



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1211/P4  
CMH/TKK/MES/JK:wlj:jf

*Now*

*PS*

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.

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***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 (public safety employees). This bill limits the right to collectively bargain for all

employees who are not 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 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.

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***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:

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

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

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

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

16           13.111 (2) DUTIES. The joint committee on employment relations shall perform  
17 the functions assigned to it under ~~subchs. subch.~~ subch. V and VI of ch. 111, subch. II of ch.  
18 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b). JF1

19           **SECTION 4.** 13.172 (1) of the statutes <sup>INSR</sup> ~~is~~ <sup>as amended by 2011 Wisconsin Act 58-6</sup> is amended to read:

20           13.172 (1) In this section, "agency" means an office, department, agency,  
21 institution of higher education, association, society, or other body in state  
22 government created or authorized to be created by the constitution or any law, that  
23 is entitled to expend moneys appropriated by law, including the legislature and the  
24 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
25 ch. ~~52~~, 231, 233, 234, <sup>238,</sup> or 279.

238, — plain

INSA

~~as affected by 2011 Wisconsin Act ... (SB-6)~~ Jrl

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

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

plain

Jrl

~~as affected by 2011 Wisconsin Act ... (SB-6)~~

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

13.62 (2) "Agency" means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 237, <sup>238, ← plain</sup> or 279, except that the term does not include a council or committee of the legislature.

INSA

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

13.94 (4) (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically ~~the Wisconsin Quality Home~~

*the Wisconsin Economic Development Corporation*

*plain*

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

*INS A  
as affected by 2011 Wisconsin Act*

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

13 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
 14 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
 15 shall be strictly nonpartisan and shall at all times observe the confidential nature  
 16 of the research requests received by it; however, with the prior approval of the  
 17 requester in each instance, the bureau may duplicate the results of its research for  
 18 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
 19 designated employees shall at all times, with or without notice, have access to all  
 20 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
 21 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
 22 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
 23 <sup>*the Wisconsin Economic Development Corporation,*</sup> Authority, <sup>*← plain*</sup> and the Fox River Navigational System Authority, and to any books,  
 24 records, or other documents maintained by such agencies or authorities and relating  
 25 to their expenditures, revenues, operations, and structure.

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

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

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

4 15.96 (2) Eight ~~voting~~ members of the University of Wisconsin Hospitals and  
5 Clinics Board constitute a quorum for the purpose of conducting the business and  
6 exercising the powers of the board, notwithstanding the existence of a vacancy.

7 SECTION 12. 16.002 (2) of the statutes <sup>as affected by 2011 Wisconsin Act 111</sup> is amended to read:

8 16.002 (2) "Departments" means constitutional offices, departments, and  
9 independent agencies and includes all societies, associations, and other agencies of  
10 state government for which appropriations are made by law, but not including  
11 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ <sup>plain</sup> in ~~chs. 52,~~

12 ~~ch.~~ <sup>238,</sup> 231, 232, 233, 234, 235, 237, ~~and or~~ <sup>plain</sup> 279.

13 SECTION 13. 16.004 (4) of the statutes <sup>as affected by 2011 Wisconsin Act 111</sup> is amended to read:

14 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
15 department as the secretary designates may enter into the offices of state agencies  
16 and authorities created under subch. II of ch. 114 ~~or~~ <sup>plain</sup> and subch. III of ch. 149 and  
17 ~~under chs. 52,~~ <sup>238,</sup> 231, 233, 234, 237, ~~and~~ 279, and may examine their books and  
18 accounts and any other matter that in the secretary's judgment should be examined  
19 and may interrogate the agency's employees publicly or privately relative thereto.

20 SECTION 14. 16.004 (5) of the statutes <sup>as affected by 2011 Wisconsin Act 111 (January 2011 Special Session Senate Bill 116)</sup> is amended to read:

21 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
22 authorities created under subch. II of ch. 114 ~~or~~ <sup>plain</sup> and subch. III of ch. 149 and under  
23 ~~chs. 52,~~ <sup>238,</sup> 231, 233, 234, 237, ~~and~~ 279, and their officers and employees, shall cooperate  
24 with the secretary and shall comply with every request of the secretary relating to  
25 his or her functions.

use 3x

**SECTION 15**

as affected by  
2011 Wisconsin Act ... (January 2011  
Special Session Senate Bill

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

2 16.004 (12) (a) In this subsection, "state agency" means an association,  
3 authority, board, department, commission, independent agency, institution, office,  
4 society, or other body in state government created or authorized to be created by the  
5 constitution or any law, including the legislature, the office of the governor, and the  
6 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
7 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
8 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
9 ~~Care Authority,~~ <sup>the Wisconsin Economic Development Corporation</sup> and the Fox River Navigational System Authority.

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

11 16.045 (1) (a) "Agency" means an office, department, independent agency,  
12 institution of higher education, association, society, or other body in state  
13 government created or authorized to be created by the constitution or any law, that  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
16 ch. 149 or in ch. ~~52,~~ 231, 232, 233, 234, 235, 237, <sup>238,</sup> or 279.

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

18 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but  
19 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
20 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ <sup>the Wisconsin Economic Development Corporation</sup> and the  
21 Health Insurance Risk-Sharing Plan Authority.

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

23 16.41 (4) In this section, "authority" means a body created under subch. II of  
24 ch. 114 or subch. III of ch. 149 or under ch. ~~52,~~ 231, 233, 234, 237, <sup>238,</sup> or 279.

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

1 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or  
2 ch. 52, 231, 232, 233, 234, 235, 237, (or 279. 238)

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

4 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
5 the pay ranges prescribed in the compensation plan or as provided in a collective  
6 bargaining agreement under subch. V or VI of ch. 111.

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

8 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
9 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
10 petty cash account from its contingent fund. The procedure for operation and  
11 maintenance of petty cash accounts and the character of expenditures therefrom  
12 shall be prescribed by the secretary. In this subsection, "agency" means an office,  
13 department, independent agency, institution of higher education, association,  
14 society, or other body in state government created or authorized to be created by the  
15 constitution or any law, that is entitled to expend moneys appropriated by law,  
16 including the legislature and the courts, but not including an authority created in  
17 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, (or 279. 238)

^ as affected by  
2011 Wisconsin Act  
... January 2011  
Special Session Senate  
Bill  
= (6) ^

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

19 16.528 (1) (a) "Agency" means an office, department, independent agency,  
20 institution of higher education, association, society, or other body in state  
21 government created or authorized to be created by the constitution or any law, that  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
24 ch. 149 or in ch. 52, 231, 233, 234, 237, (or 279. 238)

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



1           16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
2 invoice, the agency shall notify the sender of the invoice within 10 working days after  
3 it receives the invoice of the reason it is improperly completed. In this subsection,  
4 “agency” means an office, department, independent agency, institution of higher  
5 education, association, society, or other body in state government created or  
6 authorized to be created by the constitution or any law, that is entitled to expend  
7 moneys appropriated by law, including the legislature and the courts, but not  
8 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
9 52, 231, 233, 234, 237, or 279. (238),

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

11           16.54 (9) (a) 1. “Agency” means an office, department, independent agency,  
12 institution of higher education, association, society or other body in state  
13 government created or authorized to be created by the constitution or any law, which  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
16 ch. 149 or in ch. 52, 231, 233, 234, 237, or 279. (238),

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

18           16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.  
19 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

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

21           16.705 (3) (c) Do not enter into any contract for contractual services in conflict  
22 with any collective bargaining agreement under subch. V or VI of ch. 111.

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

24           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

as affected by 2011  
Wisconsin Act ... (January  
2011 Special Session  
Senate Bill  
1311)

**SECTION 27**

*the Wisconsin Economic Development Corporation*

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 shall include in all  
4 contracts executed by them a provision obligating the contractor not to discriminate  
5 against any employee or applicant for employment because of age, race, religion,  
6 color, handicap, sex, physical condition, developmental disability as defined in s.  
7 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,  
8 except with respect to sexual orientation, obligating the contractor to take  
9 affirmative action to ensure equal employment opportunities.

*as affected by 2011  
Wisconsin Act ...  
(January 2011 Special  
Session Senate  
Bill 6)*

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

10 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
12 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
13 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
14 the Bradley Center Sports and Entertainment Corporation shall include the  
15 following provision in every contract executed by them: "In connection with the  
16 performance of work under this contract, the contractor agrees not to discriminate  
17 against any employee or applicant for employment because of age, race, religion,  
18 color, handicap, sex, physical condition, developmental disability as defined in s.  
19 51.01 (5), sexual orientation or national origin. This provision shall include, but not  
20 be limited to, the following: employment, upgrading, demotion or transfer;  
21 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
22 forms of compensation; and selection for training, including apprenticeship. Except  
23 with respect to sexual orientation, the contractor further agrees to take affirmative  
24 action to ensure equal employment opportunities. The contractor agrees to post in  
25

1 conspicuous places, available for employees and applicants for employment, notices  
2 to be provided by the contracting officer setting forth the provisions of the  
3 nondiscrimination clause”.

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

5 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
7 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
8 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
9 the Bradley Center Sports and Entertainment Corporation shall take appropriate  
10 action to revise the standard government contract forms under this section.

11 **SECTION 30.** 16.765 (5) of the statutes, <sup>as affected by 2011 Wisconsin Act ... (January</sup> is amended to read: <sup>2011 Special Session</sup>  
12 16.765 (5) The head of each contracting agency and the boards of directors of <sup>Senate Bill 6)</sup>

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

1 making more effective the nondiscrimination and affirmative action provisions of  
2 contracts. The department shall promulgate such rules as may be necessary for the  
3 performance of its functions under this section.

4 **SECTION 31.** 16.765 (6) of the statutes <sup>as affected by 2011 Wisconsin Act ... (January 2011</sup> is amended to read: <sup>Special Session</sup>

5 16.765 (6) The department may receive complaints of alleged violations of the <sup>Senate</sup>  
6 nondiscrimination provisions of such contracts. The department shall investigate <sup>Bill 6)</sup>  
7 and determine whether a violation of this section has occurred. The department may  
8 delegate this authority to the contracting agency, the University of Wisconsin  
9 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
10 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
11 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
12 ~~Authority,~~ <sup>the Wisconsin Economic Development Corporation</sup> or the Bradley Center Sports and Entertainment Corporation for  
13 processing in accordance with the department's procedures.

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

15 16.765 (7) (intro.) When a violation of this section has been determined by the  
16 department, the contracting agency, the University of Wisconsin Hospitals and  
17 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
18 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
19 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~  
20 the Bradley Center Sports and Entertainment Corporation, the contracting agency,  
21 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
22 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
23 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
24 Authority, ~~the Wisconsin Quality Home Care Authority,~~ or the Bradley Center Sports  
25 and Entertainment Corporation shall:

**SECTION 33**

*as affected by 2011 Wisconsin Act ... (January 2011 Special Session Senate Bill 6)*

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

2           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
3 further violations of this section and to report its corrective action to the contracting  
4 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
5 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
6 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
7 Authority, ~~the Wisconsin Quality Home Care Authority,~~ *the Wisconsin Economic Development*  
8 and Entertainment Corporation.

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

10           16.765 (8) If further violations of this section are committed during the term  
11 of the contract, the contracting agency, the Fox River Navigational System Authority,  
12 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
13 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
14 ~~Care Authority,~~ or the Bradley Center Sports and Entertainment Corporation may  
15 permit the violating party to complete the contract, after complying with this section,  
16 but thereafter the contracting agency, the Fox River Navigational System Authority,  
17 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
18 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
19 ~~Care Authority,~~ or the Bradley Center Sports and Entertainment Corporation shall  
20 request the department to place the name of the party on the ineligible list for state  
21 contracts, or the contracting agency, the Fox River Navigational System Authority,  
22 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
23 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
24 ~~Care Authority,~~ or the Bradley Center Sports and Entertainment Corporation may  
25 terminate the contract without liability for the uncompleted portion or any materials

*Wisconsin Economic Development Corporation*

1 or services purchased or paid for by the contracting party for use in completing the  
2 contract.

*as affected by 2011 Wisconsin Act ... (January 2011  
Special Session  
Senate Bill 6)*

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

4 16.85 (2) To furnish engineering, architectural, project management, and other  
5 building construction services whenever requisitions therefor are presented to the  
6 department by any agency. The department may deposit moneys received from the  
7 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
8 fund as general purpose revenue — earned. In this subsection, “agency” means an  
9 office, department, independent agency, institution of higher education, association,  
10 society, or other body in state government created or authorized to be created by the  
11 constitution or any law, which is entitled to expend moneys appropriated by law,  
12 including the legislature and the courts, but not including an authority created in  
13 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, <sup>238,</sup> or 279.

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

15 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
16 proportionate share of the estimated costs attributable to programs administered by  
17 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
18 may charge premiums to agencies to finance costs under this subsection and pay the  
19 costs from the appropriation on an actual basis. The department shall deposit all  
20 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
21 Costs assessed under this subsection may include judgments, investigative and  
22 adjustment fees, data processing and staff support costs, program administration  
23 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
24 subsection, “agency” means an office, department, independent agency, institution  
25 of higher education, association, society, or other body in state government created

1 or authorized to be created by the constitution or any law, that is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, but not  
3 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
4 ~~52~~, 231, 232, 233, 234, 235, 237,<sup>(238)</sup> or 279.

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

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

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

8 19.82 (1) "Governmental body" means a state or local agency, board,  
9 commission, committee, council, department or public body corporate and politic  
10 created by constitution, statute, ordinance, rule or order; a governmental or  
11 quasi-governmental corporation except for the Bradley center sports and  
12 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
13 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
14 the foregoing, but excludes any such body or committee or subunit of such body which  
15 is formed for ~~or~~ meeting for the purpose of collective bargaining under subch. I, IV,  
16 or V, ~~or VI~~ of ch. 111.

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

18 19.85 (3) Nothing in this subchapter shall be construed to authorize a  
19 governmental body to consider at a meeting in closed session the final ratification or  
20 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111  
21 which has been negotiated by such body or on its behalf.

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

23 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
24 19.82 (1), where notice has been given by either party to a collective bargaining  
25 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its

1 expiration date, the employer shall give notice of such contract reopening as provided  
2 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
3 by the employer's chief officer or such person's designee.

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

5 20.425 (1) (a) *General program operations.* The amounts in the schedule for  
6 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

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

8 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
9 The amounts in the schedule for the performance of fact-finding, mediation,  
10 certification, and arbitration functions, for the provision of copies of transcripts, for  
11 the cost of operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94  
12 (3), for the preparation of publications, transcripts, reports, and other copied  
13 material, and for costs related to conducting appeals under s. 230.45. All moneys  
14 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 11.71 (1) and (2), 111.83 (3)  
15 (b), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators  
16 and arbitration panel members, and individuals who are interested in serving in  
17 such positions, and from individuals and organizations who participate in other  
18 collective bargaining training programs conducted by the commission, and all  
19 moneys received from the sale of publications, transcripts, reports, and other copied  
20 material shall be credited to this appropriation account.

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

22 20.545 (1) (k) *General program operations.* The amounts in the schedule to  
23 administer state employment relations functions and the civil service system under  
24 ~~subchs.~~ subch. V ~~and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and  
25 to defray the expenses of the state employees suggestion board. All moneys received



1 from state agencies for materials and services provided by the office of state  
2 employment relations shall be credited to this appropriation.

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

4 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in  
5 the schedule for the payment of the state's share of costs related to collective  
6 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~  
7 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state  
8 agencies for the purpose of reimbursing the state's share of the costs related to  
9 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for  
10 training related to grievance arbitrations, ~~and all moneys received from institutions,~~  
11 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~  
12 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~  
13 ~~of costs for training related to grievance arbitrations~~ shall be credited to this  
14 appropriation account.

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

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

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

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

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

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

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

12           20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*  
13 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient  
14 to supplement the appropriations to the University of Wisconsin System to pay the  
15 cost of pay and related adjustments approved by the joint committee on employment  
16 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under  
17 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a  
18 collective bargaining unit for which a representative is certified under subch. V ~~or~~  
19 VI of ch. 111, as determined under s. 20.928.

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

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

22           20.917 (3) (b) This subsection applies to employees in all positions in the civil  
23 service, including those employees in positions included in collective bargaining  
24 units under subch. V ~~or~~ VI of ch. 111, whether or not the employees are covered by  
25 a collective bargaining agreement.

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

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

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

5           20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the  
6 request under par. (a) shall be made to the state agency or to the University of  
7 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the  
8 directions and information prescribed by each state agency or by the authority. The  
9 request may be withdrawn or the amount paid to the payee may be changed by  
10 notifying the state agency or the authority to that effect, but no such withdrawal or  
11 change shall affect a payroll certification already prepared.

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

13           20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
14 following positions may be set by the appointing authority, subject to restrictions  
15 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
16 where the salaries are a subject of bargaining with a certified representative of a  
17 collective bargaining unit under s. 111.91 ~~or 111.998~~:

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

19           20.928 (1) Each state agency head shall certify to the department of  
20 administration, at such time and in such manner as the secretary of administration  
21 prescribes, the sum of money needed by the state agency from the appropriations  
22 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon  
23 receipt of the certifications together with such additional information as the  
24 secretary of administration prescribes, the secretary shall determine the amounts  
25 required from the respective appropriations to supplement state agency budgets.

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

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

1 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
2 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
3 report to the joint committee on finance and the secretary of administration and  
4 director of the office of state employment relations concerning the amounts of any  
5 salary increases granted to recognize competitive factors, and the institutions at  
6 which they are granted, for the 12-month period ending on the preceding June 30.

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

9 36.25 (13g) (c) The board may negotiate and enter into a contractual services  
10 agreement with the University of Wisconsin Hospitals and Clinics Board for the  
11 provision of services by employees of the University of Wisconsin Hospitals and  
12 Clinics Board. Any agreement under this ~~subdivision~~ paragraph shall include a  
13 provision that requires the board to make adequate payments to the University of  
14 Wisconsin Hospitals and Clinics Board for any services provided under the  
15 agreement in advance of their need by the University of Wisconsin Hospitals and  
16 Clinics Board to pay its employees for such services.

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

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

19 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
20 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or  
21 under s. 230.12 or 233.10.

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

23 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of  
24 the contributions required by par. (a), but all the payments shall be available for  
25 benefit purposes to the same extent as required contributions deducted from

**SECTION 61**

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

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

2           40.05 (4) (ag) (intro.) Beginning on January 1, 2004, except as otherwise  
3           provided in accordance with a collective bargaining agreement under subch. I, V, ~~or~~  
4           VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed  
5           insured employees:

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

7           40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not  
8           covered by a collective bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 and  
9           for employees whose health insurance premium contribution rates are not  
10          determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.  
11          (ag) unless a different amount is recommended by the director of the office of state  
12          employment relations and approved by the joint committee on employment relations  
13          in the manner provided for approval of changes in the compensation plan under s.  
14          230.12 (3).

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

16          40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
17          sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.  
18          I, V, ~~or~~ VI of ch. 111 of any eligible employee shall, at the time of death, upon  
19          qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)  
20          or upon termination of creditable service and qualifying as an eligible employee  
21          under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate  
22          he or she received while employed by the state, to credits for payment of health  
23          insurance premiums on behalf of the employee or the employee's surviving insured  
24          dependents. Any supplemental compensation that is paid to a state employee who  
25          is classified under the state classified civil service as a teacher, teacher supervisor,

INS  
23-6

1 or education director for the employee's completion of educational courses that have  
2 been approved by the employee's employer is considered as part of the employee's  
3 basic pay for purposes of this paragraph. The full premium for any eligible employee  
4 who is insured at the time of retirement, or for the surviving insured dependents of  
5 an eligible employee who is deceased, shall be deducted from the credits until the  
6 credits are exhausted and paid from the account under s. 40.04 (10), and then  
7 deducted from annuity payments, if the annuity is sufficient. The department shall  
8 provide for the direct payment of premiums by the insured to the insurer if the  
9 premium to be withheld exceeds the annuity payment. Upon conversion of an  
10 employee's unused sick leave to credits under this paragraph or par. (bf), the  
11 employee or, if the employee is deceased, the employee's surviving insured  
12 dependents may initiate deductions from those credits or may elect to delay  
13 initiation of deductions from those credits, but only if the employee or surviving  
14 insured dependents are covered by a comparable health insurance plan or policy  
15 during the period beginning on the date of the conversion and ending on the date on  
16 which the employee or surviving insured dependents later elect to initiate  
17 deductions from those credits. If an employee or an employee's surviving insured  
18 dependents elect to delay initiation of deductions from those credits, an employee or  
19 the employee's surviving insured dependents may only later elect to initiate  
20 deductions from those credits during the annual enrollment period under par. (be).  
21 A health insurance plan or policy is considered comparable if it provides hospital and  
22 medical benefits that are substantially equivalent to the standard health insurance  
23 plan established under s. 40.52 (1).

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



1           40.05 (4) (bw) On converting accumulated unused sick leave to credits for the  
2 payment of health insurance premiums under par. (b), the department shall add  
3 additional credits, calculated in the same manner as are credits under par. (b), that  
4 are based on a state employee's accumulated sabbatical leave or earned vacation  
5 leave from the state employee's last year of service prior to retirement, or both. The  
6 department shall apply the credits awarded under this paragraph for the payment  
7 of health insurance premiums only after the credits awarded under par. (b) are  
8 exhausted. This paragraph applies only to state employees who are eligible for  
9 accumulated unused sick leave conversion under par. (b) and who are entitled to the  
10 benefits under this paragraph pursuant to a collective bargaining agreement under  
11 subch. V ~~or VI~~ of ch. 111.

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

13           40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
14 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111  
15 or under rules promulgated by the director of the office of state employment relations  
16 or is eligible for reemployment with the state under s. 321.64 after completion of his  
17 or her service in the U.S. armed forces.

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

19           40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
20 continuation insurance provided under subch. V the employee shall pay the amount  
21 remaining after the employer has contributed the following or, if different, the  
22 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~  
23 of ch. 111 or s. 230.12 or 233.10:

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

1           40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
2 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,  
3 V, ~~or~~ VI of ch. 111.

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

5           40.05 (6) (a) Except as otherwise provided in accordance with a collective  
6 bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 or s. 230.12 or 233.10, each  
7 insured employee under the age of 70 and annuitant under the age of 65 shall pay  
8 for group life insurance coverage a sum, approved by the group insurance board,  
9 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
10 based upon the last amount of insurance in force during the month for which  
11 earnings are paid. The equivalent premium may be fixed by the group insurance  
12 board if the annual compensation is paid in other than 12 monthly installments.

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

14           40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
15 of the department, any collective bargaining agreement under subch. I, V, ~~or~~ VI of  
16 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,  
17 757.02 (5) and 978.12 (3).

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

19           40.80 (3) Any action taken under this section shall apply to employees covered  
20 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

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

22           40.81 (3) Any action taken under this section shall apply to employees covered  
23 by a collective bargaining agreement under subch. IV, or V, ~~or~~ VI of ch. 111.

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

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

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

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

5           46.2895 (8) (a) 1. If the long-term care district offers employment to any  
6 individual who was previously employed by a county, which participated in creating  
7 the district and at the time of the offer had not withdrawn or been removed from the  
8 district under sub. (14), and who while employed by the county performed duties  
9 relating to the same or a substantially similar function for which the individual is  
10 offered employment by the district and whose wages, ~~hours and conditions of~~  
11 ~~employment~~ were established in a collective bargaining agreement with the county  
12 under subch. IV of ch. 111 that is in effect on the date that the individual commences  
13 employment with the district, with respect to that individual, abide by the terms of  
14 the collective bargaining agreement concerning the individual's wages and, if  
15 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday  
16 allowance, funeral leave allowance, personal day allowance, or paid time off  
17 allowance until the time of the expiration of that collective bargaining agreement or  
18 adoption of a collective bargaining agreement with the district under subch. IV of ch.  
19 111 covering the individual as an employee of the district, whichever occurs first.

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

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

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

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

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

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

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

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

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

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

20           **66.0508 Collective bargaining.** (1) Except as provided under subch. IV of  
21 ch. 111, no city, village, town, county, metropolitan sewerage district, long-term care  
22 district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts district  
23 under subch. V of ch. 229, or other political subdivision of the state may collectively  
24 bargain with its employees.

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

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

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

18           66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or  
19           66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. ~~52~~, 231, 232,  
20           233, 234, 235, 237, or 279.

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

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

23           71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
24           Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan

*as affected by 2011 Wisconsin Act ...*  
*(January 2011 Special Session Senate Bill 6)*

*of the Wisconsin  
Economic Development  
Corporation*

1 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
2 Navigational System Authority, and of the Wisconsin Aerospace Authority.

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

4 73.03 (68) At the request of the Wisconsin Employment Relations Commission,  
5 as provided under s. 111.91 (3q), to determine the average annual percentage change  
6 in the U.S. consumer price index for all urban consumers, U.S. city average, as  
7 determined by the federal department of labor, for the 12 months immediately  
8 preceding the request from the Wisconsin Employment Relations Commission.

9 SECTION 87. 77.54 (9a) (a) of the statutes <sup>as affected by 2011 Wisconsin Act</sup> is amended to read: (January 2011  
Special Session

10 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
11 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
12 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~  
13 ~~Authority,~~ and the Fox River Navigational System Authority.

*Senate  
Bill  
(6)*

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

15 100.45 (1) (dm) "State agency" means any office, department, agency,  
16 institution of higher education, association, society or other body in state  
17 government created or authorized to be created by the constitution or any law which  
18 is entitled to expend moneys appropriated by law, including the legislature and the  
19 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
20 Center Sports and Entertainment Corporation, the University of Wisconsin  
21 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
22 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~  
23 ~~Authority,~~ <sup>the Wisconsin Economic Development Corporation</sup> and the Fox River Navigational System Authority.

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

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

*the Wisconsin Economic Development Corporation*

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

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

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

18           111.02 (1) ~~The term "all-union~~ "All-union agreement" ~~shall mean~~ means an  
19 agreement between an employer ~~other than the University of Wisconsin Hospitals~~  
20 ~~and Clinics Authority~~ and the representative of the employer's employees in a  
21 collective bargaining unit whereby all or any of the employees in such unit are  
22 required to be members of a single labor organization.

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

24           111.02 (2) "Collective bargaining" ~~is the negotiating~~ means the negotiation by  
25 an employer and a majority of the employer's employees in a collective bargaining

1 unit, or their representatives, concerning representation or terms and conditions of  
2 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~  
3 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject  
4 under negotiation.

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

6 111.02 (3) "Collective bargaining unit" means all of the employees of one  
7 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~  
8 except that where a majority of the employees engaged in a single craft, division,  
9 department or plant have voted by secret ballot as provided in s. 111.05 (2) to  
10 constitute such group a separate bargaining unit they shall be so considered, but, in  
11 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to  
12 111.19, the commission may find, where agreeable to all parties affected in any way  
13 thereby, an industry, trade or business comprising more than one employer in an  
14 association in any geographical area to be a "collective bargaining unit". A collective  
15 bargaining unit thus established by the commission shall be subject to all rights by  
16 termination or modification given by ss. 111.01 to 111.19 in reference to collective  
17 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more  
18 collective bargaining units may bargain collectively through the same  
19 representative where a majority of the employees in each separate unit have voted  
20 by secret ballot as provided in s. 111.05 (2) so to do.

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

22 **SECTION 95.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,  
23 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

1 agreement, or to resolve questions arising under such an agreement, with respect to  
2 wages, hours, and conditions of employment for public safety employees and with  
3 respect to wages for general municipal employees, and with respect to a requirement  
4 of the municipal employer for a municipal employee to perform law enforcement and  
5 fire fighting services under s. 61.66 ~~and for a school district with respect to any~~  
6 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~  
7 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~  
8 s. 40.81 (3) and except that a municipal employer shall not meet and confer with  
9 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~  
10 any public safety employees under ch. 164. Collective bargaining includes the  
11 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; public safety employees. A  
16 municipal employer shall is not be required to bargain with public safety employees  
17 on subjects reserved to management and direction of the governmental unit except  
18 insofar as the manner of exercise of such functions affects the wages, hours, and  
19 conditions of employment of the municipal public safety employees in a collective  
20 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

**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 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" means any municipal employee who  
11 is employed in a position that, on the effective date of this paragraph .... [LRB inserts  
12 date], is classified as a protective occupation participant under any of the following:

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

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

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

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

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

24           111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work  
25 by municipal employees, and any concerted slowdown or other concerted

**SECTION 126**

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

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

10 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the  
11 right of self-organization, and the right to form, join, or assist labor organizations,  
12 to bargain collectively through representatives of their own choosing, and to engage  
13 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
14 aid or protection, ~~and such employees shall.~~ Public safety employees have the right  
15 to refrain from any and all such activities except that ~~employees~~ a public safety  
16 employee may be required to pay dues in the manner provided in a fair-share  
17 agreement. ~~Such; a fair-share agreement covering a public safety employee must~~  
18 contain a provision requiring the municipal employer to deduct the amount of dues  
19 as certified by the labor organization from the earnings of the public safety employee  
20 affected by the fair-share agreement and to pay the amount deducted to the labor  
21 organization. A general municipal employee has the right to refrain from paying  
22 dues while remaining a member of a collective bargaining unit except that general  
23 municipal employees may be required to pay dues if they are subject to a fair-share  
24 agreement. A fair-share agreement shall be covering any municipal employee is  
25 subject to the right of the municipal employer or a labor organization to petition the



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

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

15 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a  
16 majority of its employees in an appropriate collective bargaining unit. Such refusal  
17 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,  
18 including those provided for by statute, with individuals in the collective bargaining  
19 unit while collective bargaining, mediation, or fact-finding concerning the terms and  
20 conditions of a new collective bargaining agreement is in progress, unless such  
21 individual contracts contain express language providing that the contract is subject  
22 to amendment by a subsequent collective bargaining agreement. Where the  
23 employer has a good faith doubt as to whether a labor organization claiming the  
24 support of a majority of its employees in an appropriate bargaining unit does in fact  
25 have that support, it may file with the commission a petition requesting an election

**SECTION 128**

1 to that claim. An employer shall not be deemed to have refused to bargain until an  
2 election has been held and the results thereof certified to the employer by the  
3 commission. The violation shall include, though not be limited thereby, to the refusal  
4 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~  
5 ~~any collective bargaining agreement covering municipal employees who are not~~  
6 ~~school district employees shall not exceed 3 years, and the term of any collective~~  
7 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

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

10 111.70 (3) (a) 6. a. To deduct labor organization dues from ~~an employee's or~~  
11 ~~supervisor's~~ the earnings of a general municipal employee or supervisor.

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

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

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

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

22 **SECTION 133.** 111.70 (3p) of the statutes is repealed.

23 **SECTION 134.** 111.70 (4) (intro.) of the statutes is amended to read:

24 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct  
25 any election under this subsection by secret ballot and shall be governed by adhere

1 to the following provisions relating to bargaining in municipal employment in  
2 addition to other powers and duties provided in this subchapter:

3 **SECTION 135.** 111.70 (4) (am) of the statutes is created to read:

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

8 **SECTION 136.** 111.70 (4) (c) (title) of the statutes is amended to read:

9 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*  
10 *and fire fighting personnel public safety employees.*

11 **SECTION 137.** 111.70 (4) (c) 1. of the statutes is amended to read:

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

18 **SECTION 138.** 111.70 (4) (c) 2. of the statutes is amended to read:

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

24 b. A collective bargaining agreement involving a collective bargaining unit  
25 containing a public safety employee may, notwithstanding s. 62.13 (5), contain

**SECTION 138**

1 dispute resolution procedures, including arbitration, that address the suspension,  
2 reduction in rank, suspension and reduction in rank, or removal of such personnel.  
3 If the procedures include arbitration, the arbitration hearing shall be public and the  
4 decision of the arbitrator shall be issued within 180 days of the conclusion of the  
5 hearing.

6 **SECTION 139.** 111.70 (4) (c) 3. of the statutes is amended to read:

7 111.70 (4) (c) 3. 'Fact-finding.' If Unless s. 111.77 applies, if a dispute involving  
8 a collective bargaining unit containing a public safety employee has not been settled  
9 after a reasonable period of negotiation and after the settlement procedures, if any,  
10 established by the parties have been exhausted, and the parties are deadlocked with  
11 respect to any dispute between them arising in the collective bargaining process,  
12 either party, or the parties jointly, may petition the commission, in writing, to initiate  
13 fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the  
14 deadlock, as follows:

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

21 b. The fact finder appointed under subd. 3. a. may establish dates and place of  
22 hearings which shall be where feasible, and shall conduct the hearings pursuant to  
23 rules established by the commission. Upon request, the commission shall issue  
24 subpoenas for hearings conducted by the fact finder. The fact finder may administer  
25 oaths. Upon completion of the hearing, the fact finder shall make written findings

1 of fact and recommendations for solution of the dispute and shall cause the same to  
2 be served on the parties and the commission. Cost of fact-finding proceedings shall  
3 be divided equally between the parties. At the time the fact finder submits a  
4 statement of his or her costs to the parties, the fact finder shall submit a copy thereof  
5 of the statement to the commission at its Madison office.

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

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

15 **SECTION 140.** 111.70 (4) (c) 4. of the statutes is repealed.

16 **SECTION 141.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended  
17 to read:

18 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other*  
19 *personnel general municipal employees.* 1. 'Notice of commencement of contract  
20 negotiations.' For the purpose of advising the commission of the commencement of  
21 contract negotiations involving a collective bargaining unit containing general  
22 municipal employees, whenever either party requests the other to reopen  
23 negotiations under a binding collective bargaining agreement, or the parties  
24 otherwise commence negotiations if no such agreement exists, the party requesting  
25 negotiations shall immediately notify the commission in writing. Upon failure of the

1 requesting party to provide such notice, the other party may so notify the  
2 commission. The notice shall specify the expiration date of the existing collective  
3 bargaining agreement, if any, and shall set forth any additional information the  
4 commission may require on a form provided by the commission.

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

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

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

24 **SECTION 142.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

25 **SECTION 143.** 111.70 (4) (cm) 8m. of the statutes is amended to read: