



State of Wisconsin
2011 - 2012 LEGISLATURE



stays

LRB-1211/P1
CMH:wljf/rs/md

stays

DOA:.....Frederick, BAB0021b - Modifications to Peace, MERA, and
SELRA, repeal UWELRA

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

Today

Do Not Gen

1 AN ACT ...; **relating to:** eliminating collective bargaining rights for employees of
2 the University of Wisconsin System, the University of Wisconsin Hospitals and
3 Clinics Authority, and home care and child care providers; limiting collective
4 bargaining rights for state employees and municipal employees who are not law
5 enforcement or fire fighting personnel; prohibiting the deduction of labor
6 organization dues by public employers; eliminating the Wisconsin Quality
7 Home Care Authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

****NOTE: A complete analysis will be provided in a later version of the draft.

Under current law, University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers have the right to collectively bargain over wages, hours, and conditions of employment. This bill eliminates the rights of these employees to collectively bargain.

Current law provides that state and municipal employees who are represented by a labor organization have the organization dues deducted from their salaries.

This bill prohibits the salary deductions for labor organization dues and makes such deductions a prohibited labor practice.

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:

✓1 **SECTION 1.** 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:

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

16 **SECTION 3.** 13.111 (2) of the statutes is amended to read:

✓17 13.111 (2) DUTIES. The joint committee on employment relations shall perform
18 the functions assigned to it under ~~subchs. subch. V and VI~~ of ch. 111, subch. II of ch.
19 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

20 **SECTION 4.** 13.172 (1) of the statutes is amended to read:

1 13.172 (1) In this section, “agency” means an office, department, agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
6 ch. ~~52~~, 231, 233, 234, or 279.

7 **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

8 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
9 facility that is constructed for the benefit of or use of the state, any state agency,
10 board, commission or department, the University of Wisconsin Hospitals and Clinics
11 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~
12 ~~Home Care Authority~~, or any local professional baseball park district created under
13 subch. III of ch. 229 if the construction is undertaken by the department of
14 administration on behalf of the district, shall be in compliance with all applicable
15 state laws, rules, codes and regulations but the construction is not subject to the
16 ordinances or regulations of the municipality in which the construction takes place
17 except zoning, including without limitation because of enumeration ordinances or
18 regulations relating to materials used, permits, supervision of construction or
19 installation, payment of permit fees, or other restrictions.

20 **SECTION 6.** 13.62 (2) of the statutes is amended to read:

21 13.62 (2) “Agency” means any board, commission, department, office, society,
22 institution of higher education, council, or committee in the state government, or any
23 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
24 233, 234, 237, or 279, except that the term does not include a council or committee
25 of the legislature.

1 **SECTION 7.** 13.94 (4) (a) 1. of the statutes is amended to read:

2 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
3 credentialing board, commission, independent agency, council or office in the
4 executive branch of state government; all bodies created by the legislature in the
5 legislative or judicial branch of state government; any public body corporate and
6 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~
7 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River
8 Remediation Authority, and the Wisconsin Aerospace Authority, a professional
9 baseball park district, a local professional football stadium district, a local cultural
10 arts district and a long-term care district under s. 46.2895; every Wisconsin works
11 agency under subch. III of ch. 49; every provider of medical assistance under subch.
12 IV of ch. 49; technical college district boards; every county department under s. 51.42
13 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative
14 association to which moneys are specifically appropriated by state law; and every
15 corporation, institution, association or other organization which receives more than
16 50% of its annual budget from appropriations made by state law, including
17 subgrantee or subcontractor recipients of such funds.

18 **SECTION 8.** 13.95 (intro.) of the statutes is amended to read:

19 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
20 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
21 shall be strictly nonpartisan and shall at all times observe the confidential nature
22 of the research requests received by it; however, with the prior approval of the
23 requester in each instance, the bureau may duplicate the results of its research for
24 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
25 designated employees shall at all times, with or without notice, have access to all

1 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
2 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
3 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
4 ~~Authority~~, and the Fox River Navigational System Authority, and to any books,
5 records, or other documents maintained by such agencies or authorities and relating
6 to their expenditures, revenues, operations, and structure.

7 **SECTION 9.** 15.07 (1) (a) 6. of the statutes is repealed.

8 **SECTION 10.** 15.96 (1) (h) of the statutes is repealed.

✓ 9 **SECTION 11.** 15.96 (2) of the statutes is amended to read:

10 15.96 (2) Eight voting members of the University of Wisconsin Hospitals and
11 Clinics Board constitute a quorum for the purpose of conducting the business and
12 exercising the powers of the board, notwithstanding the existence of a vacancy.

13 **SECTION 12.** 16.002 (2) of the statutes is amended to read:

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

19 **SECTION 13.** 16.004 (4) of the statutes is amended to read:

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

1 **SECTION 14.** 16.004 (5) of the statutes is amended to read:

2 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
3 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under
4 chs. ~~52~~, 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate
5 with the secretary and shall comply with every request of the secretary relating to
6 his or her functions.

7 **SECTION 15.** 16.004 (12) (a) of the statutes is amended to read:

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

16 **SECTION 16.** 16.045 (1) (a) of the statutes is amended to read:

17 16.045 (1) (a) “Agency” means an office, department, independent agency,
18 institution of higher education, association, society, or other body in state
19 government created or authorized to be created by the constitution or any law, that
20 is entitled to expend moneys appropriated by law, including the legislature and the
21 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
22 ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

23 **SECTION 17.** 16.15 (1) (ab) of the statutes is amended to read:

24 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
25 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox

1 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, and the
2 Health Insurance Risk-Sharing Plan Authority.

3 **SECTION 18.** 16.41 (4) of the statutes is amended to read:

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

6 **SECTION 19.** 16.417 (1) (b) of the statutes is amended to read:

7 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or
8 ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

9 **SECTION 20.** 16.50 (3) (e) of the statutes is amended to read:

10 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
11 the pay ranges prescribed in the compensation plan or as provided in a collective
12 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

13 **SECTION 21.** 16.52 (7) of the statutes is amended to read:

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

24 **SECTION 22.** 16.528 (1) (a) of the statutes is amended to read:

1 16.528 (1) (a) “Agency” means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

7 **SECTION 23.** 16.53 (2) of the statutes is amended to read:

8 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
9 invoice, the agency shall notify the sender of the invoice within 10 working days after
10 it receives the invoice of the reason it is improperly completed. In this subsection,
11 “agency” means an office, department, independent agency, institution of higher
12 education, association, society, or other body in state government created or
13 authorized to be created by the constitution or any law, that is entitled to expend
14 moneys appropriated by law, including the legislature and the courts, but not
15 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
16 ~~52~~, 231, 233, 234, 237, or 279.

17 **SECTION 24.** 16.54 (9) (a) 1. of the statutes is amended to read:

18 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
19 institution of higher education, association, society or other body in state
20 government created or authorized to be created by the constitution or any law, which
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
23 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

24 **SECTION 25.** 16.70 (2) of the statutes is amended to read:

1 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
2 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

3 **SECTION 26.** 16.705 (3) (c) of the statutes is amended to read:

4 16.705 (3) (c) Do not enter into any contract for contractual services in conflict
5 with any collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

6 **SECTION 27.** 16.765 (1) of the statutes is amended to read:

7 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
8 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
9 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
10 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, and
11 the Bradley Center Sports and Entertainment Corporation shall include in all
12 contracts executed by them a provision obligating the contractor not to discriminate
13 against any employee or applicant for employment because of age, race, religion,
14 color, handicap, sex, physical condition, developmental disability as defined in s.
15 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,
16 except with respect to sexual orientation, obligating the contractor to take
17 affirmative action to ensure equal employment opportunities.

18 **SECTION 28.** 16.765 (2) of the statutes is amended to read:

19 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
22 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, and
23 the Bradley Center Sports and Entertainment Corporation shall include the
24 following provision in every contract executed by them: "In connection with the
25 performance of work under this contract, the contractor agrees not to discriminate

1 against any employee or applicant for employment because of age, race, religion,
2 color, handicap, sex, physical condition, developmental disability as defined in s.
3 51.01 (5), sexual orientation or national origin. This provision shall include, but not
4 be limited to, the following: employment, upgrading, demotion or transfer;
5 recruitment or recruitment advertising; layoff or termination; rates of pay or other
6 forms of compensation; and selection for training, including apprenticeship. Except
7 with respect to sexual orientation, the contractor further agrees to take affirmative
8 action to ensure equal employment opportunities. The contractor agrees to post in
9 conspicuous places, available for employees and applicants for employment, notices
10 to be provided by the contracting officer setting forth the provisions of the
11 nondiscrimination clause”.

12 **SECTION 29.** 16.765 (4) of the statutes is amended to read:

13 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
14 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
15 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
16 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
17 the Bradley Center Sports and Entertainment Corporation shall take appropriate
18 action to revise the standard government contract forms under this section.

19 **SECTION 30.** 16.765 (5) of the statutes is amended to read:

20 16.765 (5) The head of each contracting agency and the boards of directors of
21 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
22 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
23 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
24 Authority, ~~the Wisconsin Quality Home Care Authority,~~ and the Bradley Center
25 Sports and Entertainment Corporation shall be primarily responsible for obtaining

1 compliance by any contractor with the nondiscrimination and affirmative action
2 provisions prescribed by this section, according to procedures recommended by the
3 department. The department shall make recommendations to the contracting
4 agencies and the boards of directors of 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 for improving and
9 making more effective the nondiscrimination and affirmative action provisions of
10 contracts. The department shall promulgate such rules as may be necessary for the
11 performance of its functions under this section.

12 **SECTION 31.** 16.765 (6) of the statutes is amended to read:

13 16.765 (6) The department may receive complaints of alleged violations of the
14 nondiscrimination provisions of such contracts. The department shall investigate
15 and determine whether a violation of this section has occurred. The department may
16 delegate this authority to the contracting agency, the University of Wisconsin
17 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
18 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
19 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
20 ~~Authority~~, or the Bradley Center Sports and Entertainment Corporation for
21 processing in accordance with the department's procedures.

22 **SECTION 32.** 16.765 (7) (intro.) of the statutes is amended to read:

23 16.765 (7) (intro.) When a violation of this section has been determined by the
24 department, the contracting agency, the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

1 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
2 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, or
3 the Bradley Center Sports and Entertainment Corporation, the contracting agency,
4 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
5 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
6 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
7 Authority, ~~the Wisconsin Quality Home Care Authority~~, or the Bradley Center Sports
8 and Entertainment Corporation shall:

9 **SECTION 33.** 16.765 (7) (d) of the statutes is amended to read:

10 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
11 further violations of this section and to report its corrective action to the contracting
12 agency, 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~~, or the Bradley Center Sports
16 and Entertainment Corporation.

17 **SECTION 34.** 16.765 (8) of the statutes is amended to read:

18 16.765 (8) If further violations of this section are committed during the term
19 of the contract, the contracting agency, the Fox River Navigational System Authority,
20 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
21 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home
22 Care Authority~~, or the Bradley Center Sports and Entertainment Corporation may
23 permit the violating party to complete the contract, after complying with this section,
24 but thereafter the contracting agency, the Fox River Navigational System Authority,
25 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan

1 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
2 ~~Care Authority~~, or the Bradley Center Sports and Entertainment Corporation shall
3 request the department to place the name of the party on the ineligible list for state
4 contracts, or the contracting agency, the Fox River Navigational System Authority,
5 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
6 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
7 ~~Care Authority~~, or the Bradley Center Sports and Entertainment Corporation may
8 terminate the contract without liability for the uncompleted portion or any materials
9 or services purchased or paid for by the contracting party for use in completing the
10 contract.

11 **SECTION 35.** 16.85 (2) of the statutes is amended to read:

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

22 **SECTION 36.** 16.865 (8) of the statutes is amended to read:

23 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
24 proportionate share of the estimated costs attributable to programs administered by
25 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department

1 may charge premiums to agencies to finance costs under this subsection and pay the
2 costs from the appropriation on an actual basis. The department shall deposit all
3 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
4 Costs assessed under this subsection may include judgments, investigative and
5 adjustment fees, data processing and staff support costs, program administration
6 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
7 subsection, "agency" means an office, department, independent agency, institution
8 of higher education, association, society, or other body in state government created
9 or authorized to be created by the constitution or any law, that is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
12 ~~52,~~ 231, 232, 233, 234, 235, 237, or 279.

13 **SECTION 37.** 19.42 (10) (s) of the statutes is repealed.

14 ✓ **SECTION 38.** 19.42 (13) (o) of the statutes is repealed.

15 **SECTION 39.** 19.82 (1) of the statutes is amended to read:

16 19.82 (1) "Governmental body" means a state or local agency, board,
17 commission, committee, council, department or public body corporate and politic
18 created by constitution, statute, ordinance, rule or order; a governmental or
19 quasi-governmental corporation except for the Bradley center sports and
20 entertainment corporation; a local exposition district under subch. II of ch. 229; a
21 long-term care district under s. 46.2895; or a formally constituted subunit of any of
22 the foregoing, but excludes any such body or committee or subunit of such body which
23 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
24 or V, ~~or VI~~ of ch. 111.

25 **SECTION 40.** 19.85 (3) of the statutes is amended to read:

1 19.85 (3) Nothing in this subchapter shall be construed to authorize a
2 governmental body to consider at a meeting in closed session the final ratification or
3 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111
4 which has been negotiated by such body or on its behalf.

5 **SECTION 41.** 19.86 of the statutes is amended to read:

6 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
7 19.82 (1), where notice has been given by either party to a collective bargaining
8 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its
9 expiration date, the employer shall give notice of such contract reopening as provided
10 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
11 by the employer's chief officer or such person's designee.

12 **SECTION 42.** 20.425 (1) (a) of the statutes is amended to read:

13 20.425 (1) (a) *General program operations.* The amounts in the schedule for
14 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

15 **SECTION 43.** 20.425 (1) (i) of the statutes is amended to read:

16 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
17 The amounts in the schedule for the performance of fact-finding, mediation, and
18 arbitration functions, for the provision of copies of transcripts, for the cost of
19 operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94 (3), for the
20 preparation of publications, transcripts, reports, and other copied material, and for
21 costs related to conducting appeals under s. 230.45. All moneys received under ss.
22 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all
23 moneys received from arbitrators and arbitration panel members, and individuals
24 who are interested in serving in such positions, and from individuals and
25 organizations who participate in other collective bargaining training programs

1 conducted by the commission, and all moneys received from the sale of publications,
2 transcripts, reports, and other copied material shall be credited to this appropriation
3 account.

4 **SECTION 44.** 20.545 (1) (k) of the statutes is amended to read:

5 20.545 (1) (k) *General program operations.* The amounts in the schedule to
6 administer state employment relations functions and the civil service system under
7 ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and
8 to defray the expenses of the state employees suggestion board. All moneys received
9 from state agencies for materials and services provided by the office of state
10 employment relations shall be credited to this appropriation.

11 **SECTION 45.** 20.545 (1) (km) of the statutes is amended to read:

12 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
13 the schedule for the payment of the state's share of costs related to collective
14 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~
15 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state
16 agencies for the purpose of reimbursing the state's share of the costs related to
17 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
18 training related to grievance arbitrations, ~~and all moneys received from institutions,~~
19 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~
20 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~
21 ~~of costs for training related to grievance arbitrations~~ shall be credited to this
22 appropriation account.

23 **SECTION 46.** 20.865 (1) (ci) of the statutes is amended to read:

24 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
25 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related

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

6 **SECTION 47.** 20.865 (1) (cm) of the statutes is repealed.

7 **SECTION 48.** 20.865 (1) (ic) of the statutes is amended to read:

8 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
9 *academic pay adjustments.* From the appropriate program revenue and program
10 revenue-service accounts, a sum sufficient to supplement the appropriations to the
11 University of Wisconsin System to pay the cost of pay and related adjustments
12 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
13 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
14 230.08 (2) (d) who are not included within a collective bargaining unit for which a
15 representative is certified under subch. V ~~or VI~~ of ch. 111, as determined under s.
16 20.928, other than adjustments funded under par. (cj).

17 **SECTION 49.** 20.865 (1) (im) of the statutes is repealed.

18 **SECTION 50.** 20.865 (1) (si) of the statutes is amended to read:

19 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
20 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
21 to supplement the appropriations to the University of Wisconsin System to pay the
22 cost of pay and related adjustments approved by the joint committee on employment
23 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under
24 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a

1 collective bargaining unit for which a representative is certified under subch. V or
2 VI of ch. 111, as determined under s. 20.928.

3 **SECTION 51.** 20.865 (1) (sm) of the statutes is repealed.

4 **SECTION 52.** 20.917 (3) (b) of the statutes is amended to read:

5 20.917 (3) (b) This subsection applies to employees in all positions in the civil
6 service, including those employees in positions included in collective bargaining
7 units under subch. V or VI of ch. 111, whether or not the employees are covered by
8 a collective bargaining agreement.

9 **SECTION 53.** 20.921 (1) (a) 2. of the statutes is repealed.

10 **SECTION 54.** 20.921 (1) (b) of the statutes is amended to read:

11 20.921 (1) (b) ~~Except as provided in ss. 111.06 (1) (c) and 111.84 (1) (f), the~~ The
12 request under par. (a) shall be made to the state agency or to the University of
13 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
14 directions and information prescribed by each state agency or by the authority. The
15 request may be withdrawn or the amount paid to the payee may be changed by
16 notifying the state agency or the authority to that effect, but no such withdrawal or
17 change shall affect a payroll certification already prepared.

18 **SECTION 55.** 20.923 (6) (intro.) of the statutes is amended to read:

19 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
20 following positions may be set by the appointing authority, subject to restrictions
21 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
22 where the salaries are a subject of bargaining with a certified representative of a
23 collective bargaining unit under s. 111.91 or ~~111.998~~:

24 **SECTION 56.** 20.928 (1) of the statutes is amended to read:

1 20.928 (1) Each state agency head shall certify to the department of
2 administration, at such time and in such manner as the secretary of administration
3 prescribes, the sum of money needed by the state agency from the appropriations
4 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon
5 receipt of the certifications together with such additional information as the
6 secretary of administration prescribes, the secretary shall determine the amounts
7 required from the respective appropriations to supplement state agency budgets.

8 **SECTION 57.** 36.09 (1) (j) of the statutes is amended to read:

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

1 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
2 board authorizes the salary increase to correct a salary inequity or to recognize
3 competitive factors. The board may not increase the salary of any position identified
4 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
5 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
6 the increase is approved by the office of state employment relations. The granting
7 of salary increases to recognize competitive factors does not obligate inclusion of the
8 annualized amount of the increases in the appropriations under s. 20.285 (1) for
9 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
10 report to the joint committee on finance and the secretary of administration and
11 director of the office of state employment relations concerning the amounts of any
12 salary increases granted to recognize competitive factors, and the institutions at
13 which they are granted, for the 12-month period ending on the preceding June 30.

14 **SECTION 58.** 36.25 (13g) (c) 1. of the statutes is renumbered 36.25 (13g) (c) and
15 amended to read:

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

24 **SECTION 59.** 36.25 (13g) (c) 2. of the statutes is repealed.

25 **SECTION 60.** 40.02 (25) (b) 8. of the statutes is amended to read:

1 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
2 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or
3 under s. 230.12 or 233.10.

4 **SECTION 61.** 40.05 (1) (b) of the statutes is amended to read:

5 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
6 the contributions required by par. (a), but all the payments shall be available for
7 benefit purposes to the same extent as required contributions deducted from
8 earnings of the participating employees. Action to assume employee contributions
9 as provided under this paragraph shall be taken at the time and in the form
10 determined by the governing body of the participating employer. The state shall pay
11 under this paragraph for employees who are covered by a collective bargaining
12 agreement under subch. V ~~or VI~~ of ch. 111 and for employees whose fringe benefits
13 are determined under s. 230.12 an amount equal to 4% of the earnings paid by the
14 state unless otherwise provided in a collective bargaining agreement under subch.
15 V ~~or VI~~ of ch. 111 or unless otherwise determined under s. 230.12. The University
16 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph ~~for~~
17 ~~employees who are covered by a collective bargaining agreement under subch. I of~~
18 ~~ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an~~
19 ~~amount equal to 4% of the earnings paid by the authority unless otherwise provided~~
20 ~~in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise~~
21 ~~determined under s. 233.10. The state shall pay under this paragraph for employees~~
22 ~~who are not covered by a collective bargaining agreement under subch. V or VI of ch.~~
23 ~~111 and for employees whose fringe benefits are not determined under s. 230.12 an~~
24 ~~amount equal to 4% of the earnings paid by the state unless a different amount is~~
25 recommended by the director of the office of state employment relations and

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1 approved by the joint committee on employment relations in the manner provided
2 for approval of changes in the compensation plan under s. 230.12 (3). ~~The University~~
3 ~~of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its~~
4 ~~employees who are not covered by a collective bargaining agreement under subch.~~
5 ~~I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a~~
6 ~~different amount is established by the board of directors of the authority under s.~~
7 ~~233.10.~~

8 **SECTION 62.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

9 40.05 (4) (ag) (intro.) Beginning on January 1, 2004, except as otherwise
10 provided in accordance with a collective bargaining agreement under subch. I, V, or
11 VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed
12 insured employees:

13 **SECTION 63.** 40.05 (4) (ar) of the statutes is amended to read:

14 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
15 covered by a collective bargaining agreement under subch. I, V, or VI of ch. 111 and
16 for employees whose health insurance premium contribution rates are not
17 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.
18 (ag) unless a different amount is recommended by the director of the office of state
19 employment relations and approved by the joint committee on employment relations
20 in the manner provided for approval of changes in the compensation plan under s.
21 230.12 (3).

22 **SECTION 64.** 40.05 (4) (b) of the statutes is amended to read:

23 ~~40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused~~
24 ~~sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.~~
25 ~~I, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon~~

1 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
2 or upon termination of creditable service and qualifying as an eligible employee
3 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
4 he or she received while employed by the state, to credits for payment of health
5 insurance premiums on behalf of the employee or the employee's surviving insured
6 dependents. Any supplemental compensation that is paid to a state employee who
7 is classified under the state classified civil service as a teacher, teacher supervisor,
8 or education director for the employee's completion of educational courses that have
9 been approved by the employee's employer is considered as part of the employee's
10 basic pay for purposes of this paragraph. The full premium for any eligible employee
11 who is insured at the time of retirement, or for the surviving insured dependents of
12 an eligible employee who is deceased, shall be deducted from the credits until the
13 credits are exhausted and paid from the account under s. 40.04 (10), and then
14 deducted from annuity payments, if the annuity is sufficient. The department shall
15 provide for the direct payment of premiums by the insured to the insurer if the
16 premium to be withheld exceeds the annuity payment. Upon conversion of an
17 employee's unused sick leave to credits under this paragraph or par. (bf), the
18 employee or, if the employee is deceased, the employee's surviving insured
19 dependents may initiate deductions from those credits or may elect to delay
20 initiation of deductions from those credits, but only if the employee or surviving
21 insured dependents are covered by a comparable health insurance plan or policy
22 during the period beginning on the date of the conversion and ending on the date on
23 which the employee or surviving insured dependents later elect to initiate
24 deductions from those credits. If an employee or an employee's surviving insured
25 dependents elect to delay initiation of deductions from those credits, an employee or

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1 the employee's surviving insured dependents ~~may~~ only later elect to initiate
2 deductions from those credits during the annual enrollment period under par. (be).
3 A health insurance plan or policy is considered comparable if it provides hospital and
4 medical benefits that are substantially equivalent to the standard health insurance
5 plan established under s. 40.52 (1).

6 **SECTION 65.** 40.05 (4) (bw) of the statutes is amended to read:

7 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
8 payment of health insurance premiums under par. (b), the department shall add
9 additional credits, calculated in the same manner as are credits under par. (b), that
10 are based on a state employee's accumulated sabbatical leave or earned vacation
11 leave from the state employee's last year of service prior to retirement, or both. The
12 department shall apply the credits awarded under this paragraph for the payment
13 of health insurance premiums only after the credits awarded under par. (b) are
14 exhausted. This paragraph applies only to state employees who are eligible for
15 accumulated unused sick leave conversion under par. (b) and who are entitled to the
16 benefits under this paragraph pursuant to a collective bargaining agreement under
17 subch. V ~~or VI~~ of ch. 111.

18 **SECTION 66.** 40.05 (4g) (a) 4. of the statutes is amended to read:

19 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
20 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111
21 or under rules promulgated by the director of the office of state employment relations
22 or is eligible for reemployment with the state under s. 321.64 after completion of his
23 or her service in the U.S. armed forces.

24 **SECTION 67.** 40.05 (5) (intro.) of the statutes is amended to read:

1 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
2 continuation insurance provided under subch. V the employee shall pay the amount
3 remaining after the employer has contributed the following or, if different, the
4 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~
5 of ch. 111 or s. 230.12 or 233.10:

6 **SECTION 68.** 40.05 (5) (b) 4. of the statutes is amended to read:

7 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
8 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,
9 V, ~~or VI~~ of ch. 111.

10 **SECTION 69.** 40.05 (6) (a) of the statutes is amended to read:

11 40.05 (6) (a) Except as otherwise provided in accordance with a collective
12 bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each
13 insured employee under the age of 70 and annuitant under the age of 65 shall pay
14 for group life insurance coverage a sum, approved by the group insurance board,
15 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
16 based upon the last amount of insurance in force during the month for which
17 earnings are paid. The equivalent premium may be fixed by the group insurance
18 board if the annual compensation is paid in other than 12 monthly installments.

19 **SECTION 70.** 40.62 (2) of the statutes is amended to read:

20 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
21 of the department, any collective bargaining agreement under subch. I, V, ~~or VI~~ of
22 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
23 757.02 (5) and 978.12 (3).

24 **SECTION 71.** 40.80 (3) of the statutes is amended to read:

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1 40.80 (3) Any action taken under this section shall apply to employees covered
2 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

3 **SECTION 72.** 40.81 (3) of the statutes is amended to read:

4 40.81 (3) Any action taken under this section shall apply to employees covered
5 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

6 **SECTION 73.** 40.95 (1) (a) 2. of the statutes is amended to read:

7 40.95 (1) (a) 2. The employee has his or her compensation established in a
8 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

9 **SECTION 74.** 46.284 (4) (m) of the statutes is repealed.

10 **SECTION 75.** 46.2895 (8) (a) 1. of the statutes is repealed.

11 **SECTION 76.** 46.2898 of the statutes is repealed.

12 **SECTION 77.** 46.48 (9m) of the statutes is repealed.

13 ✓ **SECTION 78.** 49.825 (3) (b) 4. of the statutes is repealed.

14 ✓ **SECTION 79.** Chapter 52 of the statutes is repealed.

15 ✓ **SECTION 80.** 66.1104 (1) (a) of the statutes is amended to read:

16 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
17 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
18 233, 234, 235, 237, or 279.

19 **SECTION 81.** 70.11 (41s) of the statutes is repealed.

20 **SECTION 82.** 71.26 (1) (be) of the statutes is amended to read:

21 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
22 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
23 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River
24 Navigational System Authority, and of the Wisconsin Aerospace Authority.

25 **SECTION 83.** 77.54 (9a) (a) of the statutes is amended to read:

NS
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RP
49.826 (3)(b)4. ✓

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26-25

1 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
2 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
3 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
4 ~~Authority~~, and the Fox River Navigational System Authority.

5 **SECTION 84.** 100.45 (1) (dm) of the statutes is amended to read:

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

15 **SECTION 85.** 101.177 (1) (d) of the statutes is amended to read:

16 101.177 (1) (d) “State agency” means any 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, the Wisconsin Housing and Economic Development Authority, the Bradley
21 Center Sports and Entertainment Corporation, the University of Wisconsin
22 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
23 ~~Quality Home Care Authority~~, and the Wisconsin Health and Educational Facilities
24 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority and the
25 Lower Fox River Remediation Authority.

1 **SECTION 86.** 111.02 (1) of the statutes is amended to read:

2 111.02 (1) ~~The term “all-union~~ “All-union agreement” shall mean means an
3 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
4 ~~and Clinics Authority~~ and the representative of the employer’s employees in a
5 collective bargaining unit whereby all or any of the employees in such unit are
6 required to be members of a single labor organization.

7 **SECTION 87.** 111.02 (2) of the statutes is amended to read:

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

14 **SECTION 88.** 111.02 (3) of the statutes is amended to read:

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

1 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
2 collective bargaining units may bargain collectively through the same
3 representative where a majority of the employees in each separate unit have voted
4 by secret ballot as provided in s. 111.05 (2) so to do.

5 **SECTION 89.** 111.02 (6) (am) of the statutes is repealed.

6 **SECTION 90.** 111.02 (7) (a) 2. and 4. of the statutes are repealed.

7 **SECTION 91.** 111.02 (7) (b) 1. of the statutes is amended to read:

8 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
9 subdivision thereof.

10 **SECTION 92.** 111.02 (7m) of the statutes is repealed.

11 **SECTION 93.** 111.02 (9m) of the statutes is repealed.

12 **SECTION 94.** 111.02 (10m) of the statutes is repealed.

13 **SECTION 95.** 111.05 (2) of the statutes is amended to read:

14 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
15 question arises concerning the determination of a collective bargaining unit as
16 ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,
17 upon request, shall cause the ballot to be taken in such manner as to show separately
18 the wishes of the employees in any craft, division, department or plant as to the
19 determination of the collective bargaining unit.

20 **SECTION 96.** 111.05 (3g) of the statutes is repealed.

21 **SECTION 97.** 111.05 (5) of the statutes is repealed.

22 **SECTION 98.** 111.05 (6) of the statutes is repealed.

23 **SECTION 99.** 111.05 (7) of the statutes is repealed.

24 **SECTION 100.** 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~~
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 101.** 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 102.** 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 103.** 111.06 (1) (m) of the statutes is repealed.

1 **SECTION 104.** 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 105.** 111.075 of the statutes is repealed.

5 **SECTION 106.** 111.115 (title) of the statutes is amended to read:

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

7 **SECTION 107.** 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 108.** 111.115 (1) (a) of the statutes is repealed.

15 **SECTION 109.** 111.115 (2) of the statutes is repealed.

16 **SECTION 110.** 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 111.** 111.17 (2) of the statutes is repealed.

24 **SECTION 112.** 111.70 (1) (a) of the statutes is amended to read:

1 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
2 obligation of a municipal employer, through its officers and agents, and the
3 representative of its municipal employees in a collective bargaining unit, to meet and
4 confer at reasonable times, in good faith, with the intention of reaching an
5 agreement, or to resolve questions arising under such an agreement, with respect to
6 wages, hours, and conditions of employment for protective occupation participants
7 and with respect to wages for general municipal employees, and with respect to a
8 requirement of the municipal employer for a municipal employee to perform law
9 enforcement and fire fighting services under s. 61.66 ~~and for a school district with~~
10 ~~respect to any matter under sub. (4) (o), and for a school district with respect to any~~
11 ~~matter under sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb)~~
12 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and
13 confer with respect to any proposal to diminish or abridge the rights guaranteed to
14 ~~municipal employees~~ law enforcement officers under ch. 164. Collective bargaining
15 includes the reduction of any agreement reached to a written and signed document.

16 (3) (d) The duty to bargain, however, does not compel either party to agree to
17 a proposal or require the making of a concession. ~~Collective bargaining includes the~~
18 ~~reduction of any agreement reached to a written and signed document. The~~

19 (4) (p) Permissive subjects of collective bargaining: protective occupation
20 participants. A municipal employer shall ~~is~~ not be required to bargain with
21 protective occupation participants on subjects reserved to management and
22 direction of the governmental unit except insofar as the manner of exercise of such
23 functions affects the wages, hours, and conditions of employment of the ~~municipal~~
24 ~~employees~~ protective occupation participants in a collective bargaining unit.

1 **(1b) (b)** In creating this subchapter the legislature recognizes that the
2 municipal employer must exercise its powers and responsibilities to act for the
3 government and good order of the jurisdiction which it serves, its commercial benefit
4 and the health, safety, and welfare of the public to assure orderly operations and
5 functions within its jurisdiction, subject to those rights secured to municipal
6 employees by the constitutions of this state and of the United States and by this
7 subchapter.

8 **SECTION 113.** 111.70 (1) (b) of the statutes is amended to read:

9 111.70 (1) (b) “Collective bargaining unit” means a unit consisting of municipal
10 employees ~~who are school district employees or of municipal employees who are not~~
11 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
12 a. to be appropriate for the purpose of collective bargaining.

13 **SECTION 114.** 111.70 (1) (cm) of the statutes is created to read:

14 111.70 (1) (cm) “Consumer price index change” means the average annual
15 percentage change in the consumer price index for all urban consumers, U.S. city
16 average, as determined by the bureau of labor statistics of the federal department
17 of labor, for the 12 months immediately preceding the current date.

18 **SECTION 115.** 111.70 (1) (f) of the statutes is amended to read:

19 111.70 (1) (f) “Fair-share agreement” means an agreement between a
20 municipal employer and a labor organization under which all or any of the employees
21 in the collective bargaining unit are required to pay their proportionate share of the
22 cost of the collective bargaining process and contract administration measured by
23 the amount of dues uniformly required of all members. ~~Such an agreement shall~~
24 ~~contain a provision requiring the employer to deduct the amount of dues as certified~~

1 ~~by the labor organization from the earnings of the employees affected by said~~
2 ~~agreement and to pay the amount so deducted to the labor organization.~~

****NOTE: The draft repeals paycheck deductions for dues for all municipal employees, including law enforcement and fire fighting personnel. OK?

3 **SECTION 116.** 111.70 (1) (fm) of the statutes is created to read:

4 111.70 (1) (fm) "General municipal employee" means a municipal employee
5 who is not a protective occupation participant.

6 **SECTION 117.** 111.70 (1) (mm) of the statutes is created to read:

7 111.70 (1) (mm) "Protective occupation participant" means any municipal
8 employee who is employed in a position that, on the effective date of this paragraph
9 [LRB inserts date], is classified as a protective occupation participant under s.
10 40.02 (48) (am) 9., 10., 13., 15., or 22. or under a comparable provision in a county or
11 city retirement system.

12 **SECTION 118.** 111.70 (1) (n) of the statutes is amended to read:

13 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
14 in which employees in a collective bargaining unit may cast a secret ballot on the
15 question of authorizing a labor organization and the employer to continue a
16 fair-share agreement. ~~Unless a majority of the eligible employees vote in favor of~~
17 ~~the fair-share agreement, it shall be deemed terminated and that portion of the~~
18 ~~collective bargaining agreement deemed null and void.~~

19 **SECTION 119.** 111.70 (1) (nm) of the statutes is amended to read:

20 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
21 by municipal employees, and any concerted slowdown or other concerted
22 interruption of operations or services by municipal employees, or any concerted
23 refusal to work or perform their usual duties as municipal employees, for the purpose

1 of enforcing demands upon a municipal employer. Such conduct by municipal
2 employees which is not authorized or condoned by a labor organization constitutes
3 a "strike", but does not subject such labor organization to the penalties under this
4 subchapter. ~~This paragraph does not apply to collective bargaining units composed~~
5 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
6 ~~functions.~~

****NOTE: Please review this SECTION. Law enforcement and fire fighting employees seem to be subject to sub. (4) (L) and the penalties for striking. See current law sub. (7), which I combined with sub. (7m) since strikes can no longer be authorized under sub. (4) (cm). I don't understand what definition of "strike" would be applied to law enforcement and fire fighting employees if not this one.

7 **SECTION 120.** 111.70 (2) of the statutes is amended to read:

8 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
9 right of self-organization, and the right to form, join or assist labor organizations,
10 to bargain collectively through representatives of their own choosing, and to engage
11 in lawful, concerted activities for the purpose of collective bargaining or other mutual
12 aid or protection, ~~and such.~~ Municipal employees shall have the right to refrain from
13 any and all such activities. Municipal employees have the right to refrain from
14 paying dues and remain members of a collective bargaining unit, except that
15 municipal employees may be required to pay dues in the manner provided in if they
16 are subject to a fair-share agreement. Such fair-share agreement ~~shall be~~ is subject
17 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

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

9 **SECTION 121.** 111.70 (3) (a) 4. of the statutes is amended to read:

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

1 ~~school district employees shall not exceed 3 years, and the term of any collective~~
2 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

3 **SECTION 122.** 111.70 (3) (a) 6. of the statutes is amended to read:

4 111.70 (3) (a) 6. To deduct labor organization dues from an employee's or
5 supervisor's earnings, ~~unless the municipal employer has been presented with an~~
6 ~~individual order therefor, signed by the municipal employee personally, and~~
7 ~~terminable by at least the end of any year of its life or earlier by the municipal~~
8 ~~employee giving at least 30 days' written notice of such termination to the municipal~~
9 ~~employer and to the representative organization, except where there is a fair-share~~
10 ~~agreement in effect.~~

11 **SECTION 123.** 111.70 (3) (a) 7. of the statutes is repealed.

12 **SECTION 124.** 111.70 (3) (b) 6. of the statutes is repealed.

13 **SECTION 125.** 111.70 (3m) of the statutes is repealed.

14 **SECTION 126.** 111.70 (3p) of the statutes is repealed.

15 **SECTION 127.** 111.70 (4) (intro.) of the statutes is amended to read:

16 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
17 any election under this subsection by secret ballot and shall be governed by adhere
18 to the following provisions relating to bargaining in municipal employment in
19 addition to other powers and duties provided in this subchapter:

20 **SECTION 128.** 111.70 (4) (am) of the statutes is created to read:

21 111.70 (4) (am) *Mandatory provision for general municipal employees.* The
22 commission shall ensure that each collective bargaining agreement covering general
23 municipal employees contains a provision allowing the contract to be terminated
24 under par. (d) 3. b.

25 **SECTION 129.** 111.70 (4) (bm) of the statutes is created to read:

1 111.70 (4) (bm) *Determination of consumer price index change.* For purposes
2 of determining compliance with par. (mb) 2., the commission shall provide, upon
3 request, to any municipal employer or any representative of a collective bargaining
4 unit containing a general municipal employee, the consumer price index change
5 during any 12-month period. The commission may get the information from the
6 department of revenue.

****NOTE: The provision requiring DOR to provide this information will appear in
the next version under s. 73.03.

7 **SECTION 130.** 111.70 (4) (c) (title) of the statutes is amended to read:

8 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
9 *and fire fighting personnel protective occupation participants.*

10 **SECTION 131.** 111.70 (4) (c) 1. of the statutes is amended to read:

11 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
12 labor disputes involving a collective bargaining unit containing a protective
13 occupation participant. Such mediation may be carried on by a person designated
14 to act by the commission upon request of one or both of the parties or upon initiation
15 of the commission. The function of the mediator shall be to encourage voluntary
16 settlement by the parties but no mediator shall have the power of compulsion.

17 **SECTION 132.** 111.70 (4) (c) 2. of the statutes is amended to read:

18 111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning
19 or application of the terms of a written collective bargaining agreement involving a
20 collective bargaining unit containing a protective occupation participant may agree
21 in writing to have the commission or any other appropriate agency serve as
22 arbitrator or may designate any other competent, impartial and disinterested person
23 to so serve.

1 b. A collective bargaining agreement involving a collective bargaining unit
2 containing a protective occupation participant may, notwithstanding s. 62.13 (5),
3 contain dispute resolution procedures, including arbitration, that address the
4 suspension, reduction in rank, suspension and reduction in rank, or removal of such
5 personnel. If the procedures include arbitration, the arbitration hearing shall be
6 public and the decision of the arbitrator shall be issued within 180 days of the
7 conclusion of the hearing.

8 **SECTION 133.** 111.70 (4) (c) 3. of the statutes is amended to read:

9 111.70 (4) (c) 3. 'Fact-finding.' If Unless s. 111.77 applies, if a dispute involving
10 a collective bargaining unit containing a protective occupation participant has not
11 been settled after a reasonable period of negotiation and after the settlement
12 procedures, if any, established by the parties have been exhausted, and the parties
13 are deadlocked with respect to any dispute between them arising in the collective
14 bargaining process, either party, or the parties jointly, may petition the commission,
15 in writing, to initiate fact-finding, ~~as provided hereafter,~~ and to make
16 recommendations to resolve the deadlock, as follows:

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

23 b. The fact finder appointed under subd. 3. a. may establish dates and place of
24 hearings which shall be where feasible, and shall conduct the hearings pursuant to
25 rules established by the commission. Upon request, the commission shall issue

1 subpoena for hearings conducted by the fact finder. The fact finder may administer
2 oaths. Upon completion of the hearing, the fact finder shall make written findings
3 of fact and recommendations for solution of the dispute and shall cause the same to
4 be served on the parties and the commission. Cost of fact-finding proceedings shall
5 be divided equally between the parties. At the time the fact finder submits a
6 statement of his or her costs to the parties, the fact finder shall submit a copy thereof
7 of the statement to the commission at its Madison office.

8 c. ~~Nothing herein shall be construed as prohibiting in this subdivision prohibits~~
9 any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute,
10 in which the fact finder is involved, at any time prior to the issuance of the fact
11 finder's recommendations.

12 d. Within 30 days of the receipt of the fact finder's recommendations under
13 subd. 3. b., or within the time period mutually agreed upon by the parties, each party
14 shall ~~advise~~ give notice to the other party, in writing as to its acceptance or rejection,
15 in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~
16 transmit a copy of ~~such~~ the notice to the commission at its Madison office.

17 **SECTION 134.** 111.70 (4) (c) 4. of the statutes is repealed.

18 **SECTION 135.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
19 to read:

20 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other*
21 *personnel* general municipal employees. 1. 'Notice of commencement of contract
22 negotiations.' For the purpose of advising the commission of the commencement of
23 contract negotiations involving a collective bargaining unit containing general
24 municipal employees, whenever either party requests the other to reopen
25 negotiations under a binding collective bargaining agreement, or the parties

1 otherwise commence negotiations if no such agreement exists, the party requesting
2 negotiations shall immediately notify the commission in writing. Upon failure of the
3 requesting party to provide such notice, the other party may so notify the
4 commission. The notice shall specify the expiration date of the existing collective
5 bargaining agreement, if any, and shall set forth any additional information the
6 commission may require on a form provided by the commission.

7 2. 'Presentation of initial proposals; open meetings.' The meetings between
8 parties to a collective bargaining agreement or proposed collective bargaining
9 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
10 containing a general municipal employee and that are held for the purpose of
11 presenting initial bargaining proposals, along with supporting rationale, shall be
12 open to the public. Each party shall submit its initial bargaining proposals to the
13 other party in writing. Failure to comply with this subdivision is not cause to
14 invalidate a collective bargaining agreement under this subchapter.

15 3. 'Mediation.' The commission or its designee shall function as mediator in
16 labor disputes involving general municipal employees upon request of one or both of
17 the parties, or upon initiation of the commission. The function of the mediator shall
18 be to encourage voluntary settlement by the parties. No mediator has the power of
19 compulsion.

20 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
21 application of the terms of a written collective bargaining agreement involving a
22 collective bargaining unit containing a general municipal employee may agree in
23 writing to have the commission or any other appropriate agency serve as arbitrator
24 or may designate any other competent, impartial and disinterested person to so
25 serve.