



State of Wisconsin
2011 - 2012 LEGISLATURE



P4

LRB-1211/P8

CMH/TKK/MES/JK:wlj:ph

TOOAY

Stays

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

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau

Under current law, municipal employees have the right to collectively bargain over 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

public safety employees

for all employees who are not ~~protective/occupation participants~~ ^{public safety employees} (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 municipal general employees in manners that are not permitted under this bill.

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 represented state general employees in April 2011, for represented school district employees in the first May following the termination of their current collective bargaining agreements, and for other represented municipal general employees 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, and current law does not prohibit the extension. This bill limits the term for general employees to one year and prohibits the extension of collective bargaining agreements.

Current law provides that state and municipal employees who are represented by a labor organization have the organization dues deducted from their salaries. Except for salary deductions for ~~protective/occupation participants~~ ^{public safety employees}, this bill prohibits the salary deductions for labor organization dues and makes such deductions a prohibited labor practice. This bill also allows a general employee to refrain from paying dues and remain a member of a collective bargaining unit.

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

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
3 includes an authority created under subch. II of ch. 114 or ch. ~~52~~, 231, 232, 233, 234,
4 or 237.

5 **SECTION 2.** 7.33 (4) of the statutes is amended to read:

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

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

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

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

21 13.172 (1) In this section, “agency” means an office, department, agency,
22 institution of higher education, association, society, or other body in state
23 government created or authorized to be created by the constitution or any law, that
24 is entitled to expend moneys appropriated by law, including the legislature and the

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1 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
2 ch. ~~52~~, 231, 233, 234, or 279.

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

4 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
5 facility that is constructed for the benefit of or use of the state, any state agency,
6 board, commission or department, the University of Wisconsin Hospitals and Clinics
7 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~
8 ~~Home Care Authority~~, or any local professional baseball park district created under
9 subch. III of ch. 229 if the construction is undertaken by the department of
10 administration on behalf of the district, shall be in compliance with all applicable
11 state laws, rules, codes and regulations but the construction is not subject to the
12 ordinances or regulations of the municipality in which the construction takes place
13 except zoning, including without limitation because of enumeration ordinances or
14 regulations relating to materials used, permits, supervision of construction or
15 installation, payment of permit fees, or other restrictions.

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

17 13.62 (2) "Agency" means any board, commission, department, office, society,
18 institution of higher education, council, or committee in the state government, or any
19 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
20 233, 234, 237, or 279, except that the term does not include a council or committee
21 of the legislature.

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

23 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
24 credentialing board, commission, independent agency, council or office in the
25 executive branch of state government; all bodies created by the legislature in the

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

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

15 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
16 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
17 shall be strictly nonpartisan and shall at all times observe the confidential nature
18 of the research requests received by it; however, with the prior approval of the
19 requester in each instance, the bureau may duplicate the results of its research for
20 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
21 designated employees shall at all times, with or without notice, have access to all
22 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
23 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
24 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
25 ~~Authority~~, and the Fox River Navigational System Authority, and to any books,

1 records, or other documents maintained by such agencies or authorities and relating
2 to their expenditures, revenues, operations, and structure.

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

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

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

6 15.96 (2) Eight ~~voting~~ members of the University of Wisconsin Hospitals and
7 Clinics Board constitute a quorum for the purpose of conducting the business and
8 exercising the powers of the board, notwithstanding the existence of a vacancy.

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

10 16.002 (2) "Departments" means constitutional offices, departments, and
11 independent agencies and includes all societies, associations, and other agencies of
12 state government for which appropriations are made by law, but not including
13 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ in ~~chs. 52,~~
14 ~~ch.~~ 231, 232, 233, 234, 235, 237, ~~and or~~ 279.

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

16 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
17 department as the secretary designates may enter into the offices of state agencies
18 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and
19 under chs. ~~52,~~ 231, 233, 234, 237, and 279, and may examine their books and
20 accounts and any other matter that in the secretary's judgment should be examined
21 and may interrogate the agency's employees publicly or privately relative thereto.

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

23 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
24 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under
25 chs. ~~52,~~ 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate

1 with the secretary and shall comply with every request of the secretary relating to
2 his or her functions.

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

4 16.004 (12) (a) In this subsection, “state agency” means an association,
5 authority, board, department, commission, independent agency, institution, office,
6 society, or other body in state government created or authorized to be created by the
7 constitution or any law, including the legislature, the office of the governor, and the
8 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
9 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
10 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
11 ~~Care Authority~~, and the Fox River Navigational System Authority.

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

13 16.045 (1) (a) “Agency” means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
18 ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

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

20 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
21 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
22 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, and the
23 Health Insurance Risk-Sharing Plan Authority.

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

1 16.41 (4) In this section, “authority” means a body created under subch. II of
2 ch. 114 or subch. III of ch. 149 or under ch. ~~52~~, 231, 233, 234, 237, or 279.

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

4 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
5 ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

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

7 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
8 the pay ranges prescribed in the compensation plan or as provided in a collective
9 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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

11 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
12 that is authorized to maintain a contingent fund under s. 20.920 may establish a
13 petty cash account from its contingent fund. The procedure for operation and
14 maintenance of petty cash accounts and the character of expenditures therefrom
15 shall be prescribed by the secretary. In this subsection, “agency” means an office,
16 department, independent agency, institution of higher education, association,
17 society, or other body in state government created or authorized to be created by the
18 constitution or any law, that is entitled to expend moneys appropriated by law,
19 including the legislature and the courts, but not including an authority created in
20 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

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

22 16.528 (1) (a) “Agency” means an office, department, independent agency,
23 institution of higher education, association, society, or other body in state
24 government created or authorized to be created by the constitution or any law, that
25 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
2 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

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

4 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
5 invoice, the agency shall notify the sender of the invoice within 10 working days after
6 it receives the invoice of the reason it is improperly completed. In this subsection,
7 “agency” means an office, department, independent agency, institution of higher
8 education, association, society, or other body in state government created or
9 authorized to be created by the constitution or any law, that is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
12 ~~52~~, 231, 233, 234, 237, or 279.

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

14 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
19 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, or 279.

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

21 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.
22 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

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

24 16.705 (3) (c) Do not enter into any contract for contractual services in conflict
25 with any collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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

2 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
3 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
4 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
5 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
6 the Bradley Center Sports and Entertainment Corporation shall include in all
7 contracts executed by them a provision obligating the contractor not to discriminate
8 against any employee or applicant for employment because of age, race, religion,
9 color, handicap, sex, physical condition, developmental disability as defined in s.
10 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,
11 except with respect to sexual orientation, obligating the contractor to take
12 affirmative action to ensure equal employment opportunities.

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

14 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
15 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
16 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
17 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
18 the Bradley Center Sports and Entertainment Corporation shall include the
19 following provision in every contract executed by them: "In connection with the
20 performance of work under this contract, the contractor agrees not to discriminate
21 against any employee or applicant for employment because of age, race, religion,
22 color, handicap, sex, physical condition, developmental disability as defined in s.
23 51.01 (5), sexual orientation or national origin. This provision shall include, but not
24 be limited to, the following: employment, upgrading, demotion or transfer;
25 recruitment or recruitment advertising; layoff or termination; rates of pay or other

1 forms of compensation; and selection for training, including apprenticeship. Except
2 with respect to sexual orientation, the contractor further agrees to take affirmative
3 action to ensure equal employment opportunities. The contractor agrees to post in
4 conspicuous places, available for employees and applicants for employment, notices
5 to be provided by the contracting officer setting forth the provisions of the
6 nondiscrimination clause”.

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

8 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
9 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
10 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
11 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
12 the Bradley Center Sports and Entertainment Corporation shall take appropriate
13 action to revise the standard government contract forms under this section.

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

15 16.765 (5) The head of each contracting agency and the boards of directors of
16 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
17 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
18 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
19 Authority, ~~the Wisconsin Quality Home Care Authority,~~ and the Bradley Center
20 Sports and Entertainment Corporation shall be primarily responsible for obtaining
21 compliance by any contractor with the nondiscrimination and affirmative action
22 provisions prescribed by this section, according to procedures recommended by the
23 department. The department shall make recommendations to the contracting
24 agencies and the boards of directors of the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

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1 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
2 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
3 the Bradley Center Sports and Entertainment Corporation for improving and
4 making more effective the nondiscrimination and affirmative action provisions of
5 contracts. The department shall promulgate such rules as may be necessary for the
6 performance of its functions under this section.

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

8 16.765 (6) The department may receive complaints of alleged violations of the
9 nondiscrimination provisions of such contracts. The department shall investigate
10 and determine whether a violation of this section has occurred. The department may
11 delegate this authority to the contracting agency, the University of Wisconsin
12 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
13 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
14 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
15 ~~Authority,~~ or the Bradley Center Sports and Entertainment Corporation for
16 processing in accordance with the department's procedures.

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

18 16.765 (7) (intro.) When a violation of this section has been determined by the
19 department, the contracting agency, the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
22 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ or
23 the Bradley Center Sports and Entertainment Corporation, the contracting agency,
24 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
25 Navigational System Authority, the Wisconsin Aerospace Authority, the Health

1 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
2 Authority, ~~the Wisconsin Quality Home Care Authority~~, or the Bradley Center Sports
3 and Entertainment Corporation shall:

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

5 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
6 further violations of this section and to report its corrective action to the contracting
7 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, ~~the Wisconsin Quality Home Care Authority~~, or the Bradley Center Sports
11 and Entertainment Corporation.

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

13 16.765 (8) If further violations of this section are committed during the term
14 of the contract, the contracting agency, the Fox River Navigational System Authority,
15 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
16 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home
17 Care Authority~~, or the Bradley Center Sports and Entertainment Corporation may
18 permit the violating party to complete the contract, after complying with this section,
19 but thereafter the contracting agency, the Fox River Navigational System Authority,
20 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
21 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home
22 Care Authority~~, or the Bradley Center Sports and Entertainment Corporation shall
23 request the department to place the name of the party on the ineligible list for state
24 contracts, or the contracting agency, the Fox River Navigational System Authority,
25 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan

1 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
2 Care Authority, or the Bradley Center Sports and Entertainment Corporation may
3 terminate the contract without liability for the uncompleted portion or any materials
4 or services purchased or paid for by the contracting party for use in completing the
5 contract.

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

7 16.85 (2) To furnish engineering, architectural, project management, and other
8 building construction services whenever requisitions therefor are presented to the
9 department by any agency. The department may deposit moneys received from the
10 provision of these services in the account under s. 20.505 (1) (kc) or in the general
11 fund as general purpose revenue — earned. In this subsection, “agency” means an
12 office, department, independent agency, institution of higher education, association,
13 society, or other body in state government created or authorized to be created by the
14 constitution or any law, which is entitled to expend moneys appropriated by law,
15 including the legislature and the courts, but not including an authority created in
16 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

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

18 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
19 proportionate share of the estimated costs attributable to programs administered by
20 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
21 may charge premiums to agencies to finance costs under this subsection and pay the
22 costs from the appropriation on an actual basis. The department shall deposit all
23 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
24 Costs assessed under this subsection may include judgments, investigative and
25 adjustment fees, data processing and staff support costs, program administration

1 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
2 subsection, "agency" means an office, department, independent agency, institution
3 of higher education, association, society, or other body in state government created
4 or authorized to be created by the constitution or any law, that is entitled to expend
5 moneys appropriated by law, including the legislature and the courts, but not
6 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
7 ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

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

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

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

11 19.82 (1) "Governmental body" means a state or local agency, board,
12 commission, committee, council, department or public body corporate and politic
13 created by constitution, statute, ordinance, rule or order; a governmental or
14 quasi-governmental corporation except for the Bradley center sports and
15 entertainment corporation; a local exposition district under subch. II of ch. 229; a
16 long-term care district under s. 46.2895; or a formally constituted subunit of any of
17 the foregoing, but excludes any such body or committee or subunit of such body which
18 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
19 or V, ~~or VI~~ of ch. 111.

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

21 19.85 (3) Nothing in this subchapter shall be construed to authorize a
22 governmental body to consider at a meeting in closed session the final ratification or
23 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111
24 which has been negotiated by such body or on its behalf.

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

1 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
2 19.82 (1), where notice has been given by either party to a collective bargaining
3 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its
4 expiration date, the employer shall give notice of such contract reopening as provided
5 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
6 by the employer's chief officer or such person's designee.

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

8 20.425 (1) (a) *General program operations.* The amounts in the schedule for
9 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

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

11 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
12 The amounts in the schedule for the performance of fact-finding, mediation,
13 certification, and arbitration functions, for the provision of copies of transcripts, for
14 the cost of operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94
15 (3), for the preparation of publications, transcripts, reports, and other copied
16 material, and for costs related to conducting appeals under s. 230.45. All moneys
17 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 11.71 (1) and (2), 111.83 (3)
18 (b), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators
19 and arbitration panel members, and individuals who are interested in serving in
20 such positions, and from individuals and organizations who participate in other
21 collective bargaining training programs conducted by the commission, and all
22 moneys received from the sale of publications, transcripts, reports, and other copied
23 material shall be credited to this appropriation account.

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

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

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

8 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
9 the schedule for the payment of the state's share of costs related to collective
10 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~
11 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state
12 agencies for the purpose of reimbursing the state's share of the costs related to
13 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
14 training related to grievance arbitrations, ~~and all moneys received from institutions,~~
15 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~
16 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~
17 ~~of costs for training related to grievance arbitrations~~ shall be credited to this
18 appropriation account.

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

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

1 for which a representative is certified under subch. V ~~or~~ VI of ch. 111, as determined
2 under s. 20.928, other than adjustments funded under par. (cj).

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

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

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

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

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

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

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

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

1 20.917 (3) (b) This subsection applies to employees in all positions in the civil
2 service, including those employees in positions included in collective bargaining
3 units under subch. V ~~or VI~~ of ch. 111, whether or not the employees are covered by
4 a collective bargaining agreement.

5 **SECTION 53.** 20.921 (1) (a) 2. of the statutes is amended to read:

6 20.921 (1) (a) 2. ~~Payment~~ If the state employee is a ^{public safety employee} ~~protective occupation~~
7 ~~participant~~ under s. 111.81 (15r), payment of dues to employee organizations.

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

9 20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the
10 request under par. (a) shall be made to the state agency or to the University of
11 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
12 directions and information prescribed by each state agency or by the authority. The
13 request may be withdrawn or the amount paid to the payee may be changed by
14 notifying the state agency or the authority to that effect, but no such withdrawal or
15 change shall affect a payroll certification already prepared.

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

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

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

23 20.928 (1) Each state agency head shall certify to the department of
24 administration, at such time and in such manner as the secretary of administration
25 prescribes, the sum of money needed by the state agency from the appropriations

1 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon
2 receipt of the certifications together with such additional information as the
3 secretary of administration prescribes, the secretary shall determine the amounts
4 required from the respective appropriations to supplement state agency budgets.

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

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

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

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

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

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

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

23 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
24 under a collective bargaining agreement pursuant to subch. I, V, ~~or~~ VI of ch. 111 or
25 under s. 230.12 or 233.10.

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

2 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
3 the contributions required by par. (a), but all the payments shall be available for
4 benefit purposes to the same extent as required contributions deducted from
5 earnings of the participating employees. Action to assume employee contributions
6 as provided under this paragraph shall be taken at the time and in the form
7 determined by the governing body of the participating employer. The state shall pay
8 under this paragraph for employees who are covered by a collective bargaining
9 agreement under subch. V ~~or VI~~ of ch. 111 and for employees whose fringe benefits
10 are determined under s. 230.12 an amount equal to 4% of the earnings paid by the
11 state unless otherwise provided in a collective bargaining agreement under subch.
12 V ~~or VI~~ of ch. 111 or unless otherwise determined under s. 230.12. The University
13 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph ~~for~~
14 ~~employees who are covered by a collective bargaining agreement under subch. I of~~
15 ~~ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an~~
16 ~~amount equal to 4% of the earnings paid by the authority unless otherwise provided~~
17 ~~in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise~~
18 ~~determined under s. 233.10. The state shall pay under this paragraph for employees~~
19 ~~who are not covered by a collective bargaining agreement under subch. V or VI of ch.~~
20 ~~111 and for employees whose fringe benefits are not determined under s. 230.12 an~~
21 ~~amount equal to 4% of the earnings paid by the state unless a different amount is~~
22 ~~recommended by the director of the office of state employment relations and~~
23 ~~approved by the joint committee on employment relations in the manner provided~~
24 ~~for approval of changes in the compensation plan under s. 230.12 (3). The University~~
25 ~~of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its~~

1 ~~employees who are not covered by a collective bargaining agreement under subch.~~
2 ~~I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a~~
3 ~~different amount is established by the board of directors of the authority under s.~~
4 ~~233.10.~~

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

6 40.05 (4) (ag) (intro.) Beginning on January 1, 2004, except as otherwise
7 provided in accordance with a collective bargaining agreement under subch. I, V, ~~or~~
8 ~~VI~~ of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed
9 insured employees:

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

11 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
12 covered by a collective bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 and
13 for employees whose health insurance premium contribution rates are not
14 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.
15 (ag) unless a different amount is recommended by the director of the office of state
16 employment relations and approved by the joint committee on employment relations
17 in the manner provided for approval of changes in the compensation plan under s.
18 230.12 (3).

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

20 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
21 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5), subch. V of
22 ch. 111, and subch. ~~I, V~~ 2009 stats. ~~or subch. VI~~ 2009 stats., of ch. 111 of any eligible
23 employee shall, at the time of death, upon qualifying for an immediate annuity or for
24 a lump sum payment under s. 40.25 (1) or upon termination of creditable service and
25 qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at

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

1 provides hospital and medical benefits that are substantially equivalent to the
2 standard health insurance plan established under s. 40.52 (1).

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

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

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

16 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
17 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111
18 or under rules promulgated by the director of the office of state employment relations
19 or is eligible for reemployment with the state under s. 321.64 after completion of his
20 or her service in the U.S. armed forces.

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

22 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
23 continuation insurance provided under subch. V the employee shall pay the amount
24 remaining after the employer has contributed the following or, if different, the

1 amount determined under a collective bargaining agreement under subch. I, V, ~~or~~ VI
2 of ch. 111 or s. 230.12 or 233.10:

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

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

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

8 40.05 (6) (a) Except as otherwise provided in accordance with a collective
9 bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 or s. 230.12 or 233.10, each
10 insured employee under the age of 70 and annuitant under the age of 65 shall pay
11 for group life insurance coverage a sum, approved by the group insurance board,
12 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
13 based upon the last amount of insurance in force during the month for which
14 earnings are paid. The equivalent premium may be fixed by the group insurance
15 board if the annual compensation is paid in other than 12 monthly installments.

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

17 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
18 of the department, any collective bargaining agreement under subch. I, V, ~~or~~ VI of
19 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
20 757.02 (5) and 978.12 (3).

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

22 40.80 (3) Any action taken under this section shall apply to employees covered
23 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

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

1 40.81 (3) Any action taken under this section shall apply to employees covered
2 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

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

4 40.95 (1) (a) 2. The employee has his or her compensation established in a
5 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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

7 **SECTION 75.** 46.2895 (8) (a) 1. of the statutes is amended to read:

8 46.2895 (8) (a) 1. If the long-term care district offers employment to any
9 individual who was previously employed by a county, which participated in creating
10 the district and at the time of the offer had not withdrawn or been removed from the
11 district under sub. (14), and who while employed by the county performed duties
12 relating to the same or a substantially similar function for which the individual is
13 offered employment by the district and whose wages, ~~hours and conditions of~~
14 ~~employment~~ were established in a collective bargaining agreement with the county
15 under subch. IV of ch. 111 that is in effect on the date that the individual commences
16 employment with the district, with respect to that individual, abide by the terms of
17 the collective bargaining agreement concerning the individual's wages and, if
18 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
19 allowance, funeral leave allowance, personal day allowance, or paid time off
20 allowance until the time of the expiration of that collective bargaining agreement or
21 adoption of a collective bargaining agreement with the district under subch. IV of ch.
22 111 covering the individual as an employee of the district, whichever occurs first.

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

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

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

1 **SECTION 79.** 49.826 (3) (b) 4. of the statutes is repealed.

2 **SECTION 80.** Chapter 52 of the statutes is repealed.

3 **SECTION 81.** 66.0506 of the statutes is created to read:

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

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

18 (3) The referendum question shall be substantially as follows: “Shall the
19 [general municipal employees] in the [local governmental unit] receive a
20 percentage wage increase that is [x] percent higher than the percent of the
21 consumer price index increase?”

22 **SECTION 82.** 66.0508 of the statutes is created to read:

23 **66.0508 Collective bargaining.** (1) Except as provided under subch. IV of
24 ch. 111, no city, village, town, county, metropolitan sewerage district, long-term care
25 district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts district

1 under subch. V of ch. 229, or other political subdivision of the state may collectively
2 bargain with its employees.

3 (2) If a city, village, town, county, metropolitan sewerage district, long-term
4 care district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts
5 district under subch. V of ch. 229, or other political subdivision of the state has in
6 effect on the effective date of this subsection ... [LRB inserts date], an ordinance or
7 resolution that is inconsistent with sub. (1), the ordinance or resolution does not
8 apply and may not be enforced.

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

19 **SECTION 83.** 66.1104 (1) (a) of the statutes is amended to read:

20 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
21 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. ~~52~~, 231, 232,
22 233, 234, 235, 237, or 279.

23 **SECTION 84.** 70.11 (41s) of the statutes is repealed.

24 **SECTION 85.** 71.26 (1) (be) of the statutes is amended to read:

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

5 **SECTION 86.** 73.03 (68) of the statutes is created to read:

6 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
7 as provided under s. 111.91 (3q), to determine the average annual percentage change
8 in the U.S. consumer price index for all urban consumers, U.S. city average, as
9 determined by the federal department of labor, for the 12 months immediately
10 preceding the request from the Wisconsin Employment Relations Commission.

11 **SECTION 87.** 77.54 (9a) (a) of the statutes is amended to read:

12 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
13 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
14 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
15 ~~Authority,~~ and the Fox River Navigational System Authority.

16 **SECTION 88.** 100.45 (1) (dm) of the statutes is amended to read:

17 100.45 (1) (dm) "State agency" means any office, department, agency,
18 institution of higher education, association, society or other body in state
19 government created or authorized to be created by the constitution or any law which
20 is entitled to expend moneys appropriated by law, including the legislature and the
21 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
22 Center Sports and Entertainment Corporation, the University of Wisconsin
23 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
24 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
25 ~~Authority,~~ and the Fox River Navigational System Authority.

1 **SECTION 89.** 101.177 (1) (d) of the statutes is amended to read:

2 101.177 (1) (d) “State agency” means any office, department, agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
7 Center Sports and Entertainment Corporation, the University of Wisconsin
8 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
9 ~~Quality Home Care Authority~~, and the Wisconsin Health and Educational Facilities
10 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority and the
11 Lower Fox River Remediation Authority.

12 **SECTION 90.** 109.03 (1) (b) of the statutes is amended to read:

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

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

19 111.02 (1) ~~The term “all-union~~ “All-union agreement” ~~shall mean~~ means an
20 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
21 ~~and Clinics Authority~~ and the representative of the employer’s employees in a
22 collective bargaining unit whereby all or any of the employees in such unit are
23 required to be members of a single labor organization.

24 **SECTION 92.** 111.02 (2) of the statutes is amended to read:

1 111.02 (2) "Collective bargaining" is the ^{the negotiation} ~~means negotiating~~ by an employer and
2 a majority of the employer's employees in a collective bargaining unit, or their
3 representatives, concerning representation or terms and conditions of employment
4 of such employees, ~~except as provided under ss. 111.05 (5) and 111.17 (2)~~, in a
5 mutually genuine effort to reach an agreement with reference to the subject under
6 negotiation.

7 **SECTION 93.** 111.02 (3) of the statutes is amended to read:

8 111.02 (3) "Collective bargaining unit" means all of the employees of one
9 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
10 except that where a majority of the employees engaged in a single craft, division,
11 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
12 constitute such group a separate bargaining unit they shall be so considered, but, in
13 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
14 111.19, the commission may find, where agreeable to all parties affected in any way
15 thereby, an industry, trade or business comprising more than one employer in an
16 association in any geographical area to be a "collective bargaining unit". A collective
17 bargaining unit thus established by the commission shall be subject to all rights by
18 termination or modification given by ss. 111.01 to 111.19 in reference to collective
19 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
20 collective bargaining units may bargain collectively through the same
21 representative where a majority of the employees in each separate unit have voted
22 by secret ballot as provided in s. 111.05 (2) so to do.

23 **SECTION 94.** 111.02 (6) (am) of the statutes is repealed.

24 **SECTION 95.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
25 renumbered 111.02 (7) (a) and amended to read:

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

4 **SECTION 96.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

5 **SECTION 97.** 111.02 (7) (b) 1. of the statutes is amended to read:

6 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
7 subdivision thereof.

8 **SECTION 98.** 111.02 (7m) of the statutes is repealed.

9 **SECTION 99.** 111.02 (9m) of the statutes is repealed.

10 **SECTION 100.** 111.02 (10m) of the statutes is repealed.

11 **SECTION 101.** 111.05 (2) of the statutes is amended to read:

12 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
13 question arises concerning the determination of a collective bargaining unit as
14 ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,
15 upon request, shall cause the ballot to be taken in such manner as to show separately
16 the wishes of the employees in any craft, division, department or plant as to the
17 determination of the collective bargaining unit.

18 **SECTION 102.** 111.05 (3g) of the statutes is repealed.

19 **SECTION 103.** 111.05 (5) of the statutes is repealed.

20 **SECTION 104.** 111.05 (6) of the statutes is repealed.

21 **SECTION 105.** 111.05 (7) of the statutes is repealed.

22 **SECTION 106.** 111.06 (1) (c) 1. of the statutes is amended to read:

23 111.06 (1) (c) 1. To encourage or discourage membership in any labor
24 organization, employee agency, committee, association or representation plan by
25 discrimination in regard to hiring, tenure or other terms or conditions of employment

SECTION 106

1 ~~except in a collective bargaining unit where an all-union, fair-share or maintenance~~
2 ~~of membership agreement is in effect. An employer is not prohibited from entering~~
3 ~~into an all-union agreement with the voluntarily recognized representative of the~~
4 ~~employees in a collective bargaining unit, where at least a majority of such employees~~
5 ~~voting have voted affirmatively, by secret ballot, in favor of such all-union agreement~~
6 ~~in a referendum conducted by the commission, except that where the bargaining~~
7 ~~representative has been certified by either the commission or the national labor~~
8 ~~relations board as the result of a representation election, no referendum is required~~
9 ~~to authorize the entry into such an all-union agreement. Such authorization of an~~
10 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~
11 ~~either party to the all-union agreement to petition the commission to conduct a new~~
12 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~
13 ~~determine whether there is reasonable ground to believe that the employees~~
14 ~~concerned have changed their attitude toward the all-union agreement and upon so~~
15 ~~finding the commission shall conduct a referendum. If the continuance of the~~
16 ~~all-union agreement is supported on any such referendum by a vote at least equal~~
17 ~~to that provided in this subdivision for its initial authorization, it may be continued~~
18 ~~in force thereafter, subject to the right to petition for a further vote by the procedure~~
19 ~~set forth in this subdivision. If the continuance of the all-union agreement is not~~
20 ~~thus supported on any such referendum, it is deemed terminated at the termination~~
21 ~~of the contract of which it is then a part or at the end of one year from the date of the~~
22 ~~announcement by the commission of the result of the referendum, whichever is~~
23 ~~earlier. The commission shall declare any all-union agreement terminated~~
24 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
25 ~~receive as a member any employee of such employer, and each such all-union~~

1 ~~agreement shall be made subject to this duty of the commission. Any person~~
2 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
3 ~~performance of this duty.~~ Any all-union agreement in effect on October 4, 1975,
4 made in accordance with the law in effect at the time it is made is valid.

5 **SECTION 107.** 111.06 (1) (d) of the statutes is amended to read:

6 111.06 (1) (d) To refuse to bargain collectively with the representative of a
7 majority of the employer's employees in any collective bargaining unit with respect
8 to representation or terms and conditions of employment, ~~except as provided under~~
9 ~~ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with
10 the commission a petition requesting a determination as to majority representation,
11 the employer shall not be deemed to have refused to bargain until an election has
12 been held and the result thereof has been certified to the employer by the
13 commission.

14 **SECTION 108.** 111.06 (1) (i) of the statutes is amended to read:

15 111.06 (1) (i) To deduct labor organization dues or assessments from an
16 employee's earnings, unless the employer has been presented with an individual
17 order therefor, signed by the employee personally, and terminable at the end of any
18 year of its life by the employee giving at least thirty days' written notice of such
19 termination unless there is an all-union, ~~fair-share or maintenance of membership~~
20 agreement in effect. The employer shall give notice to the labor organization of
21 receipt of such notice of termination.

22 **SECTION 109.** 111.06 (1) (m) of the statutes is repealed.

23 **SECTION 110.** 111.06 (2) (i) of the statutes is amended to read:

24 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
25 in s. 111.115 ~~(2) or~~ (3).

SECTION 111

1 **SECTION 111.** 111.075 of the statutes is repealed.

2 **SECTION 112.** 111.115 (title) of the statutes is amended to read:

3 **111.115 (title) Notice of certain proposed lockouts or strikes.**

4 **SECTION 113.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
5 renumbered 111.115 (1) and amended to read:

6 111.115 (1) In this subsection: ~~(b)~~ “Strike” section, “strike” includes any
7 concerted stoppage of work by employees, and any concerted slowdown or other
8 concerted interruption of operations or services by employees, or any concerted
9 refusal of employees to work or perform their usual duties as employees, for the
10 purpose of enforcing demands upon an employer.

11 **SECTION 114.** 111.115 (1) (a) of the statutes is repealed.

12 **SECTION 115.** 111.115 (2) of the statutes is repealed.

13 **SECTION 116.** 111.17 (intro.) and (1) of the statutes are consolidated,
14 renumbered 111.17 and amended to read:

15 **111.17 Conflict of provisions; effect.** Wherever the application of the
16 provisions of other statutes or laws conflict with the application of the provisions of
17 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ In in any situation
18 where the provisions of this subchapter cannot be validly enforced the provisions of
19 such other statutes or laws shall apply.

20 **SECTION 117.** 111.17 (2) of the statutes is repealed.

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

22 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
23 obligation of a municipal employer, through its officers and agents, and the
24 representative of its municipal employees in a collective bargaining unit, to meet and
25 confer at reasonable times, in good faith, with the intention of reaching an

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1 agreement, or to resolve questions arising under such an agreement, with respect to
 2 wages, hours, and conditions of employment for protective occupation participants
 3 and with respect to wages for general municipal employees, and with respect to a
 4 requirement of the municipal employer for a municipal employee to perform law
 5 enforcement and fire fighting services under s. 61.66 and for a school district with
 6 respect to any matter under sub. (4) (o), and for a school district with respect to any
 7 matter under sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb)
 8 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and
 9 confer with respect to any proposal to diminish or abridge the rights guaranteed to
 10 municipal employees law enforcement officers under ch. 164. Collective bargaining
 11 includes the reduction of any agreement reached to a written and signed document.

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

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

21 (1b) (b) In creating this subchapter the legislature recognizes that the
 22 municipal employer must exercise its powers and responsibilities to act for the
 23 government and good order of the jurisdiction which it serves, its commercial benefit
 24 and the health, safety, and welfare of the public to assure orderly operations and
 25 functions within its jurisdiction, subject to those rights secured to municipal

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SECTION 118

1 employees by the constitutions of this state and of the United States and by this
2 subchapter.

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

4 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
5 employees ~~who are school district employees or of municipal employees who are not~~
6 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
7 a. to be appropriate for the purpose of collective bargaining.

8 **SECTION 120.** 111.70 (1) (cm) of the statutes is created to read:

9 111.70 (1) (cm) "Consumer price index change" means the average annual
10 percentage change in the consumer price index for all urban consumers, U.S. city
11 average, as determined by the federal department of labor, for the 12 months
12 immediately preceding the current date.

13 **SECTION 121.** 111.70 (1) (f) of the statutes is amended to read:

14 111.70 (1) (f) "Fair-share agreement" means an agreement between a
15 municipal employer and a labor organization under which all or any of the employees
16 in the collective bargaining unit are required to pay their proportionate share of the
17 cost of the collective bargaining process and contract administration measured by
18 the amount of dues uniformly required of all members. ~~Such an agreement shall~~
19 ~~contain a provision requiring the employer to deduct the amount of dues as certified~~
20 ~~by the labor organization from the earnings of the employees affected by said~~
21 ~~agreement and to pay the amount so deducted to the labor organization.~~

22 **SECTION 122.** 111.70 (1) (fm) of the statutes is created to read:

23 111.70 (1) (fm) "General municipal employee" means a municipal employee
24 who is not a ^{public safety} ~~protective occupation participant~~ ^{employee}

25 **SECTION 123.** 111.70 (1) (j) of the statutes is amended to read:

1 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
2 metropolitan sewerage district, school district, long-term care district, transit
3 authority under s. 59.58 (7) or 66.1039, a local cultural arts district created under
4 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
5 of one or more political subdivisions of the state, that engages the services of an
6 employee and includes any person acting on behalf of a municipal employer within
7 the scope of the person’s authority, express or implied, ~~but specifically does not~~
8 ~~include a local cultural arts district created under subch. V of ch. 229.~~

9 **SECTION 124.** 111.70 (1) (mm) of the statutes is created to read:

10 111.70 (1) (mm) “^{Public safety employee}~~Protective occupation participant~~” means any municipal
11 employee who is employed in a position that, on the effective date of this paragraph
12 [LRB inserts date], is classified as a protective occupation [✓]participant under any
13 of the following:

14 1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.

15 2. A provision that is comparable to a provision under subd. 1. that is in a county
16 or city retirement system.

17 **SECTION 125.** 111.70 (1) (n) of the statutes is amended to read:

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

24 **SECTION 126.** 111.70 (1) (nm) of the statutes is amended to read:

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1 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
2 by municipal employees, and any concerted slowdown or other concerted
3 interruption of operations or services by municipal employees, or any concerted
4 refusal to work or perform their usual duties as municipal employees, for the purpose
5 of enforcing demands upon a municipal employer. Such conduct by municipal
6 employees which is not authorized or condoned by a labor organization constitutes
7 a "strike", but does not subject such labor organization to the penalties under this
8 subchapter. ~~This paragraph does not apply to collective bargaining units composed~~
9 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
10 ~~functions.~~

11 **SECTION 127.** 111.70 (2) of the statutes is amended to read:

12 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
13 right of self-organization, and the right to form, join, or assist labor organizations,
14 to bargain collectively through representatives of their own choosing, and to engage
15 in lawful, concerted activities for the purpose of collective bargaining or other mutual
16 aid or protection, and such employees shall. ~~Protective occupation participants~~ ^{Public safety employees} have
17 the right to refrain from any and all such activities except that employees a
18 public safety employee ~~protective occupation participant~~ may be required to pay dues in the manner
19 provided in a fair-share agreement. ~~Such; a fair-share agreement covering a~~
20 public safety employee ~~protective occupation participant~~ must contain a provision requiring the municipal
21 employer to deduct the amount of dues as certified by the labor organization from the
22 earnings of the ^{public safety employee} ~~protective occupation participant~~ affected by the fair-share
23 agreement and to pay the amount deducted to the labor organization. A general
24 municipal employee has the right to refrain from paying dues while remaining a
25 member of a collective bargaining unit except that general municipal employees may

1 be required to pay dues if they are subject to a fair-share agreement. A fair-share
2 agreement ~~shall be covering any municipal employee is~~ subject to the right of the
3 municipal employer or a labor organization to petition the commission to conduct a
4 referendum. Such petition must be supported by proof that at least 30% of the
5 employees in the collective bargaining unit desire that the fair-share agreement be
6 terminated. Upon so finding, the commission shall conduct a referendum. If the
7 continuation of the agreement is not supported by at least the majority of the eligible
8 employees, it shall ~~be deemed terminated~~ terminate. The commission shall declare
9 any fair-share agreement suspended upon such conditions and for such time as the
10 commission decides whenever it finds that the labor organization involved has
11 refused on the basis of race, color, sexual orientation, creed, or sex to receive as a
12 member any employee of the municipal employer in the bargaining unit involved,
13 and such agreement ~~shall be made~~ is subject to this duty of the commission. Any of
14 the parties to such agreement or any municipal employee covered ~~thereby~~ by the
15 agreement may come before the commission, as provided in s. 111.07, and ask the
16 performance of this duty.

17 **SECTION 128.** 111.70 (3) (a) 4. of the statutes is amended to read:

18 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
19 majority of its employees in an appropriate collective bargaining unit. Such refusal
20 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
21 including those provided for by statute, with individuals in the collective bargaining
22 unit while collective bargaining, mediation, or fact-finding concerning the terms and
23 conditions of a new collective bargaining agreement is in progress, unless such
24 individual contracts contain express language providing that the contract is subject
25 to amendment by a subsequent collective bargaining agreement. Where the

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1 employer has a good faith doubt as to whether a labor organization claiming the
 2 support of a majority of its employees in an appropriate bargaining unit does in fact
 3 have that support, it may file with the commission a petition requesting an election
 4 to that claim. An employer shall not be deemed to have refused to bargain until an
 5 election has been held and the results thereof certified to the employer by the
 6 commission. The violation shall include, though not be limited thereby, to the refusal
 7 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~
 8 ~~any collective bargaining agreement covering municipal employees who are not~~
 9 ~~school district employees shall not exceed 3 years, and the term of any collective~~
 10 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

11 **SECTION 129.** 111.70 (3) (a) 6. of the statutes is renumbered 111.70 (3) (a) 6. a.
 12 and amended to read:

13 111.70 (3) (a) 6. a. To deduct labor organization dues from an ~~employee's or~~
 14 supervisor's the earnings of a general municipal employee or supervisor.

15 b. To deduct labor organization dues from the earnings of a ~~protective~~
 16 ~~occupation participant's~~ earnings, unless the municipal employer has been
 17 presented with an individual order therefor, signed by the municipal ~~employee~~
 18 ~~protective/occupation participant~~ personally, and terminable by at least the end of
 19 any year of its life or earlier by the municipal ~~employee~~ ~~protective/occupation~~
 20 ~~participant~~ giving at least 30 days' written notice of such termination to the
 21 municipal employer and to the representative organization, except where there is
 22 when a fair-share agreement is in effect.

23 **SECTION 130.** 111.70 (3) (a) 7. of the statutes is repealed.

24 **SECTION 131.** 111.70 (3) (b) 6. of the statutes is repealed.

25 **SECTION 132.** 111.70 (3m) of the statutes is repealed.