

1 **SECTION 136.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

2 **SECTION 137.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

3 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
4 the initial collective bargaining agreement between the parties and except as the
5 parties otherwise agree, every collective bargaining agreement covering general
6 municipal employees subject to this paragraph shall be for a term of 2 years, ~~but in~~
7 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
8 ~~consisting of municipal employees subject to this paragraph other than school~~
9 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
10 ~~agreement for any collective bargaining unit consisting of school district employees~~
11 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
12 extended. No arbitration award may contain a provision for reopening of
13 negotiations during the term of a collective bargaining agreement, covering general
14 municipal employees may be reopened for negotiations unless both parties agree to
15 such a provision reopen the collective bargaining agreement. The requirement for
16 agreement by both parties does not apply to a provision for reopening of negotiations
17 with respect to any portion of an agreement that is declared invalid by a court or
18 administrative agency or rendered invalid by the enactment of a law or promulgation
19 of a federal regulation.

20 **SECTION 138.** 111.70 (4) (cm) 9. of the statutes is repealed.

21 **SECTION 139.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

22 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
23 bargaining unit for the purpose of collective bargaining and shall whenever possible,
24 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
25 maintaining as few collective bargaining units as practicable in keeping with the size

1 of the total municipal workforce. ~~In making such a determination, the~~ The
2 commission may decide whether, in a particular case, the municipal employees in the
3 same or several departments, divisions, institutions, crafts, professions, or other
4 occupational groupings constitute a collective bargaining unit. Before making its
5 determination, the commission may provide an opportunity for the municipal
6 employees concerned to determine, by secret ballot, whether they desire to be
7 established as a separate collective bargaining unit. The commission ~~shall~~ may not
8 decide, however, that any group of municipal employees constitutes an appropriate
9 collective bargaining unit if the group includes both professional employees and
10 nonprofessional employees, unless a majority of the professional employees vote for
11 inclusion in the unit. The commission may not decide that any group of municipal
12 employees constitutes an appropriate collective bargaining unit if the group includes
13 both school district employees and general municipal employees who are not school
14 district employees. The commission may not decide that any group of municipal
15 employees constitutes an appropriate collective bargaining unit if the group includes
16 both protective occupation participants and general municipal employees. The
17 commission ~~shall~~ may not decide that any group of municipal employees constitutes
18 an appropriate collective bargaining unit if the group includes both craft employees
19 and noncraft employees unless a majority of the craft employees vote for inclusion
20 in the unit. The commission shall place the professional employees who are assigned
21 to perform any services at a charter school, as defined in s. 115.001 (1), in a separate
22 collective bargaining unit from a unit that includes any other professional employees
23 whenever at least 30% of those professional employees request an election to be held
24 to determine that issue and a majority of the professional employees at the charter
25 school who cast votes in the election decide to be represented in a separate collective

1 bargaining unit. Upon the expiration of any collective bargaining agreement in
2 force, the commission shall combine into a single collective bargaining unit 2 or more
3 collective bargaining units consisting of school district employees if a majority of the
4 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
5 ~~under this subsection shall be by secret ballot.~~

6 **SECTION 140.** 111.70 (4) (d) 3. of the statutes is renumbered 111.70 (4) (d) 3. a.
7 and amended to read:

8 111.70 (4) (d) 3. a. Whenever, in a particular case involving a collective
9 bargaining unit containing a protective occupation participant, a question arises
10 concerning representation or appropriate unit, calling for a vote, the commission
11 shall certify the results in writing to the municipal employer and the labor
12 organization involved and to any other interested parties. Any ballot used in a
13 representation proceeding shall include the names of all persons having an interest
14 in representing or the results. The ballot should be so designed as to permit a vote
15 against representation by any candidate named on the ballot. The findings of the
16 commission, on which a certification is based, shall be conclusive unless reviewed as
17 provided by s. 111.07 (8).

18 **SECTION 141.** 111.70 (4) (d) 3. b. of the statutes is created to read:

19 111.70 (4) (d) 3. b. Annually, no later than 3 months before a collective
20 bargaining agreement involving a general municipal employee is to expire, the
21 commission shall conduct an election to certify the representative of the collective
22 bargaining unit. The commission shall certify any representative that receives at
23 least 51 percent of the votes of the general municipal employees in the collective
24 bargaining unit. If no representative receives at least 51 percent of the votes of the
25 general municipal employees in the collective bargaining unit, the commission shall

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1 decertify the current representative and terminate the contract and the general
2 municipal employees shall be nonrepresented. If, in a particular case involving a
3 collective bargaining unit containing a general municipal employee, a question
4 arises concerning representation or appropriate unit, calling for a vote, the
5 commission shall conduct an election for the collective bargaining unit. In any
6 election under this subd. 3. b., the commission shall certify the results in writing to
7 the municipal employer and the labor organization involved and to any other
8 interested parties. Any ballot used in a representation proceeding under this subd.
9 3. b. shall include the names of all persons having an interest in representing or the
10 results. The ballot should be so designed as to permit a vote against representation
11 by any candidate named on the ballot. The findings of the commission, on which a
12 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

13 **SECTION 142.** 111.70 (4) (L) of the statutes is amended to read:

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

19 **SECTION 143.** 111.70 (4) (m) of the statutes is repealed.

20 **SECTION 144.** 111.70 (4) (mb) of the statutes is created to read:

21 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*
22 The municipal employer is prohibited from bargaining collectively with a collective
23 bargaining unit containing a general municipal employee with respect to any of the
24 following:

^, after adjustment for pay schedules and automatic pay progressions

1 1. Any factor or condition of employment except wages, which is limited for
2 general municipal employees to include only pay rate and to exclude overtime or
3 supplemental compensation; pay schedules; and automatic pay progressions.

****NOTE: Please review this provision. I wasn't sure in your sentence whether "pay schedule and progression" followed "pay rate and" and were permitted subjects or "pay schedule and progression" followed "excluding" and thus were prohibited subjects.

4 2. Except as provided in xx.xx, any proposal that provides for a wage
5 expenditure per employee in the contract that exceeds the wage expenditure per
6 employee in the previous contract by ^{a greater percentage} more than the consumer price index change.

****NOTE: This cross-reference xx.xx will be the referendum provision. It will involve other people so I will do it later.

draft note: what if the cpi change is negative?



7 **SECTION 145.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

8 111.70 (4) (mc) *Prohibited subjects of bargaining; protective occupation*
9 *participants.* (intro.) The municipal employer is prohibited from bargaining
10 collectively with a collective bargaining unit containing a protective occupation
11 participant with respect to any of the following:

12 **SECTION 146.** 111.70 (4) (mc) 4. of the statutes is repealed.

13 **SECTION 147.** 111.70 (4) (n) and (o) of the statutes are repealed.

14 **SECTION 148.** 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).

15 **SECTION 149.** 111.70 (6) of the statutes is renumbered 111.70 (1b) (a).

16 **SECTION 150.** 111.70 (7) of the statutes is repealed.

17 **SECTION 151.** 111.70 (7m) (b) of the statutes is repealed.

18 **SECTION 152.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

19 111.70 (7m) (c) 1. a. Any labor organization which violates sub. (4) (L) shall be
20 ~~penalized by the suspension of~~ may not collect any dues ~~check-off~~ under a collective
21 bargaining agreement and or under a fair-share agreement between the from any
22 municipal employer and such labor organization employee covered by either

1 agreement for a period of one year. At the end of the period of suspension, any such
2 agreement shall be reinstated unless the labor organization is no longer authorized
3 to represent the municipal employees covered by ~~such dues check-off~~ the collective
4 bargaining agreement or fair-share agreement or the agreement is no longer in
5 effect.

6 **SECTION 153.** 111.70 (7m) (c) 3. of the statutes is repealed.

7 **SECTION 154.** 111.70 (7m) (e) and (f) of the statutes are repealed.

8 **SECTION 155.** 111.70 (8) (a) of the statutes is amended to read:

9 111.70 (8) (a) This section, except ~~subs. (1)(nm), sub. (4) (cm) and (7m)~~, applies
10 to law enforcement supervisors employed by a 1st class city. This section, except
11 ~~subs. (1)(nm), sub. (4) (cm) and (jm) and (7m)~~, applies to law enforcement supervisors
12 employed by a county having a population of 500,000 or more. For purposes of such
13 application, the ~~term~~ terms "municipal employee" ~~includes and~~ "protective
14 occupation participant" ~~include~~ such a supervisor.

15 **SECTION 156.** 111.71 (2) of the statutes is amended to read:

16 111.71 (2) The commission shall assess and collect a filing fee for filing a
17 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
18 The commission shall assess and collect a filing fee for filing a request that the
19 commission act as an arbitrator to resolve a dispute involving the interpretation or
20 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
21 The commission shall assess and collect a filing fee for filing a request that the
22 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
23 assess and collect a filing fee for filing a request that the commission act as a
24 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
25 a filing fee for filing a request that the commission initiate compulsory, final and

1 binding arbitration under s. 111.70 (4) ~~(em) 6. or~~ (jm) or 111.77 (3). For the
2 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
3 4. and 6. and (jm) and 111.77 (3), the commission shall require that the parties to the
4 dispute equally share in the payment of the fee and, for the performance of
5 commission actions involving a complaint alleging that a prohibited practice has
6 been committed under s. 111.70 (3), the commission shall require that the party filing
7 the complaint pay the entire fee. If any party has paid a filing fee requesting the
8 commission to act as a mediator for a labor dispute and the parties do not enter into
9 a voluntary settlement of the dispute, the commission may not subsequently assess
10 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
11 dispute. If any request for the performance of commission actions concerns issues
12 arising as a result of more than one unrelated event or occurrence, each such
13 separate event or occurrence shall be treated as a separate request. The commission
14 shall promulgate rules establishing a schedule of filing fees to be paid under this
15 subsection. Fees required to be paid under this subsection shall be paid at the time
16 of filing the complaint or the request for fact-finding, mediation or arbitration. A
17 complaint or request for fact-finding, mediation or arbitration is not filed until the
18 date such fee or fees are paid, except that the failure of the respondent party to pay
19 the filing fee for having the commission initiate compulsory, final and binding
20 arbitration under s. 111.70 (4) ~~(em) 6. or~~ (jm) or 111.77 (3) ~~shall~~ may not prohibit the
21 commission from initiating such arbitration. The commission may initiate collection
22 proceedings against the respondent party for the payment of the filing fee. Fees
23 collected under this subsection shall be credited to the appropriation account under
24 s. 20.425 (1) (i).

25 **SECTION 157.** 111.71 (4) of the statutes is repealed.

1 **SECTION 158.** 111.71 (5) of the statutes is repealed.

2 **SECTION 159.** 111.77 (intro.) of the statutes is amended to read:

3 **111.77 Settlement of disputes in collective bargaining units composed**
4 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
5 and city and county law enforcement agencies ~~municipal~~ Municipal employers and
6 municipal employees, as provided in sub. (8), have the duty to bargain collectively
7 in good faith including the duty to refrain from strikes or lockouts and to comply with
8 the following ~~procedures set forth~~ below:

9 **SECTION 160.** 111.81 (1) of the statutes is amended to read:

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

20 **SECTION 161.** 111.81 (3h) of the statutes is repealed.

21 **SECTION 162.** 111.81 (3n) of the statutes is created to read:

22 111.81 (3n) "Consumer price index change" means the average annual
23 percentage change in the consumer price index for all urban consumers, U.S. city
24 average, as determined by the bureau of labor statistics of the federal department
25 of labor, for the 12 months immediately preceding the current date.

1 **SECTION 163.** 111.81 (7) (g) of the statutes is repealed.

2 **SECTION 164.** 111.81 (9g) of the statutes is created to read:

3 111.81 (9g) "General employee" means an employee who is not a protective
4 occupation participant.

5 **SECTION 165.** 111.81 (9k) of the statutes is repealed.

6 **SECTION 166.** 111.81 (12m) of the statutes is amended to read:

7 111.81 (12m) "Maintenance of membership agreement" means an agreement
8 between the employer and a labor organization representing employees or
9 supervisors specified in s. 111.825 (5) which requires that all of the employees or
10 supervisors ~~whose dues are being deducted from earnings under s. 20.921 (1) or~~
11 ~~111.84 (1) (f) who are required to pay dues~~ at the time the agreement takes effect shall
12 continue to have be required to pay dues deducted for the duration of the agreement
13 and that ~~dues shall be deducted from the earnings of all employees or supervisors~~
14 who are hired on or after the effective date of the agreement shall be required to pay
15 dues for the duration of the agreement.

16 **SECTION 167.** 111.81 (15r) of the statutes is created to read:

17 111.81 (15r) "Protective occupation participant" means any individual under
18 110.07 (2).

****NOTE: Please review this provision; is this it?

19 **SECTION 168.** 111.815 (1) of the statutes is amended to read:

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

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

22 **SECTION 169.** 111.815 (2) of the statutes is amended to read:

23 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
24 the office shall, together with the appointing authorities or their representatives,
25 represent the state in its responsibility as an employer under this subchapter except

1 with respect to negotiations in the collective bargaining units specified in s. 111.825
2 ~~(1m), (2) (f), and (2g)~~. The director of the office shall establish and maintain,
3 wherever practicable, consistent employment relations policies and practices
4 throughout the state service.

5 **SECTION 170.** 111.82 of the statutes is amended to read:

6 **111.82 Rights of employees.** Employees shall have the right of
7 self-organization and the right to form, join or assist labor organizations, to bargain
8 collectively through representatives of their own choosing under this subchapter,
9 and to engage in lawful, concerted activities for the purpose of collective bargaining
10 or other mutual aid or protection. Employees shall also have the right to refrain from
11 any or all of such activities. Employees have the right to refrain from paying dues
12 and remain members of a collective bargaining unit.

13 **SECTION 171.** 111.825 (1) (intro.) of the statutes is amended to read:

14 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
15 collective bargaining, units must be structured in such a way as to avoid excessive
16 fragmentation whenever possible. In accordance with this policy, collective
17 bargaining units for employees in the classified service of the state, ~~except employees~~
18 ~~in the collective bargaining units specified in sub. (1m)~~, are structured on a statewide
19 basis with one collective bargaining unit for each of the following occupational
20 groups:

21 **SECTION 172.** 111.825 (1) (g) of the statutes is created to read:

22 111.825 (1) (g) Protective occupation participants.

23 **SECTION 173.** 111.825 (1m) of the statutes is repealed.

24 **SECTION 174.** 111.825 (2g) of the statutes is repealed.

25 **SECTION 175.** 111.825 (3) of the statutes is amended to read:

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

3 **SECTION 176.** 111.825 (4) of the statutes is amended to read:

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

12 **SECTION 177.** 111.825 (4m) of the statutes is repealed.

13 **SECTION 178.** 111.825 (5) of the statutes is amended to read:

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

1 collectively with respect to any matter other than wages and fringe benefits as
2 provided in s. 111.91 (1).

3 **SECTION 179.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

4 **SECTION 180.** 111.825 (6) (b) of the statutes is created to read:

5 111.825 (6) (b) The commission may assign only a protective occupation
6 participant to the collective bargaining unit under sub. (1) (g).

7 **SECTION 181.** 111.83 (1) of the statutes is amended to read:

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

19 **SECTION 182.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

20 **SECTION 183.** 111.83 (3) (b) of the statutes is created to read:

21 111.83 (3) (b) Annually, no later than 3 months before a collective bargaining
22 agreement involving a general employee is to expire, the commission shall conduct
23 an election to certify the representative of the collective bargaining unit. There shall
24 be included on the ballot the names of all labor organizations having an interest in
25 representing the general employees participating in the election. The commission

1 may exclude from the ballot one who, at the time of the election, stands deprived of
2 his or her rights under this subchapter by reason of a prior adjudication of his or her
3 having engaged in an unfair labor practice. The commission shall certify any
4 representative that receives at least 51 percent of the votes of the general employees
5 in the collective bargaining unit. If no representative receives at least 51 percent of
6 the votes of the general employees in the collective bargaining unit, the commission
7 shall decertify the current representative and terminate the contract and the general
8 employees shall be nonrepresented. The commission's certification of the results of
9 any election is conclusive unless reviewed as provided by s. 111.07 (8).

10 **SECTION 184.** 111.83 (4) of the statutes is amended to read:

11 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
12 the name of more than one proposed representative appears on the ballot and results
13 in no conclusion, the commission may, if requested by any party to the proceeding
14 within 30 days from the date of the certification of the results of the election, conduct
15 a runoff election. In that runoff election, the commission shall drop from the ballot
16 the name of the representative who received the least number of votes at the original
17 election. The commission shall drop from the ballot the privilege of voting against
18 any representative if the least number of votes cast at the first election was against
19 representation by any named representative.

20 **SECTION 185.** 111.83 (5m) of the statutes is repealed.

21 **SECTION 186.** 111.83 (7) of the statutes is repealed.

22 **SECTION 187.** 111.84 (1) (b) of the statutes is amended to read:

23 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
24 create, dominate or interfere with the formation or administration of any labor or
25 employee organization or contribute financial support to it. Except as provided in

1 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
2 retirement system under ch. 40 and no action by the employer that is authorized by
3 such a law constitutes a violation of this paragraph unless an applicable collective
4 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
5 specifically prohibits the change or action. No such change or action affects the
6 continuing duty to bargain collectively with a collective bargaining unit under s.
7 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
8 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
9 reimburse an employee at his or her prevailing wage rate for the time spent during
10 the employee's regularly scheduled hours conferring with the employer's officers or
11 agents and for attendance at commission or court hearings necessary for the
12 administration of this subchapter. Professional supervisory or craft personnel may
13 maintain membership in professional or craft organizations; however, as members
14 of such organizations they shall be prohibited from those activities related to
15 collective bargaining in which the organizations may engage.

16 **SECTION 188.** 111.84 (1) (d) of the statutes is amended to read:

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

1 includes, but is not limited to, the refusal to execute a collective bargaining
2 agreement previously orally agreed upon.

3 **SECTION 189.** 111.84 (1) (f) of the statutes is amended to read:

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

12 **SECTION 190.** 111.84 (2) (c) of the statutes is amended to read:

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

21 **SECTION 191.** 111.84 (3) of the statutes is amended to read:

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

1 **SECTION 192.** 111.85 (1) (c) of the statutes is amended to read:

2 111.85 (1) (c) If a fair-share or maintenance of membership agreement is
3 authorized in a referendum, the employer shall enter into such an agreement with
4 the labor organization named on the ballot in the referendum. ~~Each fair-share or~~
5 ~~maintenance of membership agreement shall contain a provision requiring the~~
6 ~~employer to deduct the amount of dues as certified by the labor organization from the~~
7 ~~earnings of the employees or supervisors affected by the agreement and to pay the~~
8 ~~amount so deducted to the labor organization.~~ Unless the parties agree to an earlier
9 date, the agreement shall take effect 60 days after certification by the commission
10 that the referendum vote authorized the agreement. ~~The employer shall be held~~
11 ~~harmless against any claims, demands, suits and other forms of liability made by~~
12 ~~employees or supervisors or local labor organizations which may arise for actions~~
13 ~~taken by the employer in compliance with this section. All such lawful claims,~~
14 ~~demands, suits and other forms of liability are the responsibility of the labor~~
15 ~~organization entering into the agreement.~~

16 **SECTION 193.** 111.85 (1) (d) of the statutes is amended to read:

17 111.85 (1) (d) Under each fair-share or maintenance of membership
18 agreement, an employee or supervisor who has religious convictions against dues
19 payments to a labor organization based on teachings or tenets of a church or religious
20 body of which he or she is a member shall, on request to the labor organization, ~~have~~
21 pay his or her dues ~~paid~~ to a charity mutually agreed upon by the employee or
22 supervisor and the labor organization. Any dispute concerning this paragraph may
23 be submitted to the commission for adjudication.

24 **SECTION 194.** 111.85 (5) of the statutes is repealed.

25 **SECTION 195.** 111.90 (2) of the statutes is amended to read:

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

4 **SECTION 196.** 111.905 of the statutes is repealed.

5 **SECTION 197.** 111.91 (1) (a) of the statutes is amended to read:

6 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~, (d), with regard to a collective
7 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to
8 the point of impasse are wage rates, consistent with sub. (2), the assignment and
9 reassignment of classifications to pay ranges, determination of an incumbent's pay
10 status resulting from position reallocation or reclassification, and pay adjustments
11 upon temporary assignment of classified employees protective occupation
12 participants to duties of a higher classification or downward reallocations of a
13 classified employee's protective occupation participant's position; fringe benefits
14 consistent with sub. (2); hours and conditions of employment.

 ****NOTE: I don't know if these factors apply to state troopers.

15 **SECTION 198.** 111.91 (1) (am) of the statutes is repealed.

16 **SECTION 199.** 111.91 (1) (b) of the statutes is amended to read:

17 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a
18 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.
19 111.90, except that procedures for the adjustment or settlement of grievances or
20 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall
21 be a subject of bargaining.

22 **SECTION 200.** 111.91 (1) (c) of the statutes is amended to read:

23 111.91 (1) (c) The employer is prohibited from bargaining with a collective
24 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

1 **SECTION 201.** 111.91 (1) (cg) of the statutes is repealed.

2 **SECTION 202.** 111.91 (1) (cm) of the statutes is amended to read:

3 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)
4 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
5 and all actions of the employer that are authorized under any such law which apply
6 to nonrepresented individuals employed by the state shall apply to similarly situated
7 employees protective occupation participants, unless otherwise specifically provided
8 in a collective bargaining agreement that applies to ~~those employees~~ the protective
9 occupation participants.

10 **SECTION 203.** 111.91 (1) (d) of the statutes is amended to read:

11 111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.
12 111.825 (1) (g), demands relating to retirement and group insurance shall be
13 submitted to the employer at least one year prior to commencement of negotiations.

14 **SECTION 204.** 111.91 (1) (e) of the statutes is repealed.

 ****NOTE: Please review this repeal. I didn't think this factor could apply to state
troopers, but I could be wrong.

15 **SECTION 205.** 111.91 (2) (intro.) of the statutes is amended to read:

16 111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a
17 collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

18 **SECTION 206.** 111.91 (2) (gu) of the statutes is repealed.

19 **SECTION 207.** 111.91 (2c) of the statutes is repealed.

20 **SECTION 208.** 111.91 (3) of the statutes is created to read:

21 111.91 (3) The employer is prohibited from bargaining with a collective
22 bargaining unit containing a general employee with respect to any of the following:

after adjustment for pay schedules and automatic pay progression

1 (a) Any factor or condition of employment except wages, which is limited for
2 general employees to include only pay rate and to exclude overtime or supplemental
3 compensation; pay schedules; and automatic pay progressions.

****NOTE: Please review this provision. I wasn't sure in your sentence whether "pay schedule and progression" followed "pay rate and" and were permitted subjects or "pay schedule and progression" followed "excluding" and thus were prohibited subjects.

4 (b) Except as provided in xx.xx, any proposal that provides for a wage
5 expenditure per employee in the contract that exceeds the wage expenditure per
6 employee in the previous contract by ^{a greater percentage} ~~more~~ than the consumer price index change.

****NOTE: This cross-reference xx.xx will be the referendum provision. It will involve other people so I will do it later.



7 **SECTION 209.** 111.91 (3q) of the statutes is created to read:

NOTE: What if the CPI change is negative?

8 111.91 (3q) For purposes of determining compliance with sub. (3), the
9 commission shall provide, upon request, to the employer or to any representative of
10 a collective bargaining unit containing a general employee, the consumer price index
11 change during any 12-month period. The commission may get the information from
12 the department of revenue.

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

13 **SECTION 210.** 111.92 (1) (a) of the statutes is amended to read:

14 111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~
15 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~
16 any labor organization representing a collective bargaining unit specified in s.
17 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor
18 organization, be submitted by the office ~~or department of health services~~ to the joint
19 committee on employment relations, which shall hold a public hearing before
20 determining its approval or disapproval. If the committee approves the tentative
21 agreement, it shall introduce in a bill or companion bills, to be put on the calendar

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

16 **SECTION 211.** 111.92 (1) (b) of the statutes is repealed.

17 **SECTION 212.** 111.92 (2m) of the statutes is repealed.

18 **SECTION 213.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and
19 amended to read:

20 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
21 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

22 **SECTION 214.** 111.92 (3) (b) of the statutes is created to read:

23 111.92 (3) (b) No agreements covering a collective bargaining unit containing
24 a general employee may be for a period that exceeds one year, and each agreement
25 must coincide with the fiscal year. Agreements may not be extended.

1 **SECTION 215.** 111.92 (6) of the statutes is created to read:

2 111.92 (6) Each collective bargaining agreement covering general employees
3 must contain a provision allowing the contract to be terminated under s. 111.83 (3)
4 (b).

5 **SECTION 216.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and
6 amended to read:

7 111.93 (2) (a) All civil service and other applicable statutes concerning wages,
8 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~
9 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~
10 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~
11 ~~(b) to (f) protective occupation participants~~ who are not included in a collective
12 bargaining unit for which a representative is recognized or certified.

13 **SECTION 217.** 111.93 (2) (b) of the statutes is created to read:

14 111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages
15 apply to general employees who are not included in a collective bargaining units for
16 which a representative is recognized or certified.

17 2. All civil service and other applicable statutes concerning fringe benefits,
18 hours, and conditions of employment apply to general employees without regard to
19 their inclusion in a collective bargaining unit.

20 **SECTION 218.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
21 repealed.

22 **SECTION 219.** 118.22 (4) of the statutes is repealed.

23 **SECTION 220.** 118.23 (5) of the statutes is repealed.

24 **SECTION 221.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

1 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
2 board of regents' authority to establish and adjust all compensation and fringe
3 benefits of instructional staff, subject to the terms of any collective bargaining
4 agreement under subch. V of ch. 111 that covers the instructional staff. In the
5 absence of a collective bargaining agreement, the governing board may establish and
6 adjust all compensation and fringe benefits of the instructional staff only with the
7 approval of the chancellor of the University of Wisconsin-Parkside.

8 **SECTION 222.** 118.40 (2r) (b) 3. am. of the statutes is created to read:

9 118.40 (2r) (b) 3. am. Delegate to the governing board of the charter school the
10 board of regents' authority to establish and adjust all fringe benefits of instruction
11 staff with the approval of the chancellor of the University of Wisconsin-Parkside.

12 **SECTION 223.** 118.42 (3) (a) 4. of the statutes is amended to read:

13 118.42 (3) (a) 4. Implement changes in administrative and personnel
14 structures ~~that are consistent with applicable collective bargaining agreements.~~

15 **SECTION 224.** 120.12 (15) of the statutes is amended to read:

16 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
17 school day. The school board may differentiate between the various elementary and
18 high school grades in scheduling the school day. The equivalent of 180 such days, as
19 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall
20 not be construed to eliminate a school district's duty to bargain with the employee's
21 collective bargaining representative over any calendaring proposal which is
22 primarily related to wages, hours and conditions of employment.~~

23 **SECTION 225.** 120.18 (1) (gm) of the statutes is amended to read:

24 120.18 (1) (gm) Payroll and related benefit costs for all school district
25 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees

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of wages

1 shall be based upon the costs of any collective bargaining agreements covering such
2 employees for the previous school year. If, as of the time specified by the department
3 for filing the report, the school district has not entered into a collective bargaining
4 agreement for any portion of the previous school year with the recognized or certified
5 representative of any of its employees and the school district and the representative
6 have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs

7 limited to the lower of the school district's offer or the representative's offer shall be
8 reflected in the report shall be equal to the ~~consumer price index change as defined~~
maximum wage expenditure that is subject to

9 ~~in the report~~. The school district shall amend the annual report to reflect any
10 change in such costs as a result of any award or settlement under s. 111.70 (4) (cm)
11 6. collective bargaining agreement entered into between the date of filing the report
12 and October 1. Any such amendment shall be concurred in by the certified public
13 accountant licensed or certified under ch. 442 certifying the school district audit.

14 SECTION 226. 146.59 (3) (a) of the statutes is amended to read:

15 146.59 (3) (a) Any contractual services agreement under sub. (2) may include
16 a provision that authorizes the authority to perform specified duties for the board
17 with respect to employees of the board. This authorization may include duties
18 related to supervising employees, taking disciplinary action, or recommending new
19 hires or layoffs, or with respect to collective bargaining, claims, or complaints, or
20 benefits and records administration.

21 SECTION 227. 230.01 (3) of the statutes is amended to read:

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

24 SECTION 228. 230.03 (3) of the statutes is amended to read:

of 7 wages

subject to collective bargaining model s. 111.70 (4) (mb) 2. for the employee

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

11 **SECTION 229.** 230.046 (10) (a) of the statutes is amended to read:

12 230.046 (10) (a) Conduct off-the-job employee development and training
13 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

14 **SECTION 230.** 230.12 (3) (e) 1. of the statutes is amended to read:

15 230.12 (3) (e) 1. The director, after receiving recommendations from the board
16 of regents, shall submit to the joint committee on employment relations a proposal
17 for adjusting compensation and employee benefits for employees under ss. 20.923
18 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining
19 unit under subch. V ~~or VI~~ of ch. 111 for which a representative is certified. The
20 proposal shall include the salary ranges and adjustments to the salary ranges for the
21 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
22 The proposal shall be based upon the competitive ability of the board of regents to
23 recruit and retain qualified faculty and academic staff, data collected as to rates of
24 pay for comparable work in other public services, universities and commercial and
25 industrial establishments, recommendations of the board of regents and any special

1 studies carried on as to the need for any changes in compensation and employee
2 benefits to cover each year of the biennium. The proposal shall also take proper
3 account of prevailing pay rates, costs and standards of living and the state's
4 employment policies. The proposal for such pay adjustments may contain
5 recommendations for across-the-board pay adjustments, merit or other
6 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
7 shall apply to the process for approval of all pay adjustments for such employees
8 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
9 by the joint committee on employment relations and the governor shall be based
10 upon a percentage of the budgeted salary base for such employees under ss. 20.923
11 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
12 and adjustments other than across-the-board pay adjustments is available for
13 discretionary use by the board of regents.

****NOTE: Does this provision need to be amended since acba will not address
benefits?

14 **SECTION 231.** 230.315 (1) (c) of the statutes is amended to read:

15 230.315 (1) (c) The employee has received a military leave of absence under s.
16 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
17 of ch. 111, 2009 stats., or under rules promulgated by the office of employment
18 relations or is eligible for reemployment with the state under s. 321.64 after
19 completion of his or her service in the U.S. armed forces.

20 **SECTION 232.** 230.315 (3) (a) of the statutes is amended to read:

21 230.315 (3) (a) Except as provided in par. (b), beginning on the day in which
22 a state employee is activated to serve on military duty in the U.S. armed forces or to
23 serve in the U.S. public health service, the employee shall receive the pay and

1 benefits authorized under sub. (1) or (2) for a period of not more than 179 days. If
2 a state employee is eligible to receive pay and benefits for military service under s.
3 230.35 (3) (a) or a collective bargaining agreement under subch. V of ch. 111, 2009
4 stats., the state employee shall become eligible to receive the pay and benefits
5 authorized under sub. (1) or (2) only after receiving the pay and benefits for military
6 service under s. 230.35 (3) (a) or a collective bargaining agreement under subch. V
7 of ch. 111, 2009 stats.

8 **SECTION 233.** 230.34 (1) (ar) of the statutes is amended to read:

9 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
10 status in class in the classified service and all employees who have served with the
11 state as an assistant district attorney for a continuous period of 12 months or more,
12 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~
13 ~~for which a representative is recognized or certified, or for employees specified in s.~~
14 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~
15 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~
16 ~~collective bargaining unit, the determination of just cause and all aspects of the~~
17 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~
18 ~~agreement.~~

19 **SECTION 234.** 230.35 (1s) of the statutes is amended to read:

20 230.35 (1s) Annual leave of absence with pay for instructional staff employed
21 by the board of regents of the University of Wisconsin System who provide services
22 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
23 determined by the governing board of the charter school established by contract
24 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of

1 ~~Wisconsin-Parkside and subject to the terms of any collective bargaining agreement~~
2 ~~under subch. V of ch. 111 covering the instructional staff.~~

3 **SECTION 235.** 230.35 (2d) (e) of the statutes is amended to read:

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

8 **SECTION 236.** 230.35 (3) (e) 6. of the statutes is amended to read:

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

13 **SECTION 237.** 230.88 (2) (b) of the statutes is amended to read:

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

23 **SECTION 238.** 233.02 (1) (h) of the statutes is repealed.

24 **SECTION 239.** 233.02 (8) of the statutes is amended to read:

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

10 **SECTION 240.** 233.03 (7) of the statutes is amended to read:

11 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
12 9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~
13 ~~bargaining unit for which a representative is recognized or certified under subch. I~~
14 ~~of ch. 111~~, employ any agent, employee or special advisor that the authority finds
15 necessary and fix his or her compensation and provide any employee benefits,
16 including an employee pension plan.

17 **SECTION 241.** 233.04 (2) of the statutes is amended to read:

18 233.04 (2) Subject to subs. (4) ~~to (4r)~~ and (4m) and s. 233.10, develop and
19 implement a personnel structure and other employment policies for employees of the
20 authority.

21 **SECTION 242.** 233.04 (4r) of the statutes is repealed.

22 **SECTION 243.** 233.10 (1) of the statutes is amended to read:

23 233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,
24 section 9159 (2) and (4), the authority shall employ such employees as it may require

1 and shall determine the qualifications and duties of its employees. Appointments
2 to and promotions in the authority shall be made according to merit and fitness.

3 **SECTION 244.** 233.10 (2) (intro.) of the statutes is amended to read:

4 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~
5 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~
6 ~~which a representative is recognized or certified under subch. I of ch. 111, the~~
7 authority shall establish any of the following:

8 **SECTION 245.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

9 233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), “carry-over
10 employee” means an employee of the authority who satisfies all of the following:

11 **SECTION 246.** 233.10 (3) (b) of the statutes is repealed.

12 **SECTION 247.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

13 233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee
14 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting
15 the terms of the carry-over employee’s employment during the period beginning on
16 June 29, 1996, and ending on June 30, 1997, do all of the following:

17 **SECTION 248.** 233.10 (3) (d) of the statutes is amended to read:

18 233.10 (3) (d) If an employee of the authority is not a carry-over employee ~~and~~
19 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,
20 1996, to June 30, 1997, provide that employee the same rights, benefits and
21 compensation provided to a carry-over employee under par. (c) who holds a position
22 at the authority with similar duties.

23 **SECTION 249.** 233.10 (3m) of the statutes is repealed.

24 **SECTION 250.** 281.75 (4) (b) 3. of the statutes is amended to read:

1 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
2 233, 234, or 237.

3 **SECTION 251.** 285.59 (1) (b) of the statutes is amended to read:

4 285.59 (1) (b) "State agency" means any office, department, agency, institution
5 of higher education, association, society or other body in state government created
6 or authorized to be created by the constitution or any law which is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, the Wisconsin
8 Housing and Economic Development Authority, the Bradley Center Sports and
9 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
10 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
11 Authority, ~~the Wisconsin Quality Home Care Authority~~, and the Wisconsin Health
12 and Educational Facilities Authority.

13 **SECTION 252.** 704.31 (3) of the statutes is amended to read:

14 704.31 (3) This section does not apply to a lease to which a local professional
15 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~
16 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

17 **SECTION 253.** 851.71 (4) of the statutes is amended to read:

18 851.71 (4) In counties having a population of 500,000 or more, the appointment
19 under subs. (1) and (2) shall be made as provided in those subsections but the judges
20 shall not remove the register in probate and deputy registers, except through charges
21 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~
22 ~~bargaining agreement~~.

23 **SECTION 9155. Nonstatutory provisions; Other.**

24 (1) TERMINATION OF STATE EMPLOYEE AND UW SYSTEM EMPLOYEE CONTRACTS. State
25 employees who are covered by a collective bargaining agreement under subchapter

1 V or VI of the statutes that expired on June 30, 2009, but which has been extended
2 shall be given notice that the contracts will terminate as soon as legally possible
3 following the effective date of this subsection.

****NOTE: I do not know the procedure for terminating a collective bargaining agreement, including one that has been extended. I don't think we can require notice to be given on an introduction date because a bill cannot require action. Can't OSER give notice without this provision?

4 (2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL
5 PROPERTY, AND CONTRACTS.

6 (a) On the effective date of this paragraph, the assets and liabilities of the
7 Wisconsin Quality Home Care Authority shall become the assets and liabilities of the
8 department of health services.

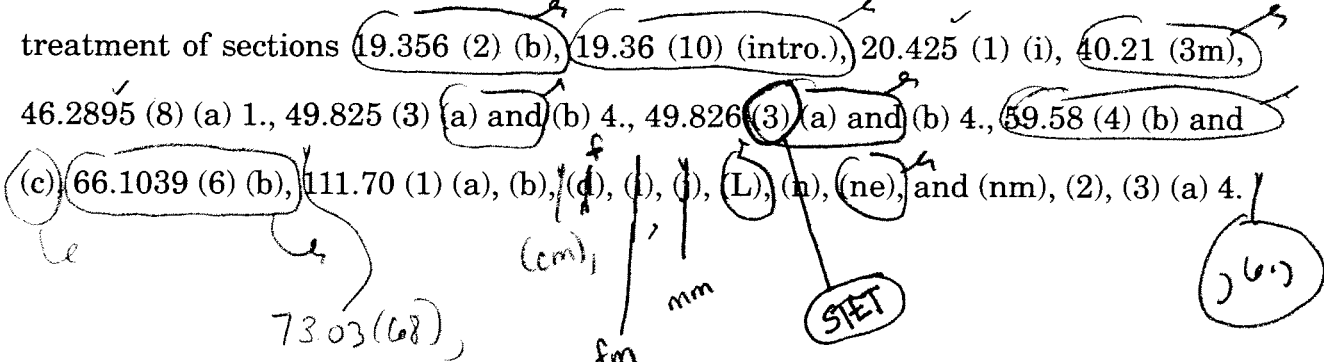
9 (b) On the effective date of this paragraph, all tangible personal property,
10 including records, of the Wisconsin Quality Home Care Authority is transferred to
11 the department of health services.

12 (c) All contracts entered into by the Wisconsin Quality Home Care Authority
13 in effect on the effective date of this paragraph remain in effect and are transferred
14 to the department of health services. The department of health services shall carry
15 out any obligations under such a contract until the contract is modified or rescinded
16 by the department of health services to the extent allowed under the contract.

17 **SECTION 9332. Initial applicability; Local Government.**

18 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. For municipal employees
19 who are covered by a collective bargaining agreement under subchapter IV of chapter
20 111 of the statutes that expires on or after the effective date of this subsection, the

21 treatment of sections 19.356 (2) (b), 19.36 (10) (intro.), 20.425 (1) (i), 40.21 (3m),
22 46.2895 (8) (a) 1., 49.825 (3) (a) and (b) 4., 49.826 (3) (a) and (b) 4., 59.58 (4) (b) and
23 (c), 66.1039 (6) (b), 111.70 (1) (a), (b), (d), (l), (m), (L), (h), (ne), and (nm), (2), (3) (a) 4.



(b), (c) 1. a. and 3., (e), and (f)
(intro.), (am), (bm)
(title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9.
(mb)

1 and 7. and (b) 6., (3m), (3p), (4)(c) (title), 3. ~~intro.~~, and 4., (cm), (d) 2. a., (L), (m), (mc) (intro.)
2 and 4., (n), and (o), (7) (a) and (b), (7m) and (8) (a), 111.71 (2), (4), and (5), 111.77 (intro.)
3 and (9) ~~117.25 (1) (d) 1., 2., and 3. and (b) 118.22 (4), 118.23 (5), 118.24 (9) (intro.),~~
4 (a), and (b), ~~118.40 (2r) (b) 3. a. and b.,~~ (7) (ar), and (8) (a) (intro.) 118.42 (3) (a) 4. and
5 (5), 120.12 (15) and (24), 120.13 (35) (b) 2., 120.18 (1) (gm), ~~120.25 (2) (a) and (6),~~
6 229.26 (10), 229.47, ~~251.01 (7m), 251.02 (2r) (intro.) and 111.851.71 (4) and 111.904.085~~
7 ~~111.851.71 (4) and 111.904.085~~, the renumbering and amendment of section 111.70 (4)(d) 3. of the statutes,
8 ~~111.851.71 (4) and 111.904.085~~ of the statutes first ^{apply} applies when the collective bargaining agreement expires.

SECTION 9355. Initial applicability; Other.

and the creation of section 111.70 (4)(d) 3. b. of the statute

9 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN
10 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

11 (a) For employees who are covered by a collective bargaining agreement under
12 subchapter V of chapter 111 of the statutes that expired on June 30, 2009, but which
13 has been extended, the treatment of sections 7.33 (4), 13.111 (2), 13.92 (3) (b), 13.94
14 (5), 15.07 (1) (a) 6., 15.96 (1) (h) and (2), 16.006, 16.40 (18), 16.50 (3) (e), 16.705 (3)
15 (c), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865
16 (1) (c), (ci), (cj), (cm), (i), (ic), (im), (s), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and
17 (b), 20.923 (6) (intro.), 20.928 (1) and (3), 25.16 (7), 25.165 (1), 36.09 (1) (j), 36.25 (13g)
18 (c) 1. and 2., 40.02 (25) (b) 8., ~~40.02 (25) (b) 8., 40.02 (25) (b) 8., 40.02 (25) (b) 8.,~~ (4g) (a)
19 4., ~~(b) (intro.) and (b) 4., and (b) 4.,~~ ~~40.23 (1) (f) 4., 40.02 (25) (b) 8.,~~ 40.80 (3), 40.81 (3), 40.95
20 (1) (a) (intro.), 1., 2., and 3., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2., 3., and
21 4. and (b) 1., (7m), (9m) (intro.), (a), and (b), and (10m), 111.05 (2), (3g), (5), (6), and
22 (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i), 111.075, 111.115 (title), (1) (intro.), (a),
23 and (b), and (2), 111.17 (intro.), (1), and (2), ^{and am.} 118.40 (2r) (b) 3. a., 146.59 (3) (a) and (b),
24 230.01 (3), 230.03 (7), 230.04 (4), 230.046 (10) (a), 230.10 (1) and (2), 230.12 (1) (bf)
25 and (g) and (3) (ad) and (e) 1., 230.28 (1) (a), 230.315 (1) (c) and (3) (a), 230.327, 230.34

73.03
(68)

INS 75-23

1 (1) (ar), ^{and} 230.35 (1s), ~~2d~~ ⁹¹ and (3) ~~(e) 6.~~ 230.81 (1) (intro.) and (3), 230.88 (2) (b)
 2 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.), (3) (a)
 3 (intro.), (b), (c) (intro.), and (d), and (3m), ~~904.03 (2) (a), and 978.12 (1) (c)~~ first
 4 ^{apply} applies on the date on which the collective bargaining agreement is terminated or
 5 on the effective date of this ^{paragraph} subsection, whichever occurs later.

6 (b) For employees who are covered by a collective bargaining agreement under
 7 subchapter I or VI of chapter 111 of the statutes, the treatment of sections 7.33 (4),
 8 13.111 (2), ^{15.07(1)(a) 6., 15.96(1)(h) and (2)} 16.50 (3) (e), 16.705 (3) (c), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and
 9 (i), 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b),
 10 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (1) (b), (4) (ag)
 11 (intro.), (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.80
 12 (3), 40.81 (3), 40.95 (1) (a) 2., 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d)
 13 (e) and (3) (e) 6., ^{and} 230.88 (2) (b) and subchapter VI of chapter 111 of the statutes
 14 first applies when the collective bargaining agreement expires or is extended,
 15 modified, or renewed, whichever occurs first.

(END)

111.02(1), (2), (3), (6)(am),
 (7)(a) 2. and 4. and (b) 1.,
 (7m), (9m), and (10)(m),
 111.05 (2), (3g), (5), (6),
 and (7), 111.06 (1)(c) 1.,
 (d), (i), and (m) and (2)(i),
 111.075, 111.115 (title), (1) (intro.),
 (a), and (b), and (2), 111.17 (intro.),
 (1) and (2),

36.25(13g)(c) 1.
 and 2.

20.921(1)(a) 2. and
 (b),

INS
 76-3

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1211/plins
CMH:.....

1 Insert 24-6

2 SECTION ~~#~~ 40.05 (4) (b) of the statutes is amended to read:

3 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
4 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5), ^Qsubch. V of
5 ch. 111, and subch. I, ^{plain}V, 2009 stats., or subch. VI, 2009 stats., of ch. 111 of any eligible
6 employee shall, at the time of death, upon qualifying for an immediate annuity or for
7 a lump sum payment under s. 40.25 (1) or upon termination of creditable service and
8 qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at
9 the employee's highest basic pay rate he or she received while employed by the state,
10 to credits for payment of health insurance premiums on behalf of the employee or the
11 employee's surviving insured dependents. Any supplemental compensation that is
12 paid to a state employee who is classified under the state classified civil service as
13 a teacher, teacher supervisor, or education director for the employee's completion of
14 educational courses that have been approved by the employee's employer is
15 considered as part of the employee's basic pay for purposes of this paragraph. The
16 full premium for any eligible employee who is insured at the time of retirement, or
17 for the surviving insured dependents of an eligible employee who is deceased, shall
18 be deducted from the credits until the credits are exhausted and paid from the
19 account under s. 40.04 (10), and then deducted from annuity payments, if the
20 annuity is sufficient. The department shall provide for the direct payment of
21 premiums by the insured to the insurer if the premium to be withheld exceeds the
22 annuity payment. Upon conversion of an employee's unused sick leave to credits
23 under this paragraph or par. (bf), the employee or, if the employee is deceased, the

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

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16; 2003 a. 33 ss. 1004 to 1015, 9160; 2003 a. 69, 117; 2005 a. 22, 153; 2007 a. 20, 131, 200, 226; 2009 a. 15, 28.

13

14 Insert 26-11

15 ~~SECTION 46.2895~~ (8) (a) 1. of the statutes is amended to read:

16 46.2895 (8) (a) 1. If the long-term care district offers employment to any
 17 individual who was previously employed by a county, which participated in creating
 18 the district and at the time of the offer had not withdrawn or been removed from the
 19 district under sub. (14), and who while employed by the county performed duties
 20 relating to the same or a substantially similar function for which the individual is
 21 offered employment by the district and whose wages, ~~hours and conditions of~~
 22 ~~employment~~ were established in a collective bargaining agreement with the county
 23 under subch. IV of ch. 111 that is in effect on the date that the individual commences

1 employment with the district, with respect to that individual, abide by the terms of
 2 the collective bargaining agreement concerning the individual's wages and, if
 3 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
 4 allowance, funeral leave allowance, personal day allowance, or paid time off
 5 allowance until the time of the expiration of that collective bargaining agreement or
 6 adoption of a collective bargaining agreement with the district under subch. IV of ch.
 7 111 covering the individual as an employee of the district, whichever occurs first.

8 **History:** 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264; 2007 a. 20 ss. 1021 to 1073, 9121 (6) (a); 2009 a. 180.

9 Insert 26-25

10 SECTION ~~84~~ 73.03 (68) of the statutes is created to read:

11 73.03 (68) To calculate the annual percentage change in the consumer price
 12 index at the request of the Wisconsin Employment Relations Commission under s.
 13 111.70 (4) (bm) or 111.91 (3q)

14
 15 Insert 64-19

16 SECTION ~~41~~ 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and
 17 amended to read:

18 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)
 19 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

20 (a) If a collective bargaining agreement exists between the employer and a
 21 labor organization representing employees in a collective bargaining unit under s.
 22 111.825 ~~111~~ (1) (g), the provisions of that agreement shall supersede the provisions of
 23 civil service and other applicable statutes, as well as rules and policies of the board
 24 of regents of the University of Wisconsin System, related to wages, fringe benefits,

1 hours, and conditions of employment whether or not the matters contained in those
2 statutes, rules, and policies are set forth in the collective bargaining agreement.

3 **History:** 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 a. 46, 409; 1985 a. 42; 1989 a. 13, 31; 1999 a. 101, 125; 2001 a. 16, 38.

3 ~~SECTION 111.93~~ (3) (b) of the statutes is created to read:

4 111.93 (3) (b) If a collective bargaining agreement exists between the employer
5 and a labor organization representing general employees in a collective bargaining
6 unit, the provisions of that agreement shall supersede the provisions of civil service
7 and other applicable statutes, as well as rules and policies of the board of regents of
8 the University of Wisconsin System, related to wages, ^{plain} fringe benefits, hours, and
9 conditions of employment, whether or not the matters contained in those statutes,
10 rules, and policies are set forth in the collective bargaining agreement.

11
12 Insert 65-15

13 ~~SECTION 118.42~~ (5) of the statutes is amended to read:

14 118.42 (5) Nothing in this section alters or otherwise affects the rights or
15 remedies afforded school districts and school district employees under federal or
16 state law or under the terms of any applicable collective bargaining agreement.

17 **History:** 2009 a. 215, 301.

18 Insert 75-23

19 111.81 (1), (3h), (3n), (7) (g), (9g), (9k), (12m), and (15r), 111.815 (1) and (2),
20 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4),
21 (5m), and (7), 111.84 (1) (b), (d), and (f), (2), and (3), 111.85 (1) (b) and (d) and (5),
22 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and
23 (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b), (2m), and (6),

24

1 Insert 76-3
2 of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3) of the
3 statutes, the renumbering and amendment of sections 111.92 (3) and 111.93 (2) and
4 (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92
5 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes

eliminate
14.705(3)(e)

Alternative Approach to Collective Bargaining

This proposal will be included in the Budget Adjustment Bill on February 11. Include elimination of collective bargaining in the budget bill only if these provisions cannot be passed. A decision on repeal of collective bargaining must be made no later than February 16th.

- Local Police, Local Fire and State Troopers and State Inspectors (UW Police, Capitol Police and all other protectives are removed from collective bargaining rights) - no changes to current law, including ability to bargain on health insurance and pension.
 - Carve out a new bargaining unit from WLEA for the State Troopers
- Remaining State and Local represented employees may only bargain on base wages.
 - Base wages would be defined as base hourly rate and would not include overtime or supplemental compensation or pay schedule and semi-automatic pay progressions, all of which would instead be management rights.
 - No arbitration at the local level
 - All other topics are prohibited subjects of bargaining
- The total lift in wages is capped at total base wages for the entire group of represented employees multiplied by CPI. For state employees, the CPI is based on the Department of Revenue's CPI using CPI-U used for expenditure restraints.
- Each municipality would calculate its own lift using CPI. - change
- Non-represented employees are covered under a state or local compensation plan and are not subject to the wage plus CPI ceiling.
- If state or municipality wants to exceed CPI increase, they must have an approved referendum.
 - Referendum would occur in April for schools and state for contracts beginning the following July 1 and November for other political subdivisions for contracts beginning January 1. Multi-year referendums would not be allowed.
- Going forward, contracts are limited to one year. No extension of existing contract can be negotiated when the contract expires. If no contract is in place, employee wages are frozen
- Require an annual secret ballot vote by unions to retain certification to collectively bargain with state or local governments (administered by WERC). Only unions that receive at least 51% of votes from represented employees may retain certification. Annual vote must occur by December 1 for local governments and May 1 for schools and state contracts (prior to the calculation of total lift so that employer knows with whom they are bargaining).
- If a unit is decertified, some or all of the former unit may not vote to organize for one year (and seek unit clarification)
- If a union is decertified, contract is terminated and those employees become non-represented.
- Require state unions and all political subdivisions with expired contracts to conduct a certification vote this spring (2011) following termination of their contract extensions. Going forward, existing unions will vote on certification in December (for local governments) and April (for state and schools) prior to beginning of a new contract period.
- Prohibit any state or local employer union dues collection.
- Allow any state or local employee to opt-out of paying union dues, but still remain represented.

79.05

11.70(4)
(a)
3.b.
11.83(3)(b)

NW
11/82

new

} new

- Eliminate UWHC Board and transfer staff to UWHC Authority.
 - Current terms of settled contracts will continue but the Authority will be responsible for honoring them.
- Eliminate collective bargaining for UW Hospital and Clinics Authority, UW Faculty/Academic Staff, Quality Home Care Commission and family child care providers, but not local cultural arts center. ✓

Other issues

- Same studies on health insurance and pension structural changes.
- Ensure in existing drafts on WRS and HI contributions that local police and fire and state troopers and inspectors may still bargain over WRS and HI contributions and the employer may pay part of the employee share of WRS for those groups
- Modify Group Insurance Board to temporarily suspend the restriction on changes to benefits and to require the Attorney General's representative to be an attorney.
 - also include the provision to permit an audit of dependent eligibility for health insurance
- No changes to existing WERC other than noted below.

Non-Stat

Direct DOA to evaluate staffing needs at WERC and submit a proposal to JCF under s.13.10.