



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0816/P1  
CMH&RAC:wlj:ph

LRB-1211  
File

DOA:.....Frederick, BAB0011d - Delete collective bargaining for University of Wisconsin

**FOR 2011-13 BUDGET - NOT READY FOR INTRODUCTION**

1 AN ACT ~~...~~ relating to: eliminating collective bargaining rights for employees of  
2 the University of Wisconsin System.

*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

Under current law, UW System employees have the right to collectively bargain over wages, hours, and conditions of employment, and the UW System must bargain with them over specified subjects. This bill eliminates the rights of employees of the UW System to collectively bargain.

For further information see the *state* 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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3 SECTION ~~11~~ 7.33 (4) of the statutes is amended to read:  
4 7.33 (4) Except as otherwise provided in this subsection, each local  
5 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon

**SECTION 1**

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

9 ~~SECTION 13.111~~ 13.111 (2) of the statutes is amended to read:

10 13.111 (2) DUTIES. The joint committee on employment relations shall perform  
11 the functions assigned to it under ~~subchs.~~ subch. V and VI of ch. 111, subch. II of ch.  
12 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

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13 ~~SECTION 16.50~~ 16.50 (3) (e) of the statutes is amended to read:

14 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
15 the pay ranges prescribed in the compensation plan or as provided in a collective  
16 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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17 ~~SECTION 16.705~~ 16.705 (3) (c) of the statutes is amended to read:

18 16.705 (3) (c) Do not enter into any contract for contractual services in conflict  
19 with any collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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20 ~~SECTION 19.82~~ 19.82 (1) of the statutes is amended to read:

21 19.82 (1) "Governmental body" means a state or local agency, board,  
22 commission, committee, council, department or public body corporate and politic  
23 created by constitution, statute, ordinance, rule or order; a governmental or  
24 quasi-governmental corporation except for the Bradley center sports and  
25 entertainment corporation; a local exposition district under subch. II of ch. 229; a

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1 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
2 the foregoing, but excludes any such body or committee or subunit of such body which  
3 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
4 or V, or VI of ch. 111.

5 SECTION ~~6~~ 19.85 (3) of the statutes is amended to read:

6 19.85 (3) Nothing in this subchapter shall be construed to authorize a  
7 governmental body to consider at a meeting in closed session the final ratification or  
8 approval of a collective bargaining agreement under subch. I, IV, or V, or VI of ch. 111  
9 which has been negotiated by such body or on its behalf.

10 SECTION ~~7~~ 19.86 of the statutes is amended to read:

11 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
12 19.82 (1), where notice has been given by either party to a collective bargaining  
13 agreement under subch. I, IV, or V, or VI of ch. 111 to reopen such agreement at its  
14 expiration date, the employer shall give notice of such contract reopening as provided  
15 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
16 by the employer's chief officer or such person's designee.

17 SECTION ~~8~~ 20.425 (1) (a) of the statutes is amended to read:

18 20.425 (1) (a) *General program operations.* The amounts in the schedule for  
19 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).

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20 SECTION 9. 20.425 (1) (i) of the statutes is amended to read:

21 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
22 The amounts in the schedule for the performance of fact-finding, mediation, and  
23 arbitration functions, for the provision of copies of transcripts, for the cost of  
24 operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the  
25 preparation of publications, transcripts, reports, and other copied material, and for

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1 costs related to conducting appeals under s. 230.45. All moneys received under ss.  
 2 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), ~~111.993~~, and 230.45 (3), all  
 3 moneys received from arbitrators and arbitration panel members, and individuals  
 4 who are interested in serving in such positions, and from individuals and  
 5 organizations who participate in other collective bargaining training programs  
 6 conducted by the commission, and all moneys received from the sale of publications,  
 7 transcripts, reports, and other copied material shall be credited to this appropriation  
 8 account.

IN 9 SECTION ~~10~~ 20.545 (1) (k) of the statutes is amended to read:

2-1 J 10 20.545 (1) (k) *General program operations.* The amounts in the schedule to  
 11 administer state employment relations functions and the civil service system under  
 12 ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and  
 13 to defray the expenses of the state employees suggestion board. All moneys received  
 14 from state agencies for materials and services provided by the office of state  
 15 employment relations shall be credited to this appropriation.

16 SECTION ~~11~~ 20.545 (1) (km) of the statutes is amended to read:

17 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in  
 18 the schedule for the payment of the state's share of costs related to collective  
 19 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~  
 20 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state  
 21 agencies for the purpose of reimbursing the state's share of the costs related to  
 22 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for  
 23 training related to grievance arbitrations, ~~and all moneys received from institutions,~~  
 24 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~  
 25 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~

1 of costs for training related to grievance arbitrations shall be credited to this  
2 appropriation account.

3 ✓ SECTION ~~17~~ 20.865 (1) (ci) of the statutes is amended to read:

4 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*  
5 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related  
6 adjustments approved by the joint committee on employment relations under s.  
7 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)  
8 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit  
9 for which a representative is certified under subch. V or VI of ch. 111, as determined  
10 under s. 20.928, other than adjustments funded under par. (cj).

11 SECTION ~~13~~ 20.865 (1) (cm) of the statutes is repealed.

12 SECTION ~~14~~ 20.865 (1) (ic) of the statutes is amended to read:

13 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*  
14 *academic pay adjustments.* From the appropriate program revenue and program  
15 revenue–service accounts, a sum sufficient to supplement the appropriations to the  
16 University of Wisconsin System to pay the cost of pay and related adjustments  
17 approved by the joint committee on employment relations under s. 230.12 (3) (e) for  
18 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and  
19 230.08 (2) (d) who are not included within a collective bargaining unit for which a  
20 representative is certified under subch. V or VI of ch. 111, as determined under s.  
21 20.928, other than adjustments funded under par. (cj).

22 SECTION ~~15~~ 20.865 (1) (im) of the statutes is repealed.

23 SECTION ~~16~~ 20.865 (1) (si) of the statutes is amended to read:

24 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*  
25 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient

1 to supplement the appropriations to the University of Wisconsin System to pay the  
 2 cost of pay and related adjustments approved by the joint committee on employment  
 3 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under  
 4 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a  
 5 collective bargaining unit for which a representative is certified under subch. V or  
 6 VI of ch. 111, as determined under s. 20.928.

7 ~~SECTION 17~~ 20.865 (1) (sm) of the statutes is repealed.

8 ~~SECTION 18~~ 20.917 (3) (b) of the statutes is amended to read:

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

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

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13 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
 14 following positions may be set by the appointing authority, subject to restrictions  
 15 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
 16 where the salaries are a subject of bargaining with a certified representative of a  
 17 collective bargaining unit under s. 111.91 or 111.998:

18 ~~SECTION 20~~ 20.928 (1) of the statutes is amended to read:

19 20.928 (1) Each state agency head shall certify to the department of  
 20 administration, at such time and in such manner as the secretary of administration  
 21 prescribes, the sum of money needed by the state agency from the appropriations  
 22 under s. 20.865 (1) (c), (ci), ~~(cm)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon  
 23 receipt of the certifications together with such additional information as the  
 24

1 secretary of administration prescribes, the secretary shall determine the amounts  
2 required from the respective appropriations to supplement state agency budgets.

3 ~~SECTION #~~ 36.09 (1) (j) of the statutes is amended to read:

4 36.09 (1) (j) Except where such matters are a subject of bargaining with a  
5 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the  
6 board shall establish salaries for persons not in the classified staff prior to July 1 of  
7 each year for the next fiscal year, and shall designate the effective dates for payment  
8 of the new salaries. In the first year of the biennium, payments of the salaries  
9 established for the preceding year shall be continued until the biennial budget bill  
10 is enacted. If the budget is enacted after July 1, payments shall be made following  
11 enactment of the budget to satisfy the obligations incurred on the effective dates, as  
12 designated by the board, for the new salaries, subject only to the appropriation of  
13 funds by the legislature and s. 20.928 (3). This paragraph does not limit the  
14 authority of the board to establish salaries for new appointments. The board may  
15 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and  
16 230.08 (2) (d) under this paragraph unless the salary increase conforms to the  
17 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary  
18 increase to correct salary inequities under par. (h), to fund job reclassifications or  
19 promotions, or to recognize competitive factors. The board may not increase the  
20 salary of any position identified in s. 20.923 (4g) under this paragraph unless the  
21 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the  
22 board authorizes the salary increase to correct a salary inequity or to recognize  
23 competitive factors. The board may not increase the salary of any position identified  
24 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the  
25 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless

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1 the increase is approved by the office of state employment relations. The granting  
 2 of salary increases to recognize competitive factors does not obligate inclusion of the  
 3 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
 4 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
 5 report to the joint committee on finance and the secretary of administration and  
 6 director of the office of state employment relations concerning the amounts of any  
 7 salary increases granted to recognize competitive factors, and the institutions at  
 8 which they are granted, for the 12-month period ending on the preceding June 30.

9 SECTION ~~21~~: 40.02 (25) (b) 8. of the statutes is amended to read:

10 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
 11 under a collective bargaining agreement pursuant to subch. ~~I~~, or V, or VI of ch. 111  
 12 or under s. 230.12 or 233.10.

13 SECTION ~~21~~: 40.05 (1) (b) of the statutes is amended to read:

14 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of  
 15 the contributions required by par. (a), but all the payments shall be available for  
 16 benefit purposes to the same extent as required contributions deducted from  
 17 earnings of the participating employees. Action to assume employee contributions  
 18 as provided under this paragraph shall be taken at the time and in the form  
 19 determined by the governing body of the participating employer. The state shall pay  
 20 under this paragraph for employees who are covered by a collective bargaining  
 21 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits  
 22 are determined under s. 230.12 an amount equal to 4% of the earnings paid by the  
 23 state unless otherwise provided in a collective bargaining agreement under subch.  
 24 V or VI of ch. 111 or unless otherwise determined under s. 230.12. The University  
 25 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for

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1 ~~employees who are covered by a collective bargaining agreement under subch. I of~~  
2 ~~ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an~~  
3 ~~amount equal to 4% of the earnings paid by the authority unless otherwise provided~~  
4 ~~in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise~~  
5 ~~determined under s. 233.10. The state shall pay under this paragraph for employees~~  
6 ~~who are not covered by a collective bargaining agreement under subch. V or VI of ch.~~  
7 ~~111 and for employees whose fringe benefits are not determined under s. 230.12 an~~  
8 ~~amount equal to 4% of the earnings paid by the state unless a different amount is~~  
9 ~~recommended by the director of the office of state employment relations and~~  
10 ~~approved by the joint committee on employment relations in the manner provided~~  
11 ~~for approval of changes in the compensation plan under s. 230.12 (3). The University~~  
12 ~~of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its~~  
13 ~~employees who are not covered by a collective bargaining agreement under subch.~~  
14 ~~of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a~~  
15 ~~different amount is established by the board of directors of the authority under s.~~  
16 ~~233.10.~~

17 SECTION ~~41~~ 40.05 (4) (ag) (intro.) of the statutes is amended to read:

18 40.05 (4) (ag) (intro.) Beginning on January 1, 2004, except as otherwise  
19 provided in accordance with a collective bargaining agreement under subch. ~~I, or~~ V,  
20 or VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently  
21 employed insured employees:

22 SECTION ~~46~~ 40.05 (4) (ar) of the statutes is amended to read:

23 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not  
24 covered by a collective bargaining agreement under subch. ~~I, or~~ V, or VI of ch. 111 and  
25 for employees whose health insurance premium contribution rates are not

1 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.  
2 (ag) unless a different amount is recommended by the director of the office of state  
3 employment relations and approved by the joint committee on employment relations  
4 in the manner provided for approval of changes in the compensation plan under s.  
5 230.12 (3).

6 SECTION ~~26~~ 40.05 (4) (b) of the statutes is amended to read:

7 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
8 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.  
9 ~~I, II, V, or VI~~ <sup>↓</sup> ~~VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon  
10 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)  
11 or upon termination of creditable service and qualifying as an eligible employee  
12 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate  
13 he or she received while employed by the state, to credits for payment of health  
14 insurance premiums on behalf of the employee or the employee's surviving insured  
15 dependents. Any supplemental compensation that is paid to a state employee who  
16 is classified under the state classified civil service as a teacher, teacher supervisor,  
17 or education director for the employee's completion of educational courses that have  
18 been approved by the employee's employer is considered as part of the employee's  
19 basic pay for purposes of this paragraph. The full premium for any eligible employee  
20 who is insured at the time of retirement, or for the surviving insured dependents of  
21 an eligible employee who is deceased, shall be deducted from the credits until the  
22 credits are exhausted and paid from the account under s. 40.04 (10), and then  
23 deducted from annuity payments, if the annuity is sufficient. The department shall  
24 provide for the direct payment of premiums by the insured to the insurer if the  
25 premium to be withheld exceeds the annuity payment. Upon conversion of an

1 employee's unused sick leave to credits under this paragraph or par. (bf), the  
2 employee or, if the employee is deceased, the employee's surviving insured  
3 dependents may initiate deductions from those credits or may elect to delay  
4 initiation of deductions from those credits, but only if the employee or surviving  
5 insured dependents are covered by a comparable health insurance plan or policy  
6 during the period beginning on the date of the conversion and ending on the date on  
7 which the employee or surviving insured dependents later elect to initiate  
8 deductions from those credits. If an employee or an employee's surviving insured  
9 dependents elect to delay initiation of deductions from those credits, an employee or  
10 the employee's surviving insured dependents may only later elect to initiate  
11 deductions from those credits during the annual enrollment period under par. (be).  
12 A health insurance plan or policy is considered comparable if it provides hospital and  
13 medical benefits that are substantially equivalent to the standard health insurance  
14 plan established under s. 40.52 (1).

15 ~~SECTION 27.~~ 40.05 (4) (bw) of the statutes is amended to read:

16 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the  
17 payment of health insurance premiums under par. (b), the department shall add  
18 additional credits, calculated in the same manner as are credits under par. (b), that  
19 are based on a state employee's accumulated sabbatical leave or earned vacation  
20 leave from the state employee's last year of service prior to retirement, or both. The  
21 department shall apply the credits awarded under this paragraph for the payment  
22 of health insurance premiums only after the credits awarded under par. (b) are  
23 exhausted. This paragraph applies only to state employees who are eligible for  
24 accumulated unused sick leave conversion under par. (b) and who are entitled to the

1 benefits under this paragraph pursuant to a collective bargaining agreement under  
2 subch. V ~~or~~ VI of ch. 111.

3 SECTION ~~28~~ 40.05 (4g) (a) 4. of the statutes is amended to read:

4 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
5 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111  
6 or under rules promulgated by the director of the office of state employment relations  
7 or is eligible for reemployment with the state under s. 321.64 after completion of his  
8 or her service in the U.S. armed forces.

9 SECTION ~~29~~ 40.05 (5) (intro.) of the statutes is amended to read:

10 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
11 continuation insurance provided under subch. V the employee shall pay the amount  
12 remaining after the employer has contributed the following or, if different, the  
13 amount determined under a collective bargaining agreement under subch. ~~V, or~~ <sup>V, or</sup>  
14 VI of ch. 111 or s. 230.12 or 233.10:

15 SECTION ~~30~~ 40.05 (5) (b) 4. of the statutes is amended to read:

16 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
17 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. ~~V,~~  
18 <sup>or</sup> V, ~~or~~ VI of ch. 111.

19 SECTION ~~31~~ 40.05 (6) (a) of the statutes is amended to read:

20 40.05 (6) (a) Except as otherwise provided in accordance with a collective  
21 bargaining agreement under subch. ~~V, or~~ <sup>V, or</sup> V, ~~or~~ VI of ch. 111 or s. 230.12 or 233.10, each  
22 insured employee under the age of 70 and annuitant under the age of 65 shall pay  
23 for group life insurance coverage a sum, approved by the group insurance board,  
24 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
25 based upon the last amount of insurance in force during the month for which

1 earnings are paid. The equivalent premium may be fixed by the group insurance  
2 board if the annual compensation is paid in other than 12 monthly installments.

3 SECTION ~~32~~ 40.62 (2) of the statutes is amended to read:

4 40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
5 of the department, any collective bargaining agreement under subch. ~~I, or V, or VI~~<sup>V, or VI</sup>  
6 of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,  
7 757.02 (5) and 978.12 (3).

8 SECTION ~~33~~ 40.80 (3) of the statutes is amended to read:

9 40.80 (3) Any action taken under this section shall apply to employees covered  
10 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

11 SECTION ~~34~~ 40.81 (3) of the statutes is amended to read:

12 40.81 (3) Any action taken under this section shall apply to employees covered  
13 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

14 SECTION ~~35~~ 40.95 (1) (a) 2. of the statutes is amended to read:

15 40.95 (1) (a) 2. The employee has his or her compensation established in a  
collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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17 SECTION ~~36~~ Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
18 repealed.

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19 SECTION ~~37~~ 230.01 (3) of the statutes is amended to read:

20 230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
21 or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

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22 SECTION ~~38~~ 230.046 (10) (a) of the statutes is amended to read:

23 230.046 (10) (a) Conduct off-the-job employee development and training  
24 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

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25 SECTION ~~39~~ 230.12 (3) (e) 1. of the statutes is amended to read:

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**SECTION 39**

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.

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25 SECTION ~~39~~ 230.35 (2d) (e) of the statutes is amended to read:

*Does this provision need to be amended since a cba will not address benefits?*

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1           230.35 **(2d)** (e) For employees who are included in a collective bargaining unit  
2 for which a representative is recognized or certified under subch. V ~~or VI~~ of ch. 111,  
3 this subsection shall apply unless otherwise provided in a collective bargaining  
4 agreement.

5           ~~SECTION 41.~~ 230.35 (3) (e) 6. of the statutes is amended to read:

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

10          ~~SECTION 42.~~ 230.88 (2) (b) of the statutes 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.

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20          **SECTION 9355. Initial applicability; Other.**

21          (1) ~~COLLECTIVE BARGAINING; UW EMPLOYEES.~~

22          (a) ~~For employees who are covered by a collective bargaining agreement under~~  
23 ~~subchapter VI of chapter 111 of the statutes that expires on or after the effective date~~  
24 ~~of this paragraph, the treatment of sections 7.33 (4), 13.111 (2), 16.50 (3) (e), 16.705~~  
25 ~~(3) (c), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865~~