

**SECTION 155**

1           **SECTION 155.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

2           111.70 **(7m)** (c) 1. a. Any labor organization which violates sub. (4) (L) ~~shall be~~  
3 ~~penalized by the suspension of~~ may not collect any dues check-off under a collective  
4 bargaining agreement and or under a fair-share agreement between the from any  
5 municipal employer and such labor organization employee covered by either  
6 agreement for a period of one year. At the end of the period of suspension, any such  
7 agreement shall be reinstated unless the labor organization is no longer authorized  
8 to represent the municipal employees covered by ~~such dues check-off~~ the collective  
9 bargaining agreement or fair-share agreement or the agreement is no longer in  
10 effect.

11           **SECTION 156.** 111.70 (7m) (c) 3. of the statutes is repealed.

12           **SECTION 157.** 111.70 (7m) (e) and (f) of the statutes are repealed.

13           **SECTION 158.** 111.70 (8) (a) of the statutes is amended to read:

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

20           **SECTION 159.** 111.71 (2) of the statutes is amended to read:

21           111.71 **(2)** The commission shall assess and collect a filing fee for filing a  
22 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
23 The commission shall assess and collect a filing fee for filing a request that the  
24 commission act as an arbitrator to resolve a dispute involving the interpretation or  
25 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.

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

1 commission from initiating such arbitration. The commission may initiate collection  
2 proceedings against the respondent party for the payment of the filing fee. Fees  
3 collected under this subsection shall be credited to the appropriation account under  
4 s. 20.425 (1) (i).

5 **SECTION 160.** 111.71 (4) of the statutes is repealed.

6 **SECTION 161.** 111.71 (5) of the statutes is repealed.

7 **SECTION 162.** 111.77 (intro.) of the statutes is amended to read:

8 **111.77 Settlement of disputes in ~~collective bargaining units composed~~**  
9 **~~of law enforcement personnel and fire fighters.~~** (intro.) In fire departments  
10 and city and county law enforcement agencies ~~municipal~~ Municipal employers and  
11 municipal employees, <sup>protective occupation participants</sup> as provided in sub. (8), have the duty to bargain collectively  
12 in good faith including the duty to refrain from strikes or lockouts and to comply with  
13 the following procedures set forth below:

14 **SECTION 163.** 111.81 (1) of the statutes is amended to read:

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

25 **SECTION 164.** 111.81 (3h) of the statutes is repealed.

1           **SECTION 165.** 111.81 (3n) of the statutes is created to read:

2           111.81 (3n) "Consumer price index change" means the average annual  
3 percentage change in the consumer price index for all urban consumers, U.S. city  
4 average, as determined by the bureau of labor statistics of the federal department  
5 of labor, for the 12 months immediately preceding the current date.

6           **SECTION 166.** 111.81 (7) (g) of the statutes is repealed.

7           **SECTION 167.** 111.81 (9g) of the statutes is created to read:

8           111.81 (9g) "General employee" means an employee who is not a protective  
9 occupation participant.

10          **SECTION 168.** 111.81 (9k) of the statutes is repealed.

11          **SECTION 169.** 111.81 (12m) of the statutes is amended to read:

12          111.81 (12m) "Maintenance of membership agreement" means an agreement  
13 between the employer and a labor organization representing employees or  
14 supervisors specified in s. 111.825 (5) which requires that all of the employees or  
15 supervisors ~~whose dues are being deducted from earnings under s. 20.921 (1) or~~  
16 ~~111.84 (1) (f) who are required to pay dues~~ at the time the agreement takes effect shall  
17 continue to ~~have~~ be required to pay dues deducted for the duration of the agreement  
18 and that ~~dues shall be deducted from the earnings~~ of all employees or supervisors  
19 who are hired on or after the effective date of the agreement shall be required to pay  
20 dues for the duration of the agreement.

21          **SECTION 170.** 111.81 (15r) of the statutes is created to read:

22          111.81 (15r) "Protective occupation participant" means any individual under  
23 110.07 (2). s. 40.02 (48) (am) 8. or

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

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1           **SECTION 171.** 111.815 (1) of the statutes is amended to read:

2           111.815 (1) In the furtherance of this subchapter, the state shall be considered  
3 as a single employer and employment relations policies and practices throughout the  
4 state service shall be as consistent as practicable. The office shall negotiate and  
5 administer collective bargaining agreements ~~except that the department of health~~  
6 ~~services, subject to the approval of the federal centers for medicare and medicaid~~  
7 ~~services to use collective bargaining as the method of setting rates for~~  
8 ~~reimbursement of home care providers, shall negotiate and administer collective~~  
9 ~~bargaining agreements entered into with the collective bargaining unit specified in~~  
10 ~~s. 111.825 (2g).~~ To coordinate the employer position in the negotiation of agreements,  
11 the office, ~~or the department of health services with regard to collective bargaining~~  
12 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~  
13 ~~(2g),~~ shall maintain close liaison with the legislature relative to the negotiation of  
14 agreements and the fiscal ramifications of those agreements. Except with respect  
15 to the collective bargaining units specified in s. 111.825 ~~(1m), (2) (f), and (2g),~~ the  
16 office is responsible for the employer functions of the executive branch under this  
17 subchapter, and shall coordinate its collective bargaining activities with operating  
18 state agencies on matters of agency concern. The legislative branch shall act upon  
19 those portions of tentative agreements negotiated by the office that require  
20 legislative action. ~~With respect to the collective bargaining units specified in s.~~  
21 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~  
22 ~~for the employer functions under this subchapter.~~ With respect to the collective  
23 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter  
24 school established by contract under s. 118.40 (2r) (cm) is responsible for the  
25 employer functions under this subchapter. ~~With respect to the collective bargaining~~

1 unit specified in s. 111.825 (2g), the department of health services is responsible for  
2 the employer functions of the executive branch under this subchapter.

3 **SECTION 172.** 111.815 (2) of the statutes is amended to read:

4 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of  
5 the office shall, together with the appointing authorities or their representatives,  
6 represent the state in its responsibility as an employer under this subchapter except  
7 with respect to negotiations in the collective bargaining units specified in s. 111.825  
8 (1m), (2) (f), and (2g). The director of the office shall establish and maintain,  
9 wherever practicable, consistent employment relations policies and practices  
10 throughout the state service.

11 **SECTION 173.** 111.82 of the statutes is amended to read:

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

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

20 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
21 collective bargaining, units must be structured in such a way as to avoid excessive  
22 fragmentation whenever possible. In accordance with this policy, collective  
23 bargaining units for employees in the classified service of the state, except employees  
24 in the collective bargaining units specified in sub. (1m), are structured on a statewide

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1 basis with one collective bargaining unit for each of the following occupational  
2 groups:

3 **SECTION 175.** 111.825 (1) (g) of the statutes is created to read:

4 111.825 (1) (g) Protective occupation participants.

5 **SECTION 176.** 111.825 (1m) of the statutes is repealed.

6 **SECTION 177.** 111.825 (2g) of the statutes is repealed.

7 **SECTION 178.** 111.825 (3) of the statutes is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate  
9 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

10 **SECTION 179.** 111.825 (4) of the statutes is amended to read:

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

19 **SECTION 180.** 111.825 (4m) of the statutes is repealed.

20 **SECTION 181.** 111.825 (5) of the statutes is amended to read:

21 111.825 (5) Although supervisors are not considered employees for purposes  
22 of this subchapter, the commission may consider a petition for a statewide collective  
23 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
24 supervisors in the classified service, but the representative of supervisors may not  
25 be affiliated with any labor organization representing employees. For purposes of

1 this subsection, affiliation does not include membership in a national, state, county  
2 or municipal federation of national or international labor organizations. The  
3 certified representative of supervisors who are not protective occupation  
4 participants may not bargain collectively with respect to any matter other than  
5 wages and fringe benefits as provided in s. 111.91 (3), and the certified representative  
6 of supervisors who are protective occupation participants may not bargain  
7 collectively with respect to any matter other than wages and fringe benefits as  
8 provided in s. 111.91 (1).

9 **SECTION 182.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

10 **SECTION 183.** 111.825 (6) (b) of the statutes is created to read:

11 111.825 (6) (b) The commission may assign only a protective occupation  
12 participant to the collective bargaining unit under sub. (1) (g).

13 **SECTION 184.** 111.83 (1) of the statutes is amended to read:

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

25 **SECTION 185.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).



**SECTION 186***December*

1           **SECTION 186.** 111.83 (3) (b) of the statutes is created to read:

2           111.83 (3) (b) Annually, no later than ~~May~~ 1, the commission shall conduct an  
3 election to certify the representative of a collective bargaining unit that contains a  
4 general employee. There shall be included on the ballot the names of all labor  
5 organizations having an interest in representing the general employees  
6 participating in the election. The commission may exclude from the ballot one who,  
7 at the time of the election, stands deprived of his or her rights under this subchapter  
8 by reason of a prior adjudication of his or her having engaged in an unfair labor  
9 practice. The commission shall certify any representative ~~who~~ receives at least 51  
10 percent of the votes of *all of* the general employees in the collective bargaining unit. If no  
11 representative receives at least 51 percent of the votes of *all of* the general employees in  
12 the collective bargaining unit, the commission shall decertify the current  
13 representative and terminate the contract and the general employees shall be  
14 nonrepresented. Notwithstanding s. 111.82, if a contract is terminated under this  
15 paragraph, the affected general employees may not be included in a substantially  
16 similar collective bargaining unit for 12 months from the date the contract is  
17 terminated. The commission's certification of the results of any election is conclusive  
18 unless reviewed as provided by s. 111.07 (8). *(INS 58-18)*

19           **SECTION 187.** 111.83 (4) of the statutes is amended to read:

20           111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
21 the name of more than one proposed representative appears on the ballot and results  
22 in no conclusion, the commission may, if requested by any party to the proceeding  
23 within 30 days from the date of the certification of the results of the election, conduct  
24 a runoff election. In that runoff election, the commission shall drop from the ballot  
25 the name of the representative who received the least number of votes at the original

1 election. The commission shall drop from the ballot the privilege of voting against  
2 any representative if the least number of votes cast at the first election was against  
3 representation by any named representative.

4 **SECTION 188.** 111.83 (5m) of the statutes is repealed.

5 **SECTION 189.** 111.83 (7) of the statutes is repealed.

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

7 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
8 create, dominate or interfere with the formation or administration of any labor or  
9 employee organization or contribute financial support to it. Except as provided in  
10 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
11 retirement system under ch. 40 and no action by the employer that is authorized by  
12 such a law constitutes a violation of this paragraph unless an applicable collective  
13 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)  
14 specifically prohibits the change or action. No such change or action affects the  
15 continuing duty to bargain collectively with a collective bargaining unit under s.  
16 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent  
17 required by s. 111.91 (1). It is not an unfair labor practice for the employer to  
18 reimburse an employee at his or her prevailing wage rate for the time spent during  
19 the employee's regularly scheduled hours conferring with the employer's officers or  
20 agents and for attendance at commission or court hearings necessary for the  
21 administration of this subchapter. Professional supervisory or craft personnel may  
22 maintain membership in professional or craft organizations; however, as members  
23 of such organizations they shall be prohibited from those activities related to  
24 collective bargaining in which the organizations may engage.

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

**SECTION 191**

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

11           **SECTION 192.** 111.84 (1) (f) of the statutes is amended to read:

12           111.84 (1) (f) To deduct labor organization dues from an employee's earnings,  
13           ~~unless the employer has been presented with an individual order therefor, signed by~~  
14           ~~the employee personally, and terminable by at least the end of any year of its life or~~  
15           ~~earlier by the employee giving at least 30 but not more than 120 days' written notice~~  
16           ~~of such termination to the employer and to the representative labor organization,~~  
17           ~~except if there is a fair share or maintenance of membership agreement in effect.~~  
18           ~~The employer shall give notice to the labor organization of receipt of such notice of~~  
19           ~~termination.~~

20           **SECTION 193.** 111.84 (2) (c) of the statutes is amended to read:

21           111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
22           (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the  
23           employer which is the recognized or certified exclusive collective bargaining  
24           representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
25           bargaining unit or with the certified exclusive collective bargaining representative

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1 of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective  
2 bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
3 refusal to execute a collective bargaining agreement previously orally agreed upon.

4 **SECTION 194.** 111.84 (3) of the statutes is amended to read:

5 111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
6 on behalf of or in the interest of employers or employees, or in connection with or to  
7 influence the outcome of any controversy as to employment relations, any act  
8 prohibited by ~~subs.~~ sub. (1) ~~and or~~ (2).

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

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

24 **SECTION 196.** 111.85 (1) (d) of the statutes is amended to read:

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

8           **SECTION 197.** 111.85 (5) of the statutes is repealed.

9           **SECTION 198.** 111.90 (2) of the statutes is amended to read:

10           111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state  
11 agency; hire, promote, transfer, assign or retain employees in positions within the  
12 agency; and in that regard establish reasonable work rules.

13           **SECTION 199.** 111.905 of the statutes is repealed.

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

15           111.91 (1) (a) Except as provided in pars. (b) to (e), (d), with regard to a collective  
16 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to  
17 the point of impasse are wage rates, consistent with sub. (2), the assignment and  
18 reassignment of classifications to pay ranges, determination of an incumbent's pay  
19 status resulting from position reallocation or reclassification, and pay adjustments  
20 upon temporary assignment of classified employees protective occupation  
21 participants to duties of a higher classification or downward reallocations of a  
22 classified employee's protective occupation participant's position; fringe benefits  
23 consistent with sub. (2); hours and conditions of employment.

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

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

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

2           111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a  
3 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.  
4 111.90, except that procedures for the adjustment or settlement of grievances or  
5 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall  
6 be a subject of bargaining.

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

8           111.91 (1) (c) The employer is prohibited from bargaining with a collective  
9 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

10          **SECTION 204.** 111.91 (1) (cg) of the statutes is repealed.

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

12          111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)  
13 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40  
14 and all actions of the employer that are authorized under any such law which apply  
15 to nonrepresented individuals employed by the state shall apply to similarly situated  
16 employees protective occupation participants, unless otherwise specifically provided  
17 in a collective bargaining agreement that applies to ~~those employees~~ the protective  
18 occupation participants.

19          **SECTION 206.** 111.91 (1) (d) of the statutes is amended to read:

20          111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.  
21 111.825 (1) (g), demands relating to retirement and group insurance shall be  
22 submitted to the employer at least one year prior to commencement of negotiations.

23          **SECTION 207.** 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.

**SECTION 208**

1           **SECTION 208.** 111.91 (2) (intro.) of the statutes is amended to read:

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

4           **SECTION 209.** 111.91 (2) (gu) of the statutes is repealed.

5           **SECTION 210.** 111.91 (2c) of the statutes is repealed.

6           **SECTION 211.** 111.91 (3) of the statutes is created to read:

7           111.91 (3) The employer is prohibited from bargaining with a collective  
8 bargaining unit containing a general employee with respect to any of the following:

9           (a) Any factor or condition of employment except wages, which is limited for  
10 general employees to include only pay rate <sup>base wages</sup> and to exclude overtime or supplemental  
11 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.

12           (b) Unless the electors in a statewide referendum approve a wage increase that  
13 exceeds the wage expenditure described in this paragraph, any proposal that  
14 provides for a wage expenditure per employee in the contract that, after adjustment  
15 for pay schedules and automatic pay progressions, exceeds the wage expenditure per  
16 employee in the previous contract by a greater percentage than the consumer price  
17 index change.

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

18           **SECTION 212.** 111.91 (3q) of the statutes is created to read:

19           111.91 (3q) For purposes of determining compliance with sub. (3), the  
20 commission shall provide, upon request, to the employer or to any representative of  
21 a collective bargaining unit containing a general employee, the consumer price index

1 change during any 12-month period. The commission may get the information from  
2 the department of revenue.

3 **SECTION 213.** 111.92 (1) (a) of the statutes is amended to read:

4 111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~  
5 ~~provided in s. 111.815 (1), the department of health services, acting for the state,~~ and  
6 any labor organization representing a collective bargaining unit specified in s.  
7 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor  
8 organization, be submitted by the office ~~or department of health services~~ to the joint  
9 committee on employment relations, which shall hold a public hearing before  
10 determining its approval or disapproval. If the committee approves the tentative  
11 agreement, it shall introduce in a bill or companion bills, to be put on the calendar  
12 or referred to the appropriate scheduling committee of each house, that portion of the  
13 tentative agreement which requires legislative action for implementation, such as  
14 salary and wage adjustments, changes in fringe benefits, and any proposed  
15 amendments, deletions or additions to existing law. Such bill or companion bills are  
16 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,  
17 however, submit suitable portions of the tentative agreement to appropriate  
18 legislative committees for advisory recommendations on the proposed terms. The  
19 committee shall accompany the introduction of such proposed legislation with a  
20 message that informs the legislature of the committee's concurrence with the  
21 matters under consideration and which recommends the passage of such legislation  
22 without change. If the joint committee on employment relations does not approve  
23 the tentative agreement, it shall be returned to the parties for renegotiation. If the  
24 legislature does not adopt without change that portion of the tentative agreement



1 introduced by the joint committee on employment relations, the tentative agreement  
2 shall be returned to the parties for renegotiation.

3 **SECTION 214.** 111.92 (1) (b) of the statutes is repealed.

4 **SECTION 215.** 111.92 (2m) of the statutes is repealed.

5 **SECTION 216.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
6 amended to read:

7 111.92 (3) (a) Agreements covering a collective bargaining unit specified under  
8 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

9 **SECTION 217.** 111.92 (3) (b) of the statutes is created to read:

10 111.92 (3) (b) No agreements covering a collective bargaining unit containing  
11 a general employee may be for a period that exceeds one year, and each agreement  
12 must coincide with the fiscal year. Agreements may not be extended.

13 **SECTION 218.** 111.92 (6) of the statutes is created to read:

14 111.92 (6) Each collective bargaining agreement covering general employees  
15 must contain a provision allowing the contract to be terminated under s. 111.83 (3)  
16 (b).

17 **SECTION 219.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and  
18 amended to read:

19 111.93 (2) (a) All civil service and other applicable statutes concerning wages,  
20 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~  
21 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~  
22 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~  
23 ~~(b) to (f)~~ protective occupation participants who are not included in a collective  
24 bargaining unit for which a representative is recognized or certified.

25 **SECTION 220.** 111.93 (2) (b) of the statutes is created to read:

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

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

7           **SECTION 221.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
8           amended to read:

9           111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)  
10          (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

11          (a) If a collective bargaining agreement exists between the employer and a  
12          labor organization representing employees in a collective bargaining unit under s.  
13          111.825 (1) (g), the provisions of that agreement shall supersede the provisions of  
14          civil service and other applicable statutes, as well as rules and policies of the board  
15          of regents of the University of Wisconsin System, related to wages, fringe benefits,  
16          hours, and conditions of employment whether or not the matters contained in those  
17          statutes, rules, and policies are set forth in the collective bargaining agreement.

18          **SECTION 222.** 111.93 (3) (b) of the statutes is created to read:

19          111.93 (3) (b) If a collective bargaining agreement exists between the employer  
20          and a labor organization representing general employees in a collective bargaining  
21          unit, the provisions of that agreement shall supersede the provisions of civil service  
22          and other applicable statutes, as well as rules and policies of the board of regents of  
23          the University of Wisconsin System, related to wages, whether or not the matters  
24          contained in those statutes, rules, and policies are set forth in the collective  
25          bargaining agreement.

1           **SECTION 223.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
2 repealed.

3           **SECTION 224.** 118.22 (4) of the statutes is repealed.

4           **SECTION 225.** 118.23 (5) of the statutes is repealed.

5           **SECTION 226.** 118.245 of the statutes is created to read:

6           **118.245 Referendum; increase in employee wages.** (1) If a school board  
7 wishes to increase the wages of its employees in an amount that exceeds the limit  
8 under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect.  
9 The resolution shall specify the amount by which the proposed wage increase will  
10 exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless  
11 it is approved in a referendum called for that purpose. The referendum shall occur  
12 in April for collective bargaining agreements that begin in July of that year. The  
13 results of a referendum apply to the wages only in the next collective bargaining  
14 agreement.

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

15           (2) The question submitted in the referendum shall be substantially as follows:  
16 "Shall the employees in the .... [school district] receive a percentage wage increase  
17 that is .... [x] percent higher than the percent of the consumer price index increase?"

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

18           **SECTION 227.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

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

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1 adjust all compensation ~~and fringe benefits~~ of the instructional staff only with the  
2 approval of the chancellor of the University of Wisconsin-Parkside.

3 **SECTION 228.** 118.40 (2r) (b) 3. am. of the statutes is created to read:

4 118.40 (2r) (b) 3. am. Delegate to the governing board of the charter school the  
5 board of regents' authority to establish and adjust all fringe benefits of instruction  
6 staff with the approval of the chancellor of the University of Wisconsin-Parkside.

7 **SECTION 229.** 118.42 (3) (a) 4. of the statutes is amended to read:

8 118.42 (3) (a) 4. Implement changes in administrative and personnel  
9 structures ~~that are consistent with applicable collective bargaining agreements.~~

10 **SECTION 230.** 118.42 (5) of the statutes is amended to read:

11 118.42 (5) Nothing in this section alters or otherwise affects the rights or  
12 remedies afforded school districts and school district employees under federal or  
13 state law ~~or under the terms of any applicable collective bargaining agreement.~~

14 **SECTION 231.** 119.04 (1) of the statutes is amended to read:

15 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
16 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
17 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
18 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
19 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,  
20 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.30  
21 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) <sup>(4m)</sup> and (15) to (27), 120.125, 120.13  
22 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14,  
23 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

24 **SECTION 232.** 120.12 (4m) of the statutes is created to read:

**SECTION 232**

*If collectively bargaining with employees of the school district*

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

Determine the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change <sup>using the</sup> ~~in the same~~ 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.

**SECTION 233.** 120.12 (15) of the statutes is amended to read:

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

**SECTION 234.** 120.18 (1) (gm) of the statutes is amended to read:

**120.18 (1) (gm)** Payroll and related benefit costs for all school district employees in the previous school year. ~~Costs~~ Payroll costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees ~~and the school district and the representative have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs limited to the lower of the school district's offer or the representative's offer shall be~~ of wages reflected in the report shall be equal to the

1 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
2 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
3 reflect any change in such costs as a result of any ~~award or settlement under s. 111.70~~  
4 ~~(4) (em) 6.~~ collective bargaining agreement entered into between the date of filing the  
5 report and October 1. Any such amendment shall be concurred in by the certified  
6 public accountant licensed or certified under ch. 442 certifying the school district  
7 audit.

8 **SECTION 235.** 146.59 (3) (a) of the statutes is amended to read:

9 146.59 (3) (a) Any contractual services agreement under sub. (2) may include  
10 a provision that authorizes the authority to perform specified duties for the board  
11 with respect to employees of the board. This authorization may include duties  
12 related to supervising employees, taking disciplinary action, or recommending new  
13 hires or layoffs, or with respect to collective bargaining, claims, or complaints, ~~or~~  
14 ~~benefits~~ and records administration.

15 **SECTION 236.** 230.01 (3) of the statutes is amended to read:

16 230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
17 or supersede the rights guaranteed state employees under subch. V ~~or~~ VI of ch. 111.

18 **SECTION 237.** 230.03 (3) of the statutes is amended to read:

19 230.03 (3) "Agency" means any board, commission, committee, council, or  
20 department in state government or a unit thereof created by the constitution or  
21 statutes if such board, commission, committee, council, department, unit, or the  
22 head thereof, is authorized to appoint subordinate staff by the constitution or  
23 statute, except a legislative or judicial board, commission, committee, council,  
24 department, or unit thereof or an authority created under subch. II of ch. 114 or  
25 subch. III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279. "Agency"

1 does not mean any local unit of government or body within one or more local units  
2 of government that is created by law or by action of one or more local units of  
3 government.

4 **SECTION 238.** 230.046 (10) (a) of the statutes is amended to read:

5 230.046 (10) (a) Conduct off-the-job employee development and training  
6 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

7 **SECTION 239.** 230.12 (3) (e) 1. of the statutes is amended to read:

8 230.12 (3) (e) 1. The director, after receiving recommendations from the board  
9 of regents, shall submit to the joint committee on employment relations a proposal  
10 for adjusting compensation and employee benefits for employees under ss. 20.923  
11 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining  
12 unit under subch. V ~~or VI~~ of ch. 111 for which a representative is certified. The  
13 proposal shall include the salary ranges and adjustments to the salary ranges for the  
14 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).  
15 The proposal shall be based upon the competitive ability of the board of regents to  
16 recruit and retain qualified faculty and academic staff, data collected as to rates of  
17 pay for comparable work in other public services, universities and commercial and  
18 industrial establishments, recommendations of the board of regents and any special  
19 studies carried on as to the need for any changes in compensation and employee  
20 benefits to cover each year of the biennium. The proposal shall also take proper  
21 account of prevailing pay rates, costs and standards of living and the state's  
22 employment policies. The proposal for such pay adjustments may contain  
23 recommendations for across-the-board pay adjustments, merit or other  
24 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
25 shall apply to the process for approval of all pay adjustments for such employees

1 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
2 by the joint committee on employment relations and the governor shall be based  
3 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
4 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
5 and adjustments other than across-the-board pay adjustments is available for  
6 discretionary use by the board of regents.

7 **SECTION 240.** 230.34 (1) (ar) of the statutes is amended to read:

8 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
9 status in class in the classified service and all employees who have served with the  
10 state as an assistant district attorney for a continuous period of 12 months or more,  
11 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~  
12 ~~for which a representative is recognized or certified, or for employees specified in s.~~  
13 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~  
14 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~  
15 ~~collective bargaining unit, the determination of just cause and all aspects of the~~  
16 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~  
17 ~~agreement.~~

18 **SECTION 241.** 230.35 (1s) of the statutes is amended to read:

19 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
20 by the board of regents of the University of Wisconsin System who provide services  
21 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
22 determined by the governing board of the charter school established by contract  
23 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
24 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement  
25 under subch. V of ch. 111 covering the instructional staff.



**SECTION 242**

1           **SECTION 242.** 230.35 (2d) (e) of the statutes is amended to read:

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

6           **SECTION 243.** 230.35 (3) (e) 6. of the statutes is amended to read:

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

11           **SECTION 244.** 230.88 (2) (b) of the statutes is amended to read:

12           230.88 (2) (b) No collective bargaining agreement supersedes the rights of an  
13 employee under this subchapter. However, nothing in this subchapter affects any  
14 right of an employee to pursue a grievance procedure under a collective bargaining  
15 agreement under subch. V ~~or VI~~ of ch. 111, and if the division of equal rights  
16 determines that a grievance arising under such a collective bargaining agreement  
17 involves the same parties and matters as a complaint under s. 230.85, it shall order  
18 the arbitrator's final award on the merits conclusive as to the rights of the parties  
19 to the complaint, on those matters determined in the arbitration which were at issue  
20 and upon which the determination necessarily depended.

21           **SECTION 245.** 233.02 (1) (h) of the statutes is repealed.

22           **SECTION 246.** 233.02 (8) of the statutes is amended to read:

23           233.02 (8) The members of the board of directors shall annually elect a  
24 chairperson and may elect other officers as they consider appropriate. Eight voting  
25 members of the board of directors constitute a quorum for the purpose of conducting

1 the business and exercising the powers of the authority, notwithstanding the  
2 existence of any vacancy. The members of the board of directors specified under sub.  
3 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995  
4 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote  
5 of a majority of the members present, unless the bylaws of the authority require a  
6 larger number.

7 **SECTION 247.** 233.03 (7) of the statutes is amended to read:

8 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
9 9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~  
10 ~~bargaining unit for which a representative is recognized or certified under subch. I~~  
11 ~~of ch. 111, employ any agent, employee or special advisor that the authority finds~~  
12 necessary and fix his or her compensation and provide any employee benefits,  
13 including an employee pension plan.

14 **SECTION 248.** 233.04 (2) of the statutes is amended to read:

15 233.04 (2) Subject to subs. (4) ~~to (4r)~~ and (4m) and s. 233.10, develop and  
16 implement a personnel structure and other employment policies for employees of the  
17 authority.

18 **SECTION 249.** 233.04 (4r) of the statutes is repealed.

19 **SECTION 250.** 233.10 (1) of the statutes is amended to read:

20 233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,  
21 section 9159 (2) and (4), the authority shall employ such employees as it may require  
22 and shall determine the qualifications and duties of its employees. Appointments  
23 to and promotions in the authority shall be made according to merit and fitness.

24 **SECTION 251.** 233.10 (2) (intro.) of the statutes is amended to read:

**SECTION 251**

1           233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~  
2 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~  
3 ~~which a representative is recognized or certified under subch. I of ch. 111, the~~  
4 authority shall establish any of the following:

5           **SECTION 252.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

6           233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), “carry-over  
7 employee” means an employee of the authority who satisfies all of the following:

8           **SECTION 253.** 233.10 (3) (b) of the statutes is repealed.

9           **SECTION 254.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

10          233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee  
11 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting  
12 the terms of the carry-over employee’s employment during the period beginning on  
13 June 29, 1996, and ending on June 30, 1997, do all of the following:

14          **SECTION 255.** 233.10 (3) (d) of the statutes is amended to read:

15          233.10 (3) (d) If an employee of the authority is not a carry-over employee ~~and~~  
16 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,  
17 1996, to June 30, 1997, provide that employee the same rights, benefits and  
18 compensation provided to a carry-over employee under par. (c) who holds a position  
19 at the authority with similar duties.

20          **SECTION 256.** 233.10 (3m) of the statutes is repealed.

21          **SECTION 257.** 281.75 (4) (b) 3. of the statutes is amended to read:

22          281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. ~~52~~, 231,  
23 233, 234, or 237.

24          **SECTION 258.** 285.59 (1) (b) of the statutes is amended to read:

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

10           **SECTION 259.** 704.31 (3) of the statutes is amended to read:

11           704.31 (3) This section does not apply to a lease to which a local professional  
12 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~  
13 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

14           **SECTION 260.** 851.71 (4) of the statutes is amended to read:

15           851.71 (4) In counties having a population of 500,000 or more, the appointment  
16 under subs. (1) and (2) shall be made as provided in those subsections but the judges  
17 shall not remove the register in probate and deputy registers, except through charges  
18 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~  
19 ~~bargaining agreement~~.

20           **SECTION 261.** 978.12 (1) (c) of the statutes is amended to read:

21           978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
22 employed outside the classified service. For purposes of salary administration, the  
23 director of the office of state employment relations shall establish one or more  
24 classifications for assistant district attorneys in accordance with the classification  
25 or classifications allocated to assistant attorneys general. Except as provided in s.

1 municipal employees who are not school district employees, the vote shall be held in  
2 the December that follows the termination of the collective bargaining agreement  
3 covering the collective bargaining unit.

4 **SECTION 9155. Nonstatutory provisions; Other.** 91

5 (1) TERMINATION OF STATE EMPLOYEE AND UW SYSTEM EMPLOYEE CONTRACTS. State  
6 employees who are covered by a collective bargaining agreement under subchapter  
7 V or VI of the statutes that expired on June 30, 2009, but which has been extended  
8 shall be given notice that the contracts will terminate as soon as legally possible  
9 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?

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

11 (a) In this subsection, "general employee" has the meaning given in section  
12 111.81 (9g) of the statutes, as created by this act.

13 (b) Each collective bargaining unit under subchapter V of chapter 111 of the  
14 statutes, as affected by this act, containing general employees shall vote to certify or  
15 decertify their representatives as provided in section 111.83 (3) (b) of the statutes,  
16 as created by this act. Notwithstanding the date provided under section 111.83 (3)  
17 (b) of the statutes, as created by this act, the vote shall be held in April 2011.

18 (3) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL  
19 PROPERTY, AND CONTRACTS.

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

1 111.93 (3) (b), the salaries of assistant district attorneys shall be established and  
2 adjusted in accordance with the state compensation plan for assistant attorneys  
3 general whose positions are allocated to the classification or classifications  
4 established by the director of the office of state employment relations.

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

6 (1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS  
7 COMMISSION. The department of administration shall evaluate the staffing  
8 requirements of the Wisconsin employment relations commission and shall submit  
9 the report of the evaluation to the joint committee on finance under section 13.10 of  
10 the statutes.

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

12 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

13 (a) In this subsection:

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

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

18 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the  
19 statutes, as affected by this act, containing general municipal employees shall vote  
20 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.  
21 of the statutes, as created by this act. Notwithstanding the date provided under  
22 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, for collective  
23 bargaining units containing school district employees, the vote shall be held in the  
24 ~~April~~ that follows the termination of the collective bargaining agreement covering  
25 the collective bargaining unit, and for collective bargaining units containing general

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

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

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

10 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. For municipal employees  
11 who are covered by a collective bargaining agreement under subchapter IV of chapter  
12 111 of the statutes that expires on or after the effective date of this subsection, the  
13 treatment of sections 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b)  
14 4., 66.0506, 73.03 (68), 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and  
15 (nm), (2), (3) (a) 4., 6., and 7. and (b) 6., (3m), (3p), (4) (intro.), (am), (c) (title), 1., 2.,  
16 3., and 4., (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m),  
17 (mb), (mc) (intro.) and 4., (n), and (o), (6), (7) (a) and (b), (7m) (b), (c) 1. a. and 3., (e),  
18 and (f), and (8) (a), 111.71 (2), (4), and (5), 111.77 (intro.), 118.22 (4), 118.23 (5),  
19 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and  
20 851.71 (4) of the statutes, the renumbering and amendment of section 111.70 (4) (d)  
21 3. of the statutes, and the creation of section 111.70 (4) (d) 3. b. of the statutes first  
22 apply when the collective bargaining agreement expires.

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

24 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN  
25 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

1 (a) For employees who are covered by a collective bargaining agreement under  
 2 subchapter V of chapter 111 of the statutes that expired on June 30, 2009, but which  
 3 has been extended, the treatment of sections 20.921 (1) (a) 2. and (b), 73.03 (68),  
 4 111.81 (1), (3h), (3n), (7) (g), (9g), (9k), (12m), and (15r), 111.815 (1) and (2), 111.82,  
 5 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and  
 6 (7), 111.84 (1) (b), (d), and (f), (2), and (3), 111.85 (1) (b) and (d) and (5), 111.90 (2),  
 7 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c),  
 8 (3), and (3q), 111.92 (1) (a) and (b), (2m), and (6), 118.40 (2r) (b) 3. a. and am., 146.59  
 9 (3) (a), 230.34 (1) (ar), 230.35 (1s), and 978.12 (1) (c) of the statutes, the renumbering  
 10 of sections 111.825 (6) and 111.83 (3) of the statutes, the renumbering and  
 11 amendment of sections 111.92 (3) and 111.93 (2) and (3) of the statutes, and the  
 12 creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93 (2) (b) and  
 13 (3) (b) of the statutes first apply on the date on which the collective bargaining  
 14 agreement is terminated or on the effective date of this paragraph, whichever occurs  
 15 later.

16 (b) For employees who are covered by a collective bargaining agreement under  
 17 subchapter I or VI of chapter 111 of the statutes, the treatment of sections 7.33 (4),  
 18 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 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm),  
 20 (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.),  
 21 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)  
 22 (intro.), (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95  
 23 (1) (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) 2. and 4. and (b) 1., (7m), (9m), and (10)  
 24 (m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i),  
 25 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2),

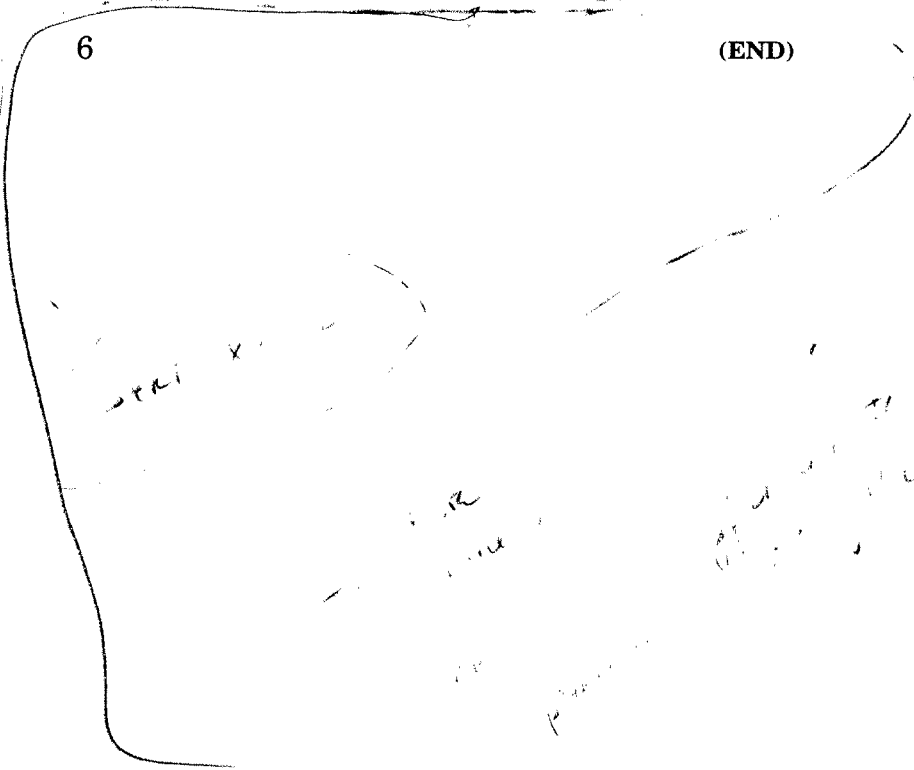


**SECTION 9355**

1 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2)  
 2 (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.),  
 3 (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m), and subchapter VI of chapter 111 of  
 4 the statutes first applies when the collective bargaining agreement expires or is  
 5 extended, modified, or renewed, whichever occurs first.

6

(END)



↳ ~~the~~ ~~the~~ ~~the~~ <sup>(CS)</sup> NOTE: Caution, the next version will  
 contain the effective date provisions that  
 will delay the effective date to March 13<sup>th</sup> 2011 <sup>10</sup>

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1211/p3ins  
CMH:.....

1 Insert A

*over*  
Under current law, municipal employees have the right to collectively bargain ~~on~~ wages, hours, and conditions of employment under the Municipal Employment Relations Act (MERA) and state employees have the right to collectively bargain ~~over~~ wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). This bill changes MERA and SELRA with respect to all employees except certain employees who are protective occupation participants under the Wisconsin Retirement System or under a county or city retirement system (protective occupation participant). This bill limits the right to collectively bargain for all employees who are not protective occupation participants (general employees) to the subject of base wages. In addition, unless a referendum authorizes a greater increase, any general employee who is part of a collective bargaining unit is limited to bargaining over a wage increase that is no greater than the change in the consumer price index. This bill also prohibits municipal employers from collectively bargaining with general employees in manners that are not permitted under this bill.

*Municipal*

*CA*  
Under current law, a collective bargaining unit elects a labor organization as its representative once a majority of the members of that collective bargaining unit who are actually voting votes for that labor organization; that labor organization remains the representative unless a percentage of members of the collective bargaining unit support a petition for a new election. This bill requires an annual certification election of the labor organization that represents each collective bargaining unit containing general employees. If, at the election, less than 51 percent of the actual members of the collective bargaining unit vote for a representative, then the current representative is decertified and the members of the collective bargaining unit are nonrepresented and may not be represented for one year. This bill requires an initial certification election for state general employees ~~who are represented to occur~~ in April of 2011, for school district employees ~~who are represented to occur~~ in the first May following the termination of their current collective bargaining agreements, and for other ~~represented~~ municipal general employees ~~who are represented to occur~~ in the first December following the termination of their current collective bargaining agreements.

Currently, except for an initial collective bargaining agreement, the terms of collective bargaining agreements are generally two years for state and municipal employees. This bill limits the term for general employees to one year and prohibits the extension of collective bargaining agreements.

*and current law prohibits the extension of collective bargaining agreements*

3 Insert 18-10

4 SECTION ~~18~~ 20.921 (1) (a) 2. of the statutes is amended to read:

*and current law does not prohibit the extension*

1           20.921 (1) (a) 2. Payment If the state employee is a protective occupation  
2           participant under s. 111.81 (15r), payment of dues to employee organizations.

History: 1971 c. 214, 270, 336; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 29 s. 1649; 1977 c. 418; 1981 c. 20, 187; 1983 a. 368; 1985 a. 29 s. 3202 (23) (d); 1987 a. 111, 391, 399; 1989 a. 278, 336; 1991 a. 316; 1993 a. 481; 1995 a. 27; 1997 a. 191, 237; 1999 a. 9, 32, 83; 2005 a. 443 s. 265; 2007 a. 20.

3

4

Insert 28-3 B (28-3 A is on a separate sheet) ✓

5

(3) Each city, county, village, town, metropolitan sewerage district, school  
6 district, long-term care district, transit authority under s. 59.58 (7) or 66.1039, local  
7 cultural arts district under subch. V of ch. 229, or any other political subdivision of  
8 the state, or instrumentality of one or more political subdivisions of the state, that  
9 engages the services of an employee and includes any person acting on behalf of a  
10 municipal employer within the scope of the person's authority, express or implied,  
11 that is collectively bargaining with its employees shall determine the maximum  
12 wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2.,  
13 calculating the consumer price index change using the same method the department  
14 of revenue uses under s. 73.03 (68). ✓

15

16

Insert 37-6

17

~~SECTION 111.70~~ 111.70 (1) (j) of the statutes is amended to read:

18

111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
19 metropolitan sewerage district, school district, long-term care district, transit  
20 authority under s. 59.58 (7) or 66.1039, a local cultural arts district created under  
21 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality  
22 of one or more political subdivisions of the state, that engages the services of an  
23 employee and includes any person acting on behalf of a municipal employer within

1 the scope of the person's authority, express or implied, ~~but specifically does not~~  
2 ~~include a local cultural arts district created under subch. V of ch. 229.~~

**History:** 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; s. 13.92 (2) (i).

3

4 Insert 39-11

5 ~~SECTION #~~ 111.70 (2) of the statutes is amended to read:

6 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the

7 right of self-organization, and the right to form, join or assist labor organizations,

8 to bargain collectively through representatives of their own choosing, and to engage

9 in lawful, concerted activities for the purpose of collective bargaining or other mutual

10 aid or protection, ~~and such employees shall~~. Protective occupation participants have

11 the right to refrain from any and all such activities except that ~~employees a~~

12 protective occupation participant may be required to pay dues in the manner

13 provided in a fair-share agreement. ~~Such; a fair-share agreement covering a~~

14 protective occupation participant must contain a provision requiring the municipal

15 employer to deduct the amount of dues as certified by the labor organization from the

16 earnings of the protective occupation participant affected by the fair-share

17 agreement and to pay the amount deducted to the labor organization. A general

18 municipal employee has the right to refrain from paying dues while remaining a

19 member of a collective bargaining unit except that general municipal employees may

20 be required to pay dues if they are subject to a fair-share agreement. A fair-share

21 agreement shall be covering any municipal employee is subject to the right of the

22 municipal employer or a labor organization to petition the commission to conduct a

23 referendum. Such petition must be supported by proof that at least 30% of the

24 employees in the collective bargaining unit desire that the fair-share agreement be

1 terminated. Upon so finding, the commission shall conduct a referendum. If the  
 2 continuation of the agreement is not supported by at least the majority of the eligible  
 3 employees, it shall ~~be deemed terminated~~ terminate. The commission shall declare  
 4 any fair-share agreement suspended upon such conditions and for such time as the  
 5 commission decides whenever it finds that the labor organization involved has  
 6 refused on the basis of race, color, sexual orientation, creed or sex to receive as a  
 7 member any employee of the municipal employer in the bargaining unit involved,  
 8 and such agreement ~~shall be made~~ is subject to this duty of the commission. Any of  
 9 the parties to such agreement or any municipal employee covered ~~thereby~~ by the  
 10 agreement may come before the commission, as provided in s. 111.07, and ask the  
 11 performance of this duty.

12 ~~Cross-reference: Cross-reference: Cross-reference:~~ See also ch. ERC 15, Wis. adm. code. ~~Cross-reference:~~  
 History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985  
 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253;  
 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; s. 13.92 (2) (i).

14 Insert 40-13

15 ~~SECTION 111.70 (3) (a) 6.~~ of the statutes is renumbered 111.70 (3) (a) 6. a. and  
 16 amended to read:

17 111.70 (3) (a) 6. a. To deduct labor organization dues from ~~an employee's or~~  
 18 supervisor's the earnings of a general municipal employee or supervisor.

19 b. To deduct labor organization dues from the earnings of a protective  
 20 occupation participant's earnings, unless the municipal employer has been  
 21 presented with an individual order therefor, signed by the municipal employee  
 22 protective occupation participant personally, and terminable by at least the end of  
 23 any year of its life or earlier by the municipal employee protective occupation  
 24 participant giving at least 30 days' written notice of such termination to the

1 municipal employer and to the representative organization, except <sup>when</sup> where there is a  
2 fair-share agreement <sup>is</sup> in effect.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; s. 13.92 (2) (i).

3

4 Insert 48-4

No ff

5 The commission shall assess and collect a certification fee for each election  
6 conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall be credited  
7 to the appropriation account under s. 20.425 (1) (i). ✓

8

9 Insert 52-14

10 SECTION ~~111.77~~ 111.77 (8) (a) ✓ of the statutes is amended to read:

11 111.77 (8) (a) This section applies to law enforcement protective occupation  
12 participants who are supervisors employed by a county having a population of  
13 500,000 or more. For purposes of such application, the term "municipal employee"  
14 includes such a supervisor.

History: 1971 c. 247, 307; 1973 c. 64; 1975 c. 259; 1977 c. 178; 1979 c. 32 s. 92 (15); 1989 a. 258; 1991 a. 136; 1993 a. 16; 1995 a. 27.

15

16 Insert 53-21

17 SECTION ~~111.81~~ 111.81 (12m) of the statutes is renumbered 111.81 (12m) (intro.) and  
18 amended to read:

19 111.81 (12m) (intro.) "Maintenance of membership agreement" means an  
20 agreement between the employer and a labor organization representing employees  
21 or supervisors specified in s. 111.825 (5) which requires ~~that all~~ one of the employees  
22 ~~or supervisors~~ following:

+  
↑  
and stricken "all"  
(all)

~~That~~ SET

1 (a) The protective occupation participants whose dues are being deducted from  
2 earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect  
3 shall continue to have dues deducted for the duration of the agreement and ~~that~~ dues  
4 shall be deducted from the earnings of all protective occupation participants who are  
5 hired on or after the effective date of the agreement.

6 (b) The general employees or supervisors who are required to pay dues at the  
7 time the agreement takes effect shall continue to be required to pay dues for the  
8 duration of the agreement and ~~that~~ all general employees or supervisors who are  
9 hired on or after the effective date of the agreement shall be required to pay dues for  
10 the duration of the agreement.

History: 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16; 2003 a. 33 ss. 1987m, 1988m, 9160; 2009 a. 28.

11  
12 Insert 55-19

13 SECTION ~~#~~ 111.82 of the statutes is amended to read:

14 **111.82 Rights of employees.** Employees shall have the right of  
15 self-organization and the right to form, join or assist labor organizations, to bargain  
16 collectively through representatives of their own choosing under this subchapter,  
17 and to engage in lawful, concerted activities for the purpose of collective bargaining  
18 or other mutual aid or protection. Employees shall also have the right to refrain from  
19 any or all of such activities. A general employee has the right to refrain from paying  
20 dues while remaining a member of a collective bargaining unit except that general  
21 employees may be required to pay dues if they are subject to a fair-share agreement.

History: 1971 c. 270; 1995 a. 27.

22  
23 Insert 58-18

MS 58-18  
NA

1 The commission shall assess and collect a certification fee for each election  
2 conducted under this paragraph. Fees collected under this paragraph shall be  
3 credited to the appropriation account under s. 20.425 (1) (i). ✓  
4

5 Insert 60-20

6 SECTION ~~111.84~~ 111.84 (1) (f) of the statutes is renumbered 111.84 (1) (f) 1. and  
7 amended to read:

8 111.84 (1) (f) 1. To deduct labor organization dues from ~~an employee's~~ the  
9 earnings of a general employee.

10 2. To deduct labor organization dues from the earnings of a protective  
11 occupation participant's earnings, unless the employer has been presented with an  
12 individual order therefor, signed by the employee protective occupation participant  
13 personally, and terminable by at least the end of any year of its life or earlier by the  
14 employee protective occupation participant giving at least 30 but not more than 120  
15 days' written notice of such termination to the employer and to the representative  
16 labor organization, except if there is a fair-share or maintenance of membership  
17 agreement in effect. The employer shall give notice to the labor organization of  
18 receipt of such notice of termination.

19 History: 1971 c. 270; 1973 c. 212; 1983 a. 160; 1985 a. 42; 1989 a. 13, 31; 1991 a. 289; 1993 a. 492; 1995 a. 27; 2001 a. 16; 2009 a. 28, 289.

20 Insert 62-8

21 SECTION ~~111.85~~ 111.85 (1) (c) of the statutes is renumbered 111.85 (1) (c) 1. and  
22 amended to read:

23 111.85 (1) (c) 1. If general employees authorize a fair-share or maintenance of  
24 membership agreement ~~is authorized~~ in a referendum, the employer shall enter into



1 such an agreement with the labor organization named on the ballot in the  
2 referendum. Unless the parties agree to an earlier date, the agreement shall take  
3 effect 60 days after certification by the commission that the referendum vote  
4 authorized the agreement.

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

History: 1971 c. 270; 1981 c. 112; 1983 a. 160; 1985 a. 42; 1995 a. 27.

20 ~~SECTION 10.~~ 111.85 (1) (d) of the statutes is amended to read:

21 111.85 (1) (d) Under each fair-share or maintenance of membership  
22 agreement, ~~an~~ covering general employees or supervisors, a general employee or  
23 supervisor who has religious convictions against dues payments to a labor  
24 organization based on teachings or tenets of a church or religious body of which he

1 or she is a member shall, on request to the labor organization, pay his or her dues  
2 to a charity mutually agreed upon by the general employee or supervisor and the  
3 labor organization. Under each fair-share or maintenance of membership  
4 agreement covering protective occupation participants, a protective occupation  
5 participant who has religious convictions against dues payments to a labor  
6 organization based on teachings or tenets of a church or religious body of which he  
7 or she is a member shall, on request to the labor organization, have his or her dues  
8 paid to a charity mutually agreed upon by the ~~employee or supervisor~~ protective  
9 occupation participant and the labor organization. Any dispute concerning this  
10 paragraph may be submitted to the commission for adjudication.

11 **History:** 1971 c. 270; 1981 c. 112; 1983 a. 160; 1985 a. 42; 1995 a. 27.

11

12 Insert 68-4

13 **SECTION** ~~#~~ 118.223 of the statutes is created to read:

14 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.  
15 111, no school board may collectively bargain with its employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use 2x

metropolitan sewerage district  
long-term care district  
transit authority under  
s. 59.58 (4) or  
66.1039 local  
cultural arts  
district under  
subch. IV of  
ch. 229  
or other  
political  
subdivision  
of the  
state

IN 5  
28-3  
A

**SECTION 116**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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