

1           **SECTION 142.** 111.70 (4) (d) 3. of the statutes is renumbered 111.70 (4) (d) 3. a.  
2 and amended to read:

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

13           **SECTION 143.** 111.70 (4) (d) 3. b. of the statutes is created to read:

14           111.70 (4) (d) 3. b. Annually, no later than 3 months before a collective  
15 bargaining agreement involving a general municipal employee is to expire, the  
16 commission shall conduct an election to certify the representative of the collective  
17 bargaining unit. <sup>INS 46-17</sup> (The commission shall certify any representative that receives at  
18 least 51 percent of the votes of the general municipal employees in the collective  
19 bargaining unit. If no representative receives at least 51 percent of the votes of the  
20 general municipal employees in the collective bargaining unit, the commission shall  
21 decertify the current representative and ~~terminate the contract~~ and the general  
22 municipal employees shall be nonrepresented. <sup>INS 46-22</sup> (If, in a particular case involving a  
23 collective bargaining unit containing a general municipal employee, a question  
24 arises concerning representation or appropriate unit, calling for a vote, the  
25 commission shall conduct an election for the collective bargaining unit. In any

1 election under this subd. 3. b., the commission shall certify the results in writing to  
2 the municipal employer and the labor organization involved and to any other  
3 interested parties. Any ballot used in a representation proceeding under this subd.  
4 3. b. shall include the names of all persons having an interest in representing or the  
5 results. The ballot should be so designed as to permit a vote against representation  
6 by any candidate named on the ballot. The findings of the commission, on which a  
7 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

8 **SECTION 144.** 111.70 (4) (L) of the statutes is amended to read:

9 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~  
10 ~~6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right  
11 to strike by any municipal employee or labor organization, and such strikes are  
12 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~  
13 ~~injunction has been issued against such strike under sub. (7m).~~

14 **SECTION 145.** 111.70 (4) (m) of the statutes is repealed.

15 **SECTION 146.** 111.70 (4) (mb) of the statutes is created to read:

16 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

17 The municipal employer is prohibited from bargaining collectively with a collective  
18 bargaining unit containing a general municipal employee with respect to any of the  
19 following:

- 20 1. Any factor or condition of employment except wages, which is limited for  
21 general municipal employees to include only pay rate and to exclude overtime or  
22 supplemental compensation, <sup>(1)</sup>pay schedules, <sup>(1)</sup>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.

2/11  
47-8  
←

5066.0506 off  
118.245 whichever  
is applicable

1           2. Except as provided in ~~xxx~~, any proposal that provides for a wage  
2 expenditure per employee in the contract that, after adjustment for pay schedules  
3 and automatic pay progressions, exceeds the wage expenditure per employee in the  
4 previous contract by a greater percentage 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.

\*\*\*\*NOTE: ~~What~~ if the CPI change is negative?

5           SECTION 147. 111.70<sup>Des this work</sup> (4) (mc) (intro.) of the statutes is amended to read:

6           111.70 (4) (mc) *Prohibited subjects of bargaining; protective occupation*  
7 *participants.* (intro.) The municipal employer is prohibited from bargaining  
8 collectively with a collective bargaining unit containing a protective occupation  
9 participant with respect to any of the following:

10           SECTION 148. 111.70 (4) (mc) 4. of the statutes is repealed.

11           SECTION 149. 111.70 (4) (n) and (o) of the statutes are repealed.

12           SECTION 150. 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).

13           SECTION 151. 111.70 (6) of the statutes is renumbered 111.70 (1b) (a).

14           SECTION 152. 111.70 (7) of the statutes is repealed.

15           SECTION 153. 111.70 (7m) (b) of the statutes is repealed.

16           SECTION 154. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

17           111.70 (7m) (c) 1. a. Any labor organization which violates sub. (4) (L) shall be  
18 ~~penalized by the suspension of~~ may not collect any dues ~~check-off~~ under a collective  
19 bargaining agreement and or under a fair-share agreement between the from any  
20 municipal employer and such labor organization employee covered by either  
21 agreement for a period of one year. At the end of the period of suspension, any such  
22 agreement shall be reinstated unless the labor organization is no longer authorized  
23 to represent the municipal employees covered by ~~such dues check-off~~ the collective

1 bargaining agreement or fair-share agreement or the agreement is no longer in  
2 effect.

3 **SECTION 155.** 111.70 (7m) (c) 3. of the statutes is repealed.

4 **SECTION 156.** 111.70 (7m) (e) and (f) of the statutes are repealed.

5 **SECTION 157.** 111.70 (8) (a) of the statutes is amended to read:

6 111.70 (8) (a) This section, except ~~subs. (1) (nm)~~, sub. (4) (cm) and ~~(7m)~~, applies  
7 to law enforcement supervisors employed by a 1st class city. This section, except  
8 ~~subs. (1) (nm)~~, sub. (4) (cm) and ~~(jm)~~ and ~~(7m)~~, applies to law enforcement supervisors  
9 employed by a county having a population of 500,000 or more. For purposes of such  
10 application, the ~~term~~ terms "municipal employee" ~~includes~~ and "protective  
11 occupation participant" ~~include~~ such a supervisor.

12 **SECTION 158.** 111.71 (2) of the statutes is amended to read:

13 111.71 (2) The commission shall assess and collect a filing fee for filing a  
14 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
15 The commission shall assess and collect a filing fee for filing a request that the  
16 commission act as an arbitrator to resolve a dispute involving the interpretation or  
17 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.  
18 The commission shall assess and collect a filing fee for filing a request that the  
19 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall  
20 assess and collect a filing fee for filing a request that the commission act as a  
21 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect  
22 a filing fee for filing a request that the commission initiate compulsory, final and  
23 binding arbitration under s. 111.70 (4) ~~(cm) 6.~~ or (jm) or 111.77 (3). For the  
24 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and  
25 4. ~~and 6.~~ and (jm) and 111.77 (3), the commission shall require that the parties to the

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

22 **SECTION 159.** 111.71 (4) of the statutes is repealed.

23 **SECTION 160.** 111.71 (5) of the statutes is repealed.

24 **SECTION 161.** 111.77 (intro.) of the statutes is amended to read:

1           **111.77 Settlement of disputes in collective bargaining units composed**  
2 **of law enforcement personnel and fire fighters.** (intro.) In fire departments  
3 ~~and city and county law enforcement agencies municipal~~ Municipal employers and  
4 municipal employees, ~~as provided in sub. (8),~~ have the duty to bargain collectively  
5 in good faith including the duty to refrain from strikes or lockouts and to comply with  
6 the following procedures set forth below:

7           **SECTION 162.** 111.81 (1) of the statutes is amended to read:

8           111.81 (1) "Collective bargaining" means the performance of the mutual  
9 obligation of the state as an employer, by its officers and agents, and the  
10 representatives of its employees, to meet and confer at reasonable times, in good  
11 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect  
12 to protective occupation participants, and to the subjects of bargaining provided in  
13 s. 111.91 (3), with respect to general employees, with the intention of reaching an  
14 agreement, or to resolve questions arising under such an agreement. The duty to  
15 bargain, however, does not compel either party to agree to a proposal or require the  
16 making of a concession. Collective bargaining includes the reduction of any  
17 agreement reached to a written and signed document.

18           **SECTION 163.** 111.81 (3h) of the statutes is repealed.

19           **SECTION 164.** 111.81 (3n) of the statutes is created to read:

20           111.81 (3n) "Consumer price index change" means the average annual  
21 percentage change in the consumer price index for all urban consumers, U.S. city  
22 average, as determined by the bureau of labor statistics of the federal department  
23 of labor, for the 12 months immediately preceding the current date.

24           **SECTION 165.** 111.81 (7) (g) of the statutes is repealed.

25           **SECTION 166.** 111.81 (9g) of the statutes is created to read:

1 111.81 (9g) "General employee" means an employee who is not a protective  
2 occupation participant.

3 SECTION 167. 111.81 (9k) of the statutes is repealed.

4 SECTION 168. 111.81 (12m) of the statutes is amended to read:

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

14 SECTION 169. 111.81 (15r) of the statutes is created to read:

15 111.81 (15r) "Protective occupation participant" means any individual under  
16 110.07 (2).

\*\*\*\*NOTE: Please review this provision; is this it? *How do I describe state inspectors inspectors?*

17 SECTION 170. 111.815 (1) of the statutes is amended to read:

18 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
19 as a single employer and employment relations policies and practices throughout the  
20 state service shall be as consistent as practicable. The office shall negotiate and  
21 administer collective bargaining agreements ~~except that the department of health~~  
22 ~~services, subject to the approval of the federal centers for medicare and medicaid~~  
23 ~~services to use collective bargaining as the method of setting rates for~~  
24 ~~reimbursement of home care providers, shall negotiate and administer collective~~

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

20 **SECTION 171.** 111.815 (2) of the statutes is amended to read:

21 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of  
22 the office shall, together with the appointing authorities or their representatives,  
23 represent the state in its responsibility as an employer under this subchapter except  
24 with respect to negotiations in the collective bargaining units specified in s. 111.825  
25 (1m), (2) (f), ~~and (2g).~~ The director of the office shall establish and maintain,



1 wherever practicable, consistent employment relations policies and practices  
2 throughout the state service.

3 **SECTION 172.** 111.82 of the statutes is amended to read:

4 **111.82 Rights of employees.** Employees shall have the right of  
5 self-organization and the right to form, join or assist labor organizations, to bargain  
6 collectively through representatives of their own choosing under this subchapter,  
7 and to engage in lawful, concerted activities for the purpose of collective bargaining  
8 or other mutual aid or protection. Employees shall also have the right to refrain from  
9 any or all of such activities. Employees have the right to refrain from paying dues  
10 and remain members of a collective bargaining unit.

11 **SECTION 173.** 111.825 (1) (intro.) of the statutes is amended to read:

12 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
13 collective bargaining, units must be structured in such a way as to avoid excessive  
14 fragmentation whenever possible. In accordance with this policy, collective  
15 bargaining units for employees in the classified service of the state, ~~except employees~~  
16 ~~in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide  
17 basis with one collective bargaining unit for each of the following occupational  
18 groups:

19 **SECTION 174.** 111.825 (1) (g) of the statutes is created to read:

20 111.825 (1) (g) Protective occupation participants.

21 **SECTION 175.** 111.825 (1m) of the statutes is repealed.

22 **SECTION 176.** 111.825 (2g) of the statutes is repealed.

23 **SECTION 177.** 111.825 (3) of the statutes is amended to read:

24 111.825 (3) The commission shall assign employees to the appropriate  
25 collective bargaining units set forth in subs. (1), ~~(1m),~~ and (2), and (2g).

1           **SECTION 178.** 111.825 (4) of the statutes is amended to read:

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

10           **SECTION 179.** 111.825 (4m) of the statutes is repealed.

11           **SECTION 180.** 111.825 (5) of the statutes is amended to read:

12           111.825 (5) Although supervisors are not considered employees for purposes  
13 of this subchapter, the commission may consider a petition for a statewide collective  
14 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
15 supervisors in the classified service, but the representative of supervisors may not  
16 be affiliated with any labor organization representing employees. For purposes of  
17 this subsection, affiliation does not include membership in a national, state, county  
18 or municipal federation of national or international labor organizations. The  
19 certified representative of supervisors who are not protective occupation  
20 participants may not bargain collectively with respect to any matter other than  
21 wages and fringe benefits as provided in s. 111.91 (3), and the certified representative  
22 of supervisors who are protective occupation participants may not bargain  
23 collectively with respect to any matter other than wages and fringe benefits as  
24 provided in s. 111.91 (1).

25           **SECTION 181.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

1 SECTION 182. 111.825 (6) (b) of the statutes is created to read:

2 111.825 (6) (b) The commission may assign only a protective occupation  
3 participant to the collective bargaining unit under sub. (1) (g).

4 SECTION 183. 111.83 (1) of the statutes is amended to read:

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

16 SECTION 184. 111.83 (3) of the statutes is <sup>May 1</sup>renumbered 111.83 (3) (a).

17 SECTION 185. 111.83 (3) (b) of the statutes is created to read:

18 111.83 (3) (b) Annually, no later than 3 months before a collective bargaining  
19 agreement involving a general employee <sup>that contains</sup> is to ~~expire~~, the commission shall conduct  
20 an election to certify the representative of <sup>a</sup>the collective bargaining unit. There shall  
21 be included on the ballot the names of all labor organizations having an interest in  
22 representing the general employees participating in the election. The commission  
23 may exclude from the ballot one who, at the time of the election, stands deprived of  
24 his or her rights under this subchapter by reason of a prior adjudication of his or her  
25 having engaged in an unfair labor practice. The commission shall certify any

1 representative that receives at least 51 percent of the votes of the general employees  
2 in the collective bargaining unit. If no representative receives at least 51 percent of  
3 the votes of the general employees in the collective bargaining unit, the commission  
4 shall decertify the current representative and terminate the contract and the general  
5 employees shall be nonrepresented. <sup>IN 57-5</sup> The commission's certification of the results of  
6 any election is conclusive unless reviewed as provided by s. 111.07 (8).

7 **SECTION 186.** 111.83 (4) of the statutes is amended to read:

8 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
9 the name of more than one proposed representative appears on the ballot and results  
10 in no conclusion, the commission may, if requested by any party to the proceeding  
11 within 30 days from the date of the certification of the results of the election, conduct  
12 a runoff election. In that runoff election, the commission shall drop from the ballot  
13 the name of the representative who received the least number of votes at the original  
14 election. The commission shall drop from the ballot the privilege of voting against  
15 any representative if the least number of votes cast at the first election was against  
16 representation by any named representative.

17 **SECTION 187.** 111.83 (5m) of the statutes is repealed.

18 **SECTION 188.** 111.83 (7) of the statutes is repealed.

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

20 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
21 create, dominate or interfere with the formation or administration of any labor or  
22 employee organization or contribute financial support to it. Except as provided in  
23 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
24 retirement system under ch. 40 and no action by the employer that is authorized by  
25 such a law constitutes a violation of this paragraph unless an applicable collective

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

13 **SECTION 190.** 111.84 (1) (d) of the statutes is amended to read:

14 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91  
15 (1) or (3), whichever is appropriate, with a representative of a majority of its  
16 employees in an appropriate collective bargaining unit. Where the employer has a  
17 good faith doubt as to whether a labor organization claiming the support of a majority  
18 of its employees in appropriate collective bargaining unit does in fact have that  
19 support, it may file with the commission a petition requesting an election as to that  
20 claim. It is not deemed to have refused to bargain until an election has been held and  
21 the results thereof certified to it by the commission. A violation of this paragraph  
22 includes, but is not limited to, the refusal to execute a collective bargaining  
23 agreement previously orally agreed upon.

24 **SECTION 191.** 111.84 (1) (f) of the statutes is amended to read:

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

9           **SECTION 192.** 111.84 (2) (c) of the statutes is amended to read:

10           111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
11           (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the  
12           employer which is the recognized or certified exclusive collective bargaining  
13           representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
14           bargaining unit or with the certified exclusive collective bargaining representative  
15           of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective  
16           bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
17           refusal to execute a collective bargaining agreement previously orally agreed upon.

18           **SECTION 193.** 111.84 (3) of the statutes is amended to read:

19           111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
20           on behalf of or in the interest of employers or employees, or in connection with or to  
21           influence the outcome of any controversy as to employment relations, any act  
22           prohibited by ~~subs.~~ sub. (1) ~~and or~~ (2).

23           **SECTION 194.** 111.85 (1) (c) of the statutes is amended to read:

24           111.85 (1) (c) If a fair-share or maintenance of membership agreement is  
25           authorized in a referendum, the employer shall enter into such an agreement with

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

13 **SECTION 195.** 111.85 (1) (d) of the statutes is amended to read:

14 111.85 (1) (d) Under each fair-share or maintenance of membership  
15 agreement, an employee or supervisor who has religious convictions against dues  
16 payments to a labor organization based on teachings or tenets of a church or religious  
17 body of which he or she is a member shall, on request to the labor organization, have  
18 pay his or her dues ~~paid~~ to a charity mutually agreed upon by the employee or  
19 supervisor and the labor organization. Any dispute concerning this paragraph may  
20 be submitted to the commission for adjudication.

21 **SECTION 196.** 111.85 (5) of the statutes is repealed.

22 **SECTION 197.** 111.90 (2) of the statutes is amended to read:

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

1           **SECTION 198.** 111.905 of the statutes is repealed.

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

3           111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~, (d), with regard to a collective  
4 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to  
5 the point of impasse are wage rates, consistent with sub. (2), the assignment and  
6 reassignment of classifications to pay ranges, determination of an incumbent's pay  
7 status resulting from position reallocation or reclassification, and pay adjustments  
8 upon temporary assignment of classified employees protective occupation  
9 participants to duties of a higher classification or downward reallocations of a  
10 classified employee's protective occupation participant's position; fringe benefits  
11 consistent with sub. (2); hours and conditions of employment.

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

12           **SECTION 200.** 111.91 (1) (am) of the statutes is repealed.

13           **SECTION 201.** 111.91 (1) (b) of the statutes is amended to read:

14           111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a  
15 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.  
16 111.90, except that procedures for the adjustment or settlement of grievances or  
17 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall  
18 be a subject of bargaining.

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

20           111.91 (1) (c) The employer is prohibited from bargaining with a collective  
21 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

22           **SECTION 203.** 111.91 (1) (cg) of the statutes is repealed.

23           **SECTION 204.** 111.91 (1) (cm) of the statutes is amended to read:



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

8           **SECTION 205.** 111.91 (1) (d) of the statutes is amended to read:

9           111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.  
10          111.825 (1) (g), demands relating to retirement and group insurance shall be  
11          submitted to the employer at least one year prior to commencement of negotiations.

12          **SECTION 206.** 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.

13          **SECTION 207.** 111.91 (2) (intro.) of the statutes is amended to read:

14          111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a  
15          collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

16          **SECTION 208.** 111.91 (2) (gu) of the statutes is repealed.

17          **SECTION 209.** 111.91 (2c) of the statutes is repealed.

18          **SECTION 210.** 111.91 (3) of the statutes is created to read:

19          111.91 (3) The employer is prohibited from bargaining with a collective  
20          bargaining unit containing a general employee with respect to any of the following:

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

*INS 63-1*

\*\*\*\*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.

1 (b) Except as provided in xx.xx, any proposal that provides for a wage  
2 expenditure per employee in the contract that, after adjustment for pay schedules  
3 and automatic pay progressions, exceeds the wage expenditure per employee in the  
4 previous contract by a greater percentage 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.

\*\*\*\*NOTE: *What if the CPI change is negative? Does this work it*

5 SECTION 211. 111.91 (3q) of the statutes is created to read:

6 111.91 (3q) For purposes of determining compliance with sub. (3), the  
7 commission shall provide, upon request, to the employer or to any representative of  
8 a collective bargaining unit containing a general employee, the consumer price index  
9 change during any 12-month period. The commission may get the information from  
10 the department of revenue.

11 SECTION 212. 111.92 (1) (a) of the statutes is amended to read:

12 111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~  
13 ~~provided in s. 111.815 (1), the department of health services, acting for the state,~~ and  
14 any labor organization representing a collective bargaining unit specified in s.  
15 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor  
16 organization, be submitted by the office ~~or department of health services~~ to the joint  
17 committee on employment relations, which shall hold a public hearing before  
18 determining its approval or disapproval. If the committee approves the tentative  
19 agreement, it shall introduce in a bill or companion bills, to be put on the calendar  
20 or referred to the appropriate scheduling committee of each house, that portion of the  
21 tentative agreement which requires legislative action for implementation, such as

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

14 **SECTION 213.** 111.92 (1) (b) of the statutes is repealed.

15 **SECTION 214.** 111.92 (2m) of the statutes is repealed.

16 **SECTION 215.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
17 amended to read:

18 111.92 (3) (a) Agreements covering a collective bargaining unit specified under  
19 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

20 **SECTION 216.** 111.92 (3) (b) of the statutes is created to read:

21 111.92 (3) (b) No agreements covering a collective bargaining unit containing  
22 a general employee may be for a period that exceeds one year, and each agreement  
23 must coincide with the fiscal year. Agreements may not be extended.

24 **SECTION 217.** 111.92 (6) of the statutes is created to read:

1           111.92 (6) Each collective bargaining agreement covering general employees  
2 must contain a provision allowing the contract to be terminated under s. 111.83 (3)  
3 (b).

4           **SECTION 218.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and  
5 amended to read:

6           111.93 (2) (a) All civil service and other applicable statutes concerning wages,  
7 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~  
8 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~  
9 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~  
10 ~~(b) to (f) protective occupation participants~~ who are not included in a collective  
11 bargaining unit for which a representative is recognized or certified.

12           **SECTION 219.** 111.93 (2) (b) of the statutes is created to read:

13           111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages  
14 apply to general employees who are not included in a collective bargaining units for  
15 which a representative is recognized or certified.

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

19           **SECTION 220.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
20 amended to read:

21           111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)  
22 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

23           (a) If a collective bargaining agreement exists between the employer and a  
24 labor organization representing employees in a collective bargaining unit under s.  
25 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of

1 civil service and other applicable statutes, as well as rules and policies of the board  
2 of regents of the University of Wisconsin System, related to wages, fringe benefits,  
3 hours, and conditions of employment whether or not the matters contained in those  
4 statutes, rules, and policies are set forth in the collective bargaining agreement.

5 **SECTION 221.** 111.93 (3) (b) of the statutes is created to read:

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

13 **SECTION 222.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
14 repealed.

15 **SECTION 223.** 118.22 (4) of the statutes is repealed.

16 **SECTION 224.** 118.23 (5) of the statutes is repealed.

17 **SECTION 225.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

18 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the  
19 board of regents' authority to establish and adjust all compensation and fringe  
20 benefits of instructional staff, subject to the terms of any collective bargaining  
21 agreement under subch. V of ch. 111 that covers the instructional staff. In the  
22 absence of a collective bargaining agreement, the governing board may establish and  
23 adjust all compensation and fringe benefits of the instructional staff only with the  
24 approval of the chancellor of the University of Wisconsin-Parkside.

25 **SECTION 226.** 118.40 (2r) (b) 3. am. of the statutes is created to read:

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66-17  
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1           118.40 (2r) (b) 3. am. Delegate to the governing board of the charter school the  
2 board of regents' authority to establish and adjust all fringe benefits of instruction  
3 staff with the approval of the chancellor of the University of Wisconsin-Parkside.

4           **SECTION 227.** 118.42 (3) (a) 4. of the statutes is amended to read:

5           118.42 (3) (a) 4. Implement changes in administrative and personnel  
6 structures ~~that are consistent with applicable collective bargaining agreements.~~

7           **SECTION 228.** 118.42 (5) of the statutes is amended to read:

8           118.42 (5) Nothing in this section alters or otherwise affects the rights or  
9 remedies afforded school districts and school district employees under federal or  
10 state law ~~or under the terms of any applicable collective bargaining agreement.~~

11           **SECTION 229.** 120.12 (15) of the statutes is amended to read:

12           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
13 school day. The school board may differentiate between the various elementary and  
14 high school grades in scheduling the school day. The equivalent of 180 such days, as  
15 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall  
16 not be construed to eliminate a school district's duty to bargain with the employee's  
17 collective bargaining representative over any calendaring proposal which is  
18 primarily related to wages, hours and conditions of employment.~~

19           **SECTION 230.** 120.18 (1) (gm) of the statutes is amended to read:

20           120.18 (1) (gm) Payroll and related benefit costs for all school district  
21 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees  
22 shall be based upon the costs of wages of any collective bargaining agreements  
23 covering such employees for the previous school year. If, as of the time specified by  
24 the department for filing the report, the school district has not entered into a  
25 collective bargaining agreement for any portion of the previous school year with the

INS  
67-11

1 recognized or certified representative of any of its employees ~~and the school district~~  
2 ~~and the representative have been required to submit final offers under s. 111.70 (4)~~  
3 ~~(em) 6.~~, increased costs ~~limited to the lower of the school district's offer or the~~  
4 ~~representative's offer shall be~~ of wages reflected in the report shall be equal to the  
5 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
6 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
7 reflect any change in such costs as a result of any ~~award or settlement under s. 111.70~~  
8 ~~(4)(em) 6. collective bargaining agreement entered into~~ between the date of filing the  
9 report and October 1. Any such amendment shall be concurred in by the certified  
10 public accountant licensed or certified under ch. 442 certifying the school district  
11 audit.

12 **SECTION 231.** 146.59 (3) (a) of the statutes is amended to read:

13 146.59 (3) (a) Any contractual services agreement under sub. (2) may include  
14 a provision that authorizes the authority to perform specified duties for the board  
15 with respect to employees of the board. This authorization may include duties  
16 related to supervising employees, taking disciplinary action, or recommending new  
17 hires or layoffs, or with respect to collective bargaining, claims, or complaints, ~~or~~  
18 ~~benefits~~ and records administration.

19 **SECTION 232.** 230.01 (3) of the statutes is amended to read:

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

22 **SECTION 233.** 230.03 (3) of the statutes is amended to read:

23 230.03 (3) "Agency" means any board, commission, committee, council, or  
24 department in state government or a unit thereof created by the constitution or  
25 statutes if such board, commission, committee, council, department, unit, or the

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

8 **SECTION 234.** 230.046 (10) (a) of the statutes is amended to read:

9 230.046 (10) (a) Conduct off-the-job employee development and training  
10 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

11 **SECTION 235.** 230.12 (3) (e) 1. of the statutes is amended to read:

12 230.12 (3) (e) 1. The director, after receiving recommendations from the board  
13 of regents, shall submit to the joint committee on employment relations a proposal  
14 for adjusting compensation and employee benefits for employees under ss. 20.923  
15 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining  
16 unit under subch. V ~~or VI~~ of ch. 111 for which a representative is certified. The  
17 proposal shall include the salary ranges and adjustments to the salary ranges for the  
18 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).  
19 The proposal shall be based upon the competitive ability of the board of regents to  
20 recruit and retain qualified faculty and academic staff, data collected as to rates of  
21 pay for comparable work in other public services, universities and commercial and  
22 industrial establishments, recommendations of the board of regents and any special  
23 studies carried on as to the need for any changes in compensation and employee  
24 benefits to cover each year of the biennium. The proposal shall also take proper  
25 account of prevailing pay rates, costs and standards of living and the state's



1 employment policies. The proposal for such pay adjustments may contain  
2 recommendations for across-the-board pay adjustments, merit or other  
3 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
4 shall apply to the process for approval of all pay adjustments for such employees  
5 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
6 by the joint committee on employment relations and the governor shall be based  
7 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
8 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
9 and adjustments other than across-the-board pay adjustments is available for  
10 discretionary use by the board of regents.

11 **SECTION 236.** 230.34 (1) (ar) of the statutes is amended to read:

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

22 **SECTION 237.** 230.35 (1s) of the statutes is amended to read:

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

1 determined by the governing board of the charter school established by contract  
2 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
3 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement  
4 under subch. V of ch. 111 covering the instructional staff.

5 **SECTION 238.** 230.35 (2d) (e) of the statutes is amended to read:

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

10 **SECTION 239.** 230.35 (3) (e) 6. of the statutes is amended to read:

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

15 **SECTION 240.** 230.88 (2) (b) of the statutes is amended to read:

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

25 **SECTION 241.** 233.02 (1) (h) of the statutes is repealed.

1           **SECTION 242.** 233.02 (8) of the statutes is amended to read:

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

11           **SECTION 243.** 233.03 (7) of the statutes is amended to read:

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

18           **SECTION 244.** 233.04 (2) of the statutes is amended to read:

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

22           **SECTION 245.** 233.04 (4r) of the statutes is repealed.

23           **SECTION 246.** 233.10 (1) of the statutes is amended to read:

24           233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,  
25 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 247.** 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 248.** 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 249.** 233.10 (3) (b) of the statutes is repealed.

12 **SECTION 250.** 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 251.** 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 252.** 233.10 (3m) of the statutes is repealed.

24 **SECTION 253.** 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 254.** 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 255.** 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 256.** 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.~~

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

(1) TERMINATION OF STATE EMPLOYEE AND UW SYSTEM EMPLOYEE CONTRACTS. State  
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?

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75-4

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 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b)  
22 4., 73.03 (68), 111.70 (1) (a), (b), (cm), (f), (fm), (mm), (n), and (nm), (2), (3) (a) 4., 6.,  
23 and 7. and (b) 6., (3m), (3p), (4) (intro.), (am), (bm), (c) (title), 1., 2., 3., and 4., (cm)

(6.0506)

109.03(1)(b)

6

(4m) and

1180245 ↑

1  
119.04 (1)

1 (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc) (intro.)  
 2 and 4., (n), and (o), (6), (7) (a) and (b), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a),  
 3 111.71 (2), (4), and (5), 111.77 (intro.), 118.22 (4), 118.23 (5), 118.42 (3) (a) 4. and (5),  
 4 120.12 (15), 120.18 (1) (gm), and 851.71 (4) of the statutes, the renumbering and  
 5 amendment of section 111.70 (4) (d) 3. of the statutes, and the creation of section  
 6 111.70 (4) (d) 3. b. of the statutes first apply when the collective bargaining  
 7 agreement expires.

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

8  
 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 20.921 (1) (a) 2. and (b), 73.03 (68),  
 14 111.81 (1), (3h), (3n), (7) (g), (9g), (9k), (12m), and (15r), 111.815 (1) and (2), 111.82,  
 15 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and  
 16 (7), 111.84 (1) (b), (d), and (f), (2), and (3), 111.85 (1) (b) and (d) and (5), 111.90 (2),  
 17 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c),  
 18 (3), and (3q), 111.92 (1) (a) and (b), (2m), and (6), 118.40 (2r) (b) 3. a. and am., 146.59  
 19 (3) (a), 230.34 (1) (ar), and 230.35 (1s) of the statutes, the renumbering of sections  
 20 111.825 (6) and 111.83 (3) of the statutes, the renumbering and amendment of  
 21 sections 111.92 (3) and 111.93 (2) and (3) of the statutes, and the creation of sections  
 22 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes  
 23 first apply on the date on which the collective bargaining agreement is terminated  
 24 or on the effective date of this paragraph, whichever occurs later.

1 (b) For employees who are covered by a collective bargaining agreement under  
2 subchapter I or VI of chapter 111 of the statutes, the treatment of sections 7.33 (4),  
3 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),  
4 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm),  
5 (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.),  
6 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c) 1. and 2., 40.02 (25) (b) 8., 40.05 (1) (b), (4) (ag)  
7 (intro.), (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95  
8 (1) (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) 2. and 4. and (b) 1., (7m), (9m), and (10)  
9 (m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i),  
10 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2),  
11 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2)  
12 (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.),  
13 (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m), and subchapter VI of chapter 111 of  
14 the statutes first applies when the collective bargaining agreement expires or is  
15 extended, modified, or renewed, whichever occurs first.

16 (END)



2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1211/p2ins  
CMH:.....

1 Insert 27-6

2 SECTION ~~11~~ 66.0506 of the statutes is created to read:

3 **66.0506 Referendum; increase in employee wages.** (1) In this section,  
4 “local governmental unit” means any city, county, village, town, metropolitan  
5 sewerage district, long-term care district, transit authority under s. 59.58 (7) or  
6 66.1039, or any other political subdivision of the state, or instrumentality of one or  
7 more political subdivisions of the state.

8 (2) If any local governmental unit wishes to increase the wages of its general  
9 municipal employees, as defined in s. 111.70 (1) <sup>FM</sup> (1), in an amount that exceeds the  
10 limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit  
11 shall adopt a resolution to that effect. The resolution shall specify the amount by  
12 which the proposed wage increase will exceed the limit under s. 111.70 (4) (mb) 2. ✓  
13 The resolution may not take effect unless it is approved in a referendum called for  
14 that purpose. The referendum shall occur in November for collective bargaining  
15 agreements that begin the following January 1. The results of a referendum apply  
16 to the wages only in the next collective bargaining agreement.

\*\*\*\*NOTE: Do all relevant collective bargaining agreements begin on these dates?  
Or should that appear in statute now?

17 (3) The referendum question shall be substantially as follows: “Shall the ... [

18 general municipal employees] in the ... [local governmental unit] receive a

19 percentage wage increase that is ... [x] percent higher than the percent of the

20 consumer price index increase?”

\*\*\*\*NOTE: Someone should review that question.

21

1 Insert 27-17

2 (No ff)

At the request of the Wisconsin Employment Relations Commission, as provided under s. 111.91 (3q), to determine the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months preceding the request from the Wisconsin Employment Relations Commission.

8 Insert 28-21

9 SECTION ~~#~~ 109.03 (1) (b) <sup>✓</sup> of the statutes is amended to read:

10 109.03 (1) (b) School district and private school employees who voluntarily  
11 request payment over a 12-month period for personal services performed during the  
12 school year, unless such <sup>^</sup> with respect to private school employees, the employees are  
13 covered under a valid collective bargaining agreement which precludes this method  
14 of payment.

15 History: 1975 c. 380, 421; 1977 c. 26, 235, 447; 1981 c. 20, 388; 1987 a. 403; 1989 a. 226, 228; 1993 a. 86, 144; 2001 a. 102, 103; 2007 a. 7, 195; 2009 a. 28.

16 Insert 46-17

17 (No ff)

The election shall occur no later than May 1 for a collective bargaining unit containing school district employees and no later than December 1 for a collective bargaining unit containing <sup>municipal</sup> general employees who are not school district employees.

21 Insert 46-22

22 (No ff)

23 Notwithstanding sub. (2), <sup>✓</sup> if a contract is terminated under this <sup>Subd.</sup> ~~subdivision~~ 3.  
b., the affected general municipal employees may not be included in a substantially

1 similar collective bargaining unit for 12 months from the date the contract is  
2 terminated.

3

4 Insert 47-8

\*\*\*\*NOTE: I am not sure if I captured what you intend by the year hiatus from  
organizing. Please review. If an employee changed jobs, he or she would not prohibited  
from organizing, so I tried to include that possibility in the prohibition. The same problem  
appears in the parallel provision in SELRA (see created s. 111.83 (3) (b)).

5

6 Insert 57-5

Not A

7 Notwithstanding s. 111.82, if a contract is terminated under this paragraph, the  
8 affected general employees may not be included in a substantially similar collective  
9 bargaining unit for 12 months from the date the contract is terminated.

10

11 Insert 63-1

Not A

12 Unless the electors in a statewide referendum approved a wage increase that  
13 exceeds the wage expenditure described in this paragraph

14

15 Insert 66-17

16 SECTION ~~118.245~~ 118.245 of the statutes is created to read:

17 **118.245 Referendum; increase in employee wages.** (1) If a school board  
18 wishes to increase the wages of its employees in an amount that exceeds the limit  
19 under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect.  
20 The resolution shall specify the amount by which the proposed wage increase will  
21 exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless  
22 it is approved in a referendum called for that purpose. The referendum shall occur  
23 in April for collective bargaining agreements that begin in July of that year. The

1 results of a referendum apply to the wages only in the next collective bargaining  
2 agreement.

\*\*\*\*NOTE: Do all relevant collective bargaining agreements begin on these dates?  
Or should that appear in statute now?

3 (2) The question submitted in the referendum shall be substantially as follows:

4 "Shall the employees in the <sup>o</sup>/... [school district] receive a percentage wage increase  
5 that is <sup>o</sup>/... [x] percent higher than the percent of the consumer price index increase?"

\*\*\*\*NOTE: Someone should review that question.

6

7 Insert 67-11

8 SECTION ~~119.04~~ 119.04 (1) of the statutes is amended to read:

9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
10 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
11 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
12 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
13 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,  
14 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.30  
15 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13  
16 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14,  
17 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

NOTE: NOTE: Sub. (1) is shown as affected by 2009 Wisconsin Acts 28, 60, 96, 215, 273, 305, and 309 and as merged by the legislative reference bureau under s. 13.92 (2) (i).NOTE:

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; s. 13.92 (2) (i).

18

SECTION ~~120.12~~ 120.12 (4m) of the statutes is created to read:

19

120.12 (4m) CALCULATION OF WAGES INCREASE FOR COLLECTIVE BARGAINING.

20

Determine the maximum wage expenditure that is subject to collective bargaining

1 under s. 111.70 (4) (mb) 2., calculating the consumer price index change in the same  
2 method the department of revenue uses under s. 73.03 (68).

\*\*\*\*NOTE: I will create a similar provision for other municipal employees in the next version. Please review.

3

4 Insert 74-23

4

5

~~SECTION 978.12~~ 978.12 (1) (c) of the statutes is amended to read:

6

978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be

7

employed outside the classified service. For purposes of salary administration, the

8

director of the office of state employment relations shall establish one or more

9

classifications for assistant district attorneys in accordance with the classification

10

or classifications allocated to assistant attorneys general. Except as provided in s.

11

111.93 (3) (b), the salaries of assistant district attorneys shall be established and

12

adjusted in accordance with the state compensation plan for assistant attorneys

13

general whose positions are allocated to the classification or classifications

14

established by the director of the office of state employment relations.

History: 1989 a. 31, 117, 336; 1991 a. 32, 39; 1993 a. 294; 1999 a. 9, 85; 2003 a. 33 ss. 2798, 2800, 9160; 2007 a. 78, 224.

15

**SECTION 9101. Nonstatutory provisions; Administration.**

16

(1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS

17

COMMISSION. The department of administration shall evaluate the staffing

18

requirements of the Wisconsin Employment Relations Commission and shall submit

19

the report of the evaluation to the Joint Committee on Finance under section 13.10

20

of the statutes.

21

**SECTION 9132. Nonstatutory provisions; Local Government.**

22

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

23

(a) In this subsection:

1 1 . "General municipal employee" has the meaning given in section 111.70 (1)  
2 (fm) of the statutes, as created by this act.

3 2 . "School district employee" has the meaning given in section 111.70 (1) (ne)  
4 of the statutes.

5 (b) Each collective bargaining unit under subchapter IV<sup>of chapter III</sup> of the statutes, as  
6 affected by this act, containing general municipal employees shall vote to certify or  
7 decertify their representatives as provided in section 111.70 (4) (d) 3. b. of the  
8 statutes, as created by this act. Notwithstanding the date provided under section  
9 111.70 (4) (d) 3. b. of the statutes, as created by this act, for collective bargaining units  
10 containing school district employees, the vote shall be held in the April that follows  
11 the termination of the collective bargaining agreement covering the collective  
12 bargaining unit, and for collective bargaining units containing general<sup>municipal</sup> employees  
13 who are not school district employees, the vote shall be held in the December that  
14 follows the termination of the collective bargaining agreement covering the collective  
15 bargaining unit.

16  
17 Insert 75-4

18 ~~(#)~~ UNION REPRESENTATIVE CERTIFICATION VOTE.

19 (a) In this subsection, "general employee" has the meaning given in section  
20 111.81 (9g) of the statutes, as created by this act.

21 (b) Each collective bargaining unit under subchapter V<sup>of chapter III</sup> of the statutes, as  
22 affected by this act, containing general employees shall vote to certify or decertify  
23 their representatives as provided in section 111.83 (3) (b)<sup>of</sup> of the statutes, as created  
24 by this act. Notwithstanding the date provided under section 111.83 (3) (b) of the  
25 statutes, as created by this act, the vote shall be held in April 2011.

### Collective Bargaining Changes

- Local Police, Local Fire and State Troopers and State Inspectors - 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 and Inspectors
- 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. 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.
- 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 May 1 for local governments and December 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 May (for local governments) and December (for state and schools) prior to beginning of a new contract period.
- Prohibit any state or local employer union dues collection, except police, fire and troopers/inspectors.
- Allow any state or local employee, except police, fire and state troopers/inspectors, to opt-out of paying union dues, but still remain represented.
- 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, which will be treated the same as local governments.
- Direct DOA to evaluate staffing needs at WERC due to union votes and increased grievances and submit a proposal to JCF under s.13.10.
- OSER to take a replacement comp plan to JCOER on the effective date of the bill that will use existing personnel transaction and wage language, excluding any provisions related to WRS or health insurance, in the expired agreements until passage of a modified, comprehensive Classification and Compensation Plan
- Prohibit political subdivisions from creating local ordinance to permit additional collective bargaining.
- Local Government/School Employees previously covered by a collective bargaining agreement will use existing language in their expired agreements until political subdivision prepares an employee compensation plan. New compensation plans should be prepared no later than six months after the passage of the bill.
- For employees covered under an active agreement, the political subdivision shall prepare an employee compensation plan no later than six months following the expiration of the contract.
- Effective March 13, 2011