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
23 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
24 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
25 Authority, and the Fox River Navigational System Authority.

LRB: Note  
this is not  
included in  
ch. 2-10

✓ 1            **SECTION ~~111~~**. 100.45 (1) (dm) of the statutes is amended to read:

2            100.45 (1) (dm) “State agency” means any office, department, agency,  
3 institution of higher education, association, society or other body in state  
4 government created or authorized to be created by the constitution or any law which  
5 is entitled to expend moneys appropriated by law, including the legislature and the  
6 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
7 Center Sports and Entertainment Corporation, the University of Wisconsin  
8 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
9 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~  
10 ~~Authority~~, and the Fox River Navigational System Authority.

✓ 11            **SECTION ~~112~~**. 101.177 (1) (d) of the statutes is amended to read:

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

✓ 22            **SECTION ~~113~~**. 111.02 (1) of the statutes is amended to read:

23            111.02 (1) ~~The term “all-union~~ “All-union agreement” shall mean means an  
24 agreement between an employer ~~other than the University of Wisconsin Hospitals~~  
25 ~~and Clinics Authority~~ and the representative of the employer’s employees in a



1 collective bargaining unit whereby all or any of the employees in such unit are  
2 required to be members of a single labor organization.

3 **SECTION ~~114~~** 111.02 (2) of the statutes is amended to read:

4 111.02 (2) "Collective bargaining" is the means negotiating by an employer and  
5 a majority of the employer's employees in a collective bargaining unit, or their  
6 representatives, concerning representation or terms and conditions of employment  
7 of such employees, ~~except as provided under ss. 111.05 (5) and 111.17 (2)~~, in a  
8 mutually genuine effort to reach an agreement with reference to the subject under  
9 negotiation.

10 **SECTION ~~115~~** 111.02 (3) of the statutes is amended to read:

11 111.02 (3) "Collective bargaining unit" means all of the employees of one  
12 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~  
13 ~~except that where a majority of the employees engaged in a single craft, division,~~  
14 ~~department or plant have voted by secret ballot as provided in s. 111.05 (2) to~~  
15 ~~constitute such group a separate bargaining unit they shall be so considered, but, in~~  
16 ~~appropriate cases, and to aid in the more efficient administration of ss. 111.01 to~~  
17 ~~111.19, the commission may find, where agreeable to all parties affected in any way~~  
18 ~~thereby, an industry, trade or business comprising more than one employer in an~~  
19 ~~association in any geographical area to be a "collective bargaining unit". A collective~~  
20 ~~bargaining unit thus established by the commission shall be subject to all rights by~~  
21 ~~termination or modification given by ss. 111.01 to 111.19 in reference to collective~~  
22 ~~bargaining units otherwise established under ss. 111.01 to 111.19. Two or more~~  
23 ~~collective bargaining units may bargain collectively through the same~~  
24 ~~representative where a majority of the employees in each separate unit have voted~~  
25 ~~by secret ballot as provided in s. 111.05 (2) so to do.~~

1 SECTION ~~116~~. 111.02 (6) (am) of the statutes is repealed.

2 SECTION 117. 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,  
3 renumbered 111.02 (7) (a) and amended to read:

4 111.02 (7) (a) "Employer" means a person who engages the services of an  
5 employee, and includes all of the following: 1. A a person acting on behalf of an  
6 employer within the scope of his or her authority, express or implied.

7 SECTION ~~118~~. 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

8 SECTION ~~119~~. 111.02 (7) (b) 1. of the statutes is amended to read:

9 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political  
10 subdivision thereof.

11 SECTION ~~120~~. 111.02 (7m) of the statutes is repealed.

✓12 SECTION ~~121~~. 111.02 (9m) of the statutes is repealed.

13 SECTION ~~122~~. 111.02 (10m) of the statutes is repealed.

14 SECTION ~~123~~. 111.05 (2) of the statutes is amended to read:

15 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a  
16 question arises concerning the determination of a collective bargaining unit as  
17 defined in s. 111.02 (3), it shall be determined by secret ballot, and the commission,  
18 upon request, shall cause the ballot to be taken in such manner as to show separately  
19 the wishes of the employees in any craft, division, department or plant as to the  
20 determination of the collective bargaining unit.

21 SECTION ~~124~~. 111.05 (3g) of the statutes is repealed.

22 SECTION ~~125~~. 111.05 (5) of the statutes is repealed.

23 SECTION ~~126~~. 111.05 (6) of the statutes is repealed.

24 SECTION ~~127~~. 111.05 (7) of the statutes is repealed.

25 SECTION ~~128~~. 111.06 (1) (c) 1. of the statutes is amended to read:

1           111.06 (1) (c) 1. To encourage or discourage membership in any labor  
2 organization, employee agency, committee, association or representation plan by  
3 discrimination in regard to hiring, tenure or other terms or conditions of employment  
4 except in a collective bargaining unit where an all-union, fair-share or maintenance  
5 of membership agreement is in effect. An employer is not prohibited from entering  
6 into an all-union agreement with the voluntarily recognized representative of the  
7 employees in a collective bargaining unit, where at least a majority of such employees  
8 voting have voted affirmatively, by secret ballot, in favor of such all-union agreement  
9 in a referendum conducted by the commission, except that where the bargaining  
10 representative has been certified by either the commission or the national labor  
11 relations board as the result of a representation election, no referendum is required  
12 to authorize the entry into such an all-union agreement. ~~Such authorization of an~~ continue striking  
13 all-union agreement shall be deemed to continue thereafter, subject to the right of  
14 either party to the all-union agreement to petition the commission to conduct a new  
15 referendum on the subject. Upon receipt of such petition, the commission shall  
16 determine whether there is reasonable ground to believe that the employees  
17 concerned have changed their attitude toward the all-union agreement and upon so  
18 finding the commission shall conduct a referendum. If the continuance of the  
19 all-union agreement is supported on any such referendum by a vote at least equal  
20 to that provided in this subdivision for its initial authorization, it may be continued  
21 in force thereafter, subject to the right to petition for a further vote by the procedure  
22 set forth in this subdivision. If the continuance of the all-union agreement is not  
23 thus supported on any such referendum, it is deemed terminated at the termination  
24 of the contract of which it is then a part or at the end of one year from the date of the  
25 announcement by the commission of the result of the referendum, whichever is

1 earlier. The commission shall declare any all-union agreement terminated  
2 whenever it finds that the labor organization involved has unreasonably refused to  
3 receive as a member any employee of such employer, and each such all-union  
4 agreement shall be made subject to this duty of the commission. Any person  
5 interested may come before the commission as provided in s. 111.07 and ask the  
6 performance of this duty. Any all-union agreement in effect on October 4, 1975,  
7 made in accordance with the law in effect at the time it is made is valid.

8 SECTION ~~129~~ 111.06 (1) (d) of the statutes is amended to read:

9 111.06 (1) (d) To refuse to bargain collectively with the representative of a  
10 majority of the employer's employees in any collective bargaining unit with respect  
11 to representation or terms and conditions of employment, ~~except as provided under~~  
12 ~~ss. 111.05 (5) and 111.17 (2)~~; provided, however, that where an employer files with  
13 the commission a petition requesting a determination as to majority representation,  
14 the employer shall not be deemed to have refused to bargain until an election has  
15 been held and the result thereof has been certified to the employer by the  
16 commission.

17 SECTION ~~130~~ 111.06 (1) (i) of the statutes is amended to read:

18 111.06 (1) (i) To deduct labor organization dues or assessments from an  
19 employee's earnings, unless the employer has been presented with an individual  
20 order therefor, signed by the employee personally, and terminable at the end of any  
21 year of its life by the employee giving at least thirty days' written notice of such  
22 termination unless there is an all-union, ~~fair-share or maintenance of membership~~  
23 agreement in effect. The employer shall give notice to the labor organization of  
24 receipt of such notice of termination.

25 SECTION ~~131~~ 111.06 (1) (m) of the statutes is repealed.

1           SECTION ~~137~~ 111.06 (2) (i) of the statutes is amended to read:

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

4           SECTION ~~138~~ 111.075 of the statutes is repealed.

5           SECTION ~~139~~ 111.115 (title) of the statutes is amended to read:

6           **111.115 (title) Notice of certain proposed lockouts or strikes.**

7           SECTION ~~140~~ 111.115 (1) (intro.) and (b) of the statutes are consolidated,  
8 renumbered 111.115 (1) and amended to read:

9           111.115 (1) In this subsection: ~~(b)~~ “Strike” section, “strike” includes any  
10 concerted stoppage of work by employees, and any concerted slowdown or other  
11 concerted interruption of operations or services by employees, or any concerted  
12 refusal of employees to work or perform their usual duties as employees, for the  
13 purpose of enforcing demands upon an employer.

14           SECTION ~~141~~ 111.115 (1) (a) of the statutes is repealed.

15           SECTION ~~142~~ 111.115 (2) of the statutes is repealed.

16           SECTION ~~143~~ 111.17 (intro.) and (1) of the statutes are consolidated,  
17 renumbered 111.17 and amended to read:

18           **111.17 Conflict of provisions; effect.** Wherever the application of the  
19 provisions of other statutes or laws conflict with the application of the provisions of  
20 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ in in any situation  
21 where the provisions of this subchapter cannot be validly enforced the provisions of  
22 such other statutes or laws shall apply.

23           SECTION ~~144~~ 111.17 (2) of the statutes is repealed.

24           SECTION ~~140~~ 111.70 (1) (a) of the statutes is amended to read:

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1 SECTION ~~141~~. 111.70 (1) (b) of the statutes is amended to read:

2 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal  
3 employees ~~who are school district employees or of municipal employees who are not~~  
4 ~~school district employees~~ that is determined by the commission <sup>(to be appropriate for</sup>  
5 the purpose of collective bargaining. under sub. (4)(a) 2.a. ✓

6 SECTION 142. 111.70 (1) (d) of the statutes is repealed.

7 SECTION 143. 111.70 (1) (i) of the statutes is amended to read:

8 111.70 (1) (i) "Municipal employee" means any individual employed by a  
9 municipal employer ~~other than in a position that, on the effective date of this~~  
10 ~~paragraph ... [LRB inserts date], is classified as a protective occupation participant~~  
11 ~~under s. 40.02 (48) (am) 9., 10., 13., 15., or 22, or under a comparable provision in a~~  
12 ~~county or city retirement system. "Municipal employee" does not include an~~  
13 ~~independent contractor, supervisor, or confidential, managerial, or executive~~  
14 ~~employee.~~

15 SECTION 144. 111.70 (1) (j) of the statutes is amended to read:

16 111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
17 ~~metropolitan sewerage district, school district, long-term care district, transit~~  
18 ~~authority under s. 59.58 (7) or 66.1039, or any other political subdivision of the state,~~  
19 ~~or instrumentality of one or more political subdivisions of the state, that engages the~~  
20 ~~services of an a municipal employee and includes any person acting on behalf of a~~  
21 ~~municipal employer within the scope of the person's authority, express or implied,~~  
22 ~~but specifically does not include a local cultural arts district created under subch. V~~  
23 ~~of ch. 229.~~

24 SECTION 145. 111.70 (1) (L) of the statutes is repealed.

25 SECTION ~~146~~. 111.70 (1) (n) of the statutes is amended to read:

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1           111.70 (1) (n) "Referendum" means a proceeding conducted by the commission  
2 in which employees in a collective bargaining unit may cast a secret ballot on the  
3 question of authorizing a labor organization and the employer to continue a  
4 fair-share agreement. ~~Unless a majority of the eligible employees vote in favor of~~  
5 ~~the fair-share agreement, it shall be deemed terminated and that portion of the~~  
6 ~~collective bargaining agreement deemed null and void.~~

7           **SECTION 147.** 111.70 (1) (ne) of the statutes is repealed.

8           **SECTION 148.** 111.70 (1) (nm) of the statutes is repealed.

9           **SECTION 149.** 111.70 (2) of the statutes is amended to read:

10           111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the  
11 right of self-organization, and the right to form, join or assist labor organizations,  
12 to bargain collectively through representatives of their own choosing, and to engage  
13 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
14 aid or protection, and such municipal employees shall have the right to refrain from  
15 any and all such activities except that employees may be required to pay dues in the  
16 manner provided in a fair-share agreement. Such fair-share agreement ~~shall be~~ is  
17 subject to the right of the municipal employer or a labor organization to petition the  
18 commission to conduct a referendum. Such petition must be supported by proof that  
19 at least 30% of the employees in the collective bargaining unit desire that the  
20 fair-share agreement be terminated. Upon so finding, the commission shall conduct  
21 a referendum. If the continuation of the agreement is not supported by at least the  
22 majority of the eligible employees, it shall ~~be deemed terminated~~ terminate. The  
23 commission shall declare any fair-share agreement suspended upon such conditions  
24 and for such time as the commission decides whenever it finds that the labor  
25 organization involved has refused on the basis of race, color, sexual orientation, creed

1 or sex to receive as a member any employee of the municipal employer in the  
2 bargaining unit involved, and such agreement shall be made is subject to this duty  
3 of the commission. Any of the parties to such agreement or any municipal employee  
4 covered thereby by the agreement may come before the commission, as provided in  
5 s. 111.07, and ask the performance of this duty.

6 SECTION ~~110~~ 111.70 (3) (a) 4. of the statutes is amended to read:

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7 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a  
8 majority of its employees in an appropriate collective bargaining unit. Such refusal  
9 shall include includes action by the employer to issue or seek to obtain contracts,  
10 including those provided for by statute, with individuals in the collective bargaining  
11 unit while collective bargaining, mediation, or fact-finding concerning the terms and  
12 conditions of a new collective bargaining agreement is in progress, unless such  
13 individual contracts contain express language providing that the contract is subject  
14 to amendment by a subsequent collective bargaining agreement. Where the  
15 employer has a good faith doubt as to whether a labor organization claiming the  
16 support of a majority of its employees in an appropriate bargaining unit does in fact  
17 have that support, it may file with the commission a petition requesting an election  
18 to that claim. An employer shall not be deemed to have refused to bargain until an  
19 election has been held and the results thereof certified to the employer by the  
20 commission. The violation shall include, though not be limited thereby, to the refusal  
21 to execute a collective bargaining agreement previously agreed upon. The term of  
22 any collective bargaining agreement covering municipal employees who are not  
23 school district employees shall may not exceed 3 years, and the term of any collective  
24 bargaining agreement covering school district employees shall not exceed 4 years.

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25 SECTION ~~151~~ 111.70 (3) (a) 7. of the statutes is repealed.

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