

1           111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for  
2           the initial collective bargaining agreement between the parties and except as the  
3           parties otherwise agree, every collective bargaining agreement covering general  
4           municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, ~~but in~~  
5           ~~no case may a collective bargaining agreement for any collective bargaining unit~~  
6           ~~consisting of municipal employees subject to this paragraph other than school~~  
7           ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~  
8           ~~agreement for any collective bargaining unit consisting of school district employees~~  
9           ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be  
10          extended. No ~~arbitration award may contain a provision for reopening of~~  
11          ~~negotiations during the term of a collective bargaining agreement, covering general~~  
12          municipal employees may be reopened for negotiations unless both parties agree to  
13          ~~such a provision~~ reopen the collective bargaining agreement. The requirement for  
14          agreement by both parties does not apply to a provision for reopening of negotiations  
15          with respect to any portion of an agreement that is declared invalid by a court or  
16          administrative agency or rendered invalid by the enactment of a law or promulgation  
17          of a federal regulation.

18           **SECTION 144.** 111.70 (4) (cm) 9. of the statutes is repealed.

19           **SECTION 145.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

20           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
21          bargaining unit for the purpose of collective bargaining and shall whenever possible,  
22          ~~unless otherwise required under this subchapter,~~ avoid fragmentation by  
23          maintaining as few collective bargaining units as practicable in keeping with the size  
24          of the total municipal workforce. ~~In making such a determination, the~~ The  
25          commission may decide whether, in a particular case, the municipal employees in the

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

1 collective bargaining units consisting of school district employees if a majority of the  
2 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~  
3 ~~under this subsection shall be by secret ballot.~~

4 **SECTION 146.** 111.70 (4) (d) 3. of the statutes is amended to read:

5 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning  
6 representation or appropriate unit, calling for a vote, the commission shall certify the  
7 results in writing to the municipal employer and the labor organization involved and  
8 to any other interested parties.

9 c. Any ballot used in a representation proceeding under this subdivision shall  
10 include the names of all persons having an interest in representing or the results.  
11 The ballot should be so designed as to permit a vote against representation by any  
12 candidate named on the ballot. The findings of the commission, on which a  
13 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

14 **SECTION 147.** 111.70 (4) (d) 3. b. of the statutes is created to read:

15 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify  
16 the representative of the collective bargaining unit that contains a general municipal  
17 employee. The election shall occur no later than December 1 for a collective  
18 bargaining unit containing school district employees and no later than May 1 for a  
19 collective bargaining unit containing general municipal employees who are not  
20 school district employees. The commission shall certify any representative that  
21 receives at least 51 percent of the votes of all of the general municipal employees in  
22 the collective bargaining unit. If no representative receives at least 51 percent of the  
23 votes of all of the general municipal employees in the collective bargaining unit, the  
24 commission shall decertify the current representative and terminate the contract  
25 and the general municipal employees shall be nonrepresented. Notwithstanding

**SECTION 147**

1 sub. (2), if a contract is terminated under this subd. 3. b., the affected general  
2 municipal employees may not be included in a substantially similar collective  
3 bargaining unit for 12 months from the date the contract is terminated. The  
4 commission shall assess and collect a certification fee for each election conducted  
5 under this subd. 3. b. Fees collected under this subd. 3. b. shall be credited to the  
6 appropriation account under s. 20.425 (1) (i).

7 **SECTION 148.** 111.70 (4) (L) of the statutes is amended to read:

8 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~  
9 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right  
10 to strike by any municipal employee or labor organization, and such strikes are  
11 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~  
12 ~~injunction has been issued against such strike under sub. (7m).~~

13 **SECTION 149.** 111.70 (4) (m) of the statutes is repealed.

14 **SECTION 150.** 111.70 (4) (mb) of the statutes is created to read:

15 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

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

19 1. Any factor or condition of employment except wages, which is limited for  
20 general municipal employees to include only base wages and to exclude overtime or  
21 supplemental compensation, pay schedules, and automatic pay progressions.

22 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any  
23 proposal that does any of the following:

24 a. If the consumer price index change is positive, provides for a wage  
25 expenditure per employee in the contract that, after adjustment for pay schedules

1 and automatic pay progressions, exceeds the wage expenditure per employee in the  
2 previous contract by a greater percentage than the consumer price index change.

3 b. If the consumer price index change is negative, provides for a wage  
4 expenditure per employee in the contract that, after adjustment for pay schedules  
5 and automatic pay progressions, exceeds the wages expenditure in the previous  
6 contract decreased by a percentage of that expenditure that is equal to the negative  
7 consumer price index change.

8 SECTION 151. 111.70 (4) (mc) (intro.) of the statutes is amended to read:

9 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*

10 (intro.) The municipal employer is prohibited from bargaining collectively with a  
11 collective bargaining unit containing a public safety employee with respect to any of  
12 the following:

13 SECTION 152. 111.70 (4) (mc) 4. of the statutes is repealed.

14 SECTION 153. 111.70 (4) (n) and (o) of the statutes are repealed.

15 SECTION 154. 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).

16 SECTION 155. 111.70 (6) of the statutes is renumbered 111.70 (1b) (a).

17 SECTION 156. 111.70 (7) of the statutes is repealed.

18 SECTION 157. 111.70 (7m) (b) of the statutes is repealed.

19 SECTION 158. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

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

1 to represent the municipal employees covered by ~~such dues check-off~~ the collective  
2 bargaining agreement or fair-share agreement or the agreement is no longer in  
3 effect.

4 **SECTION 159.** 111.70 (7m) (c) 3. of the statutes is repealed.

5 **SECTION 160.** 111.70 (7m) (e) and (f) of the statutes are repealed.

6 **SECTION 161.** 111.70 (8) (a) of the statutes is amended to read:

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

13 **SECTION 162.** 111.71 (2) of the statutes is amended to read:

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

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

23 **SECTION 163.** 111.71 (4) of the statutes is repealed.

24 **SECTION 164.** 111.71 (5) of the statutes is repealed.

25 **SECTION 165.** 111.77 (intro.) of the statutes is amended to read:

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

7           **SECTION 166.** 111.77 (8) (a) of the statutes is amended to read:

8           111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees  
9 who are supervisors employed by a county having a population of 500,000 or more.  
10 For purposes of such application, the term “municipal employee” includes such a  
11 supervisor.

12           **SECTION 167.** 111.81 (1) of the statutes is amended to read:

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

23           **SECTION 168.** 111.81 (3h) of the statutes is repealed.

24           **SECTION 169.** 111.81 (3n) of the statutes is created to read:



1           111.81 (3n) "Consumer price index change" means the average annual  
2 percentage change in the consumer price index for all urban consumers, U.S. city  
3 average, as determined by the federal department of labor, for the 12 months  
4 immediately preceding the current date.

5           **SECTION 170.** 111.81 (7) (g) of the statutes is repealed.

6           **SECTION 171.** 111.81 (9g) of the statutes is created to read:

7           111.81 (9g) "General employee" means an employee who is not a public safety  
8 employee.

9           **SECTION 172.** 111.81 (9k) of the statutes is repealed.

10          **SECTION 173.** 111.81 (12m) of the statutes is renumbered 111.81 (12m) (intro.)  
11 and amended to read:

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

16           (a) The public safety employees whose dues are being deducted from earnings  
17 under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall  
18 continue to have dues deducted for the duration of the agreement, and that dues shall  
19 be deducted from the earnings of all public safety employees who are hired on or after  
20 the effective date of the agreement.

21           (b) The general employees or supervisors who are required to pay dues at the  
22 time the agreement takes effect shall continue to be required to pay dues for the  
23 duration of the agreement, and all general employees or supervisors who are hired  
24 on or after the effective date of the agreement shall be required to pay dues for the  
25 duration of the agreement.

INS  
55-6

1           **SECTION 174.** 111.81 (15r) of the statutes is created to read:

2           111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)  
3 (am) 8. or 110.07 (2).

4           **SECTION 175.** 111.815 (1) of the statutes is amended to read:

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

1 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter  
2 school established by contract under s. 118.40 (2r) (cm) is responsible for the  
3 employer functions under this subchapter. ~~With respect to the collective bargaining~~  
4 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~  
5 ~~the employer functions of the executive branch under this subchapter.~~

6 **SECTION 176.** 111.815 (2) of the statutes is amended to read:

7 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of  
8 the office shall, together with the appointing authorities or their representatives,  
9 represent the state in its responsibility as an employer under this subchapter except  
10 with respect to negotiations in the collective bargaining units specified in s. 111.825  
11 ~~(1m)~~, (2) (f), ~~and (2g)~~. The director of the office shall establish and maintain,  
12 wherever practicable, consistent employment relations policies and practices  
13 throughout the state service.

14 **SECTION 177.** 111.82 of the statutes is amended to read:

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

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

24 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
25 collective bargaining, units must be structured in such a way as to avoid excessive

**SECTION 178**

1 fragmentation whenever possible. In accordance with this policy, collective  
2 bargaining units for employees in the classified service of the state, ~~except employees~~  
3 ~~in the collective bargaining units specified in sub. (1m)~~, are structured on a statewide  
4 basis with one collective bargaining unit for each of the following occupational  
5 groups:

6 **SECTION 179.** 111.825 (1) (g) of the statutes is created to read:

7 111.825 (1) (g) Public safety employees.

8 **SECTION 180.** 111.825 (1m) of the statutes is repealed.

9 **SECTION 181.** 111.825 (2g) of the statutes is repealed.

10 **SECTION 182.** 111.825 (3) of the statutes is amended to read:

11 111.825 (3) The commission shall assign employees to the appropriate  
12 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

13 **SECTION 183.** 111.825 (4) of the statutes is amended to read:

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

22 **SECTION 184.** 111.825 (4m) of the statutes is repealed.

23 **SECTION 185.** 111.825 (5) of the statutes is amended to read:

24 111.825 (5) Although supervisors are not considered employees for purposes  
25 of this subchapter, the commission may consider a petition for a statewide collective

1 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
2 supervisors in the classified service, but the representative of supervisors may not  
3 be affiliated with any labor organization representing employees. For purposes of  
4 this subsection, affiliation does not include membership in a national, state, county  
5 or municipal federation of national or international labor organizations. The  
6 certified representative of supervisors who are not public safety employees may not  
7 bargain collectively with respect to any matter other than wages and fringe benefits  
8 as provided in s. 111.91 (3), and the certified representative of supervisors who are  
9 public safety employees may not bargain collectively with respect to any matter other  
10 than wages and fringe benefits as provided in s. 111.91 (1).

11 **SECTION 186.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

12 **SECTION 187.** 111.825 (6) (b) of the statutes is created to read:

13 111.825 (6) (b) The commission may assign only a public safety employee to the  
14 collective bargaining unit under sub. (1) (g).

15 **SECTION 188.** 111.83 (1) of the statutes is amended to read:

16 111.83 (1) Except as provided in ~~subs. sub. (5) and (5m)~~, a representative  
17 chosen for the purposes of collective bargaining by a majority of the employees voting  
18 in a collective bargaining unit shall be the exclusive representative of all of the  
19 employees in such unit for the purposes of collective bargaining. Any individual  
20 employee, or any minority group of employees in any collective bargaining unit, may  
21 present grievances to the employer in person, or through representatives of their own  
22 choosing, and the employer shall confer with said employee or group of employees in  
23 relation thereto if the majority representative has been afforded the opportunity to  
24 be present at the conference. Any adjustment resulting from such a conference may

1 not be inconsistent with the conditions of employment established by the majority  
2 representative and the employer.

3 **SECTION 189.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

4 **SECTION 190.** 111.83 (3) (b) of the statutes is created to read:

5 111.83 (3) (b) Annually, no later than December 1, the commission shall  
6 conduct an election to certify the representative of a collective bargaining unit that  
7 contains a general employee. There shall be included on the ballot the names of all  
8 labor organizations having an interest in representing the general employees  
9 participating in the election. The commission may exclude from the ballot one who,  
10 at the time of the election, stands deprived of his or her rights under this subchapter  
11 by reason of a prior adjudication of his or her having engaged in an unfair labor  
12 practice. The commission shall certify any representative that receives at least 51  
13 percent of the votes of all of the general employees in the collective bargaining unit.  
14 If no representative receives at least 51 percent of the votes of all of the general  
15 employees in the collective bargaining unit, the commission shall decertify the  
16 current representative and terminate the contract and the general employees shall  
17 be nonrepresented. Notwithstanding s. 111.82, if a contract is terminated under this  
18 paragraph, the affected general employees may not be included in a substantially  
19 similar collective bargaining unit for 12 months from the date the contract is  
20 terminated. The commission's certification of the results of any election is conclusive  
21 unless reviewed as provided by s. 111.07 (8). The commission shall assess and collect  
22 a certification fee for each election conducted under this paragraph. Fees collected  
23 under this paragraph shall be credited to the appropriation account under s. 20.425  
24 (1) (i).

25 **SECTION 191.** 111.83 (4) of the statutes is amended to read:

1           111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
2 the name of more than one proposed representative appears on the ballot and results  
3 in no conclusion, the commission may, if requested by any party to the proceeding  
4 within 30 days from the date of the certification of the results of the election, conduct  
5 a runoff election. In that runoff election, the commission shall drop from the ballot  
6 the name of the representative who received the least number of votes at the original  
7 election. The commission shall drop from the ballot the privilege of voting against  
8 any representative if the least number of votes cast at the first election was against  
9 representation by any named representative.

10           **SECTION 192.** 111.83 (5m) of the statutes is repealed.

11           **SECTION 193.** 111.83 (7) of the statutes is repealed.

12           **SECTION 194.** 111.84 (1) (b) of the statutes is amended to read:

13           111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
14 create, dominate or interfere with the formation or administration of any labor or  
15 employee organization or contribute financial support to it. Except as provided in  
16 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
17 retirement system under ch. 40 and no action by the employer that is authorized by  
18 such a law constitutes a violation of this paragraph unless an applicable collective  
19 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)  
20 specifically prohibits the change or action. No such change or action affects the  
21 continuing duty to bargain collectively with a collective bargaining unit under s.  
22 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent  
23 required by s. 111.91 (1). It is not an unfair labor practice for the employer to  
24 reimburse an employee at his or her prevailing wage rate for the time spent during  
25 the employee's regularly scheduled hours conferring with the employer's officers or

**SECTION 194**

1 agents and for attendance at commission or court hearings necessary for the  
2 administration of this subchapter. Professional supervisory or craft personnel may  
3 maintain membership in professional or craft organizations; however, as members  
4 of such organizations they shall be prohibited from those activities related to  
5 collective bargaining in which the organizations may engage.

6 **SECTION 195.** 111.84 (1) (d) of the statutes is amended to read:

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

17 **SECTION 196.** 111.84 (1) (f) of the statutes is renumbered 111.84 (1) (f) 1. and  
18 amended to read:

19 111.84 (1) (f) 1. To deduct labor organization dues from ~~an employee's~~ the  
20 earnings of a general employee.

21 2. To deduct labor organization dues from the earnings of a public safety  
22 employee, unless the employer has been presented with an individual order therefor,  
23 signed by the public safety employee personally, and terminable by at least the end  
24 of any year of its life or earlier by the public safety employee giving at least 30 but  
25 not more than 120 days' written notice of such termination to the employer and to



1 the representative labor organization, except if there is a fair-share or maintenance  
2 of membership agreement in effect. The employer shall give notice to the labor  
3 organization of receipt of such notice of termination.

4 **SECTION 197.** 111.84 (2) (c) of the statutes is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
6 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the  
7 employer which is the recognized or certified exclusive collective bargaining  
8 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
9 bargaining unit or with the certified exclusive collective bargaining representative  
10 of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective  
11 bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
12 refusal to execute a collective bargaining agreement previously orally agreed upon.

13 **SECTION 198.** 111.84 (3) of the statutes is amended to read:

14 111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
15 on behalf of or in the interest of employers or employees, or in connection with or to  
16 influence the outcome of any controversy as to employment relations, any act  
17 prohibited by ~~subs.~~ sub. (1) ~~and or~~ (2).

18 **SECTION 199.** 111.85 (1) (c) of the statutes is renumbered 111.85 (1) (c) 1. and  
19 amended to read:

20 111.85 (1) (c) 1. If general employees authorize a fair-share or maintenance of  
21 membership agreement ~~is authorized~~ in a referendum, the employer shall enter into  
22 such an agreement with the labor organization named on the ballot in the  
23 referendum. Unless the parties agree to an earlier date, the agreement shall take  
24 effect 60 days after certification by the commission that the referendum vote  
25 authorized the agreement.

**SECTION 199**

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

16           **SECTION 200.** 111.85 (1) (d) of the statutes is amended to read:

17           111.85 (1) (d) Under each fair-share or maintenance of membership  
18 agreement, ~~an~~ covering general employees or supervisors, a general employee or  
19 supervisor who has religious convictions against dues payments to a labor  
20 organization based on teachings or tenets of a church or religious body of which he  
21 or she is a member shall, on request to the labor organization, pay his or her dues  
22 to a charity mutually agreed upon by the general employee or supervisor and the  
23 labor organization. Under each fair-share or maintenance of membership  
24 agreement covering public safety employees, a public safety employee who has  
25 religious convictions against dues payments to a labor organization based on

1 teachings or tenets of a church or religious body of which he or she is a member shall,  
2 on request to the labor organization, have his or her dues paid to a charity mutually  
3 agreed upon by the ~~employee or supervisor~~ public safety employee and the labor  
4 organization. Any dispute concerning this paragraph may be submitted to the  
5 commission for adjudication.

6 **SECTION 201.** 111.85 (5) of the statutes is repealed.

7 **SECTION 202.** 111.90 (2) of the statutes is amended to read:

8 111.90 (2) ~~Subject to s. 111.91 (1) (am),~~ manage ~~Manage~~ the employees of a state  
9 agency; hire, promote, transfer, assign or retain employees in positions within the  
10 agency; and in that regard establish reasonable work rules.

11 **SECTION 203.** 111.905 of the statutes is repealed.

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

13 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~, (d), with regard to a collective  
14 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to  
15 the point of impasse are wage rates, consistent with sub. (2), the assignment and  
16 reassignment of classifications to pay ranges, determination of an incumbent's pay  
17 status resulting from position reallocation or reclassification, and pay adjustments  
18 upon temporary assignment of classified public safety employees to duties of a higher  
19 classification or downward reallocations of a classified public safety employee's  
20 position; fringe benefits consistent with sub. (2); hours and conditions of  
21 employment.

22 **SECTION 205.** 111.91 (1) (am) of the statutes is repealed.

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

24 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a  
25 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.

1 111.90, except that procedures for the adjustment or settlement of grievances or  
2 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall  
3 be a subject of bargaining.

4 **SECTION 207.** 111.91 (1) (c) of the statutes is amended to read:

5 111.91 (1) (c) The employer is prohibited from bargaining with a collective  
6 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

7 **SECTION 208.** 111.91 (1) (cg) of the statutes is repealed.

8 **SECTION 209.** 111.91 (1) (cm) of the statutes is amended to read:

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

15 **SECTION 210.** 111.91 (1) (d) of the statutes is amended to read:

16 111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.  
17 111.825 (1) (g), demands relating to retirement and group insurance shall be  
18 submitted to the employer at least one year prior to commencement of negotiations.

19 **SECTION 211.** 111.91 (1) (e) of the statutes is repealed.

20 **SECTION 212.** 111.91 (2) (intro.) of the statutes is amended to read:

21 111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a  
22 collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

23 **SECTION 213.** 111.91 (2) (gu) of the statutes is repealed.

24 **SECTION 214.** 111.91 (2c) of the statutes is repealed.

25 **SECTION 215.** 111.91 (3) of the statutes is created to read:

INS 66-24

1           111.91 (3) The employer is prohibited from bargaining with a collective  
2 bargaining unit containing a general employee with respect to any of the following:

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

6           (b) Unless the electors in a statewide referendum approve a wage increase that  
7 exceeds the wage expenditure described in this paragraph, any proposal that does  
8 any of the following:

9           1. If the consumer price index change is positive, provides for a wage  
10 expenditure per employee in the contract that, after adjustment for pay schedules  
11 ~~and automatic pay progressions,~~ exceeds the wage expenditure per employee in the  
12 previous contract by a greater percentage than the consumer price index change.

13           2. If the consumer price index change is negative, provides for a wage  
14 expenditure per employee in the contract that, after adjustment for pay schedules  
15 ~~and automatic pay progressions,~~ exceeds the wages expenditure in the previous  
16 contract decreased by a percentage of that expenditure that is equal to the negative  
17 consumer price index change.

18           **SECTION 216.** 111.91 (3q) of the statutes is created to read:

19           111.91 (3q) For purposes of determining compliance with sub. (3), the  
20 commission shall provide, upon request, to the employer or to any representative of  
21 a collective bargaining unit containing a general employee, the consumer price index  
22 change during any 12-month period. The commission may get the information from  
23 the department of revenue.

24           **SECTION 217.** 111.92 (1) (a) of the statutes is amended to read:

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

24           **SECTION 218.** 111.92 (1) (b) of the statutes is repealed.

25           **SECTION 219.** 111.92 (2m) of the statutes is repealed.

1           **SECTION 220.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
2 amended to read:

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

5           **SECTION 221.** 111.92 (3) (b) of the statutes is created to read:

6           111.92 (3) (b) No agreements covering a collective bargaining unit containing  
7 a general employee may be for a period that exceeds one year, and each agreement  
8 must coincide with the fiscal year. Agreements may not be extended.

9           **SECTION 222.** 111.92 (6) of the statutes is created to read:

10          111.92 (6) Each collective bargaining agreement covering general employees  
11 must contain a provision allowing the contract to be terminated under s. 111.83 (3)  
12 (b).

13          **SECTION 223.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and  
14 amended to read:

15          111.93 (2) (a) All civil service and other applicable statutes concerning wages,  
16 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~  
17 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~  
18 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~  
19 ~~(b) to (f) public safety employees~~ who are not included in a collective bargaining unit  
20 for which a representative is recognized or certified.

21          **SECTION 224.** 111.93 (2) (b) of the statutes is created to read:

22          111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages  
23 apply to general employees who are not included in a collective bargaining units for  
24 which a representative is recognized or certified.

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

4           **SECTION 225.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
5 amended to read:

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

8           (a) If a collective bargaining agreement exists between the employer and a  
9 labor organization representing employees in a collective bargaining unit under s.  
10 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of  
11 civil service and other applicable statutes, as well as rules and policies of the board  
12 of regents of the University of Wisconsin System, related to wages, fringe benefits,  
13 hours, and conditions of employment whether or not the matters contained in those  
14 statutes, rules, and policies are set forth in the collective bargaining agreement.

15           **SECTION 226.** 111.93 (3) (b) of the statutes is created to read:

16           111.93 (3) (b) If a collective bargaining agreement exists between the employer  
17 and a labor organization representing general employees in a collective bargaining  
18 unit, the provisions of that agreement shall supersede the provisions of civil service  
19 and other applicable statutes, as well as rules and policies of the board of regents of  
20 the University of Wisconsin System, related to wages, whether or not the matters  
21 contained in those statutes, rules, and policies are set forth in the collective  
22 bargaining agreement.

23           **SECTION 227.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
24 repealed.

25           **SECTION 228.** 118.22 (4) of the statutes is repealed.



1           **SECTION 229.** 118.223 of the statutes is created to read:

2           **118.223 Collective bargaining.** Except as provided under subch. IV of ch.  
3 111, no school board may collectively bargain with its employees.

4           **SECTION 230.** 118.23 (5) of the statutes is repealed.

5           **SECTION 231.** 118.245 of the statutes is created to read:

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

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

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

18           **SECTION 232.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

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

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

3 **SECTION 233.** 118.42 (3) (a) 4. of the statutes is amended to read:

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

6 **SECTION 234.** 118.42 (5) of the statutes is amended to read:

7 118.42 (5) Nothing in this section alters or otherwise affects the rights or  
8 remedies afforded school districts and school district employees under federal or  
9 state law ~~or under the terms of any applicable collective bargaining agreement.~~

10 **SECTION 235.** 119.04 (1) of the statutes is amended to read:

11 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
12 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
13 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
14 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
15 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,  
16 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,  
17 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),  
18 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and  
19 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district  
20 and board.

21 **SECTION 236.** 120.12 (4m) of the statutes is created to read:

22 120.12 (4m) CALCULATION OF WAGE INCREASE FOR COLLECTIVE BARGAINING. If  
23 collectively bargaining with employees of the school district, determine the  
24 maximum wage expenditure that is subject to collective bargaining under s. 111.70

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

3 **SECTION 237.** 120.12 (15) of the statutes is amended to read:

4 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
5 school day. The school board may differentiate between the various elementary and  
6 high school grades in scheduling the school day. The equivalent of 180 such days, as  
7 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
8 ~~not be construed to eliminate a school district's duty to bargain with the employee's~~  
9 ~~collective bargaining representative over any calendaring proposal which is~~  
10 ~~primarily related to wages, hours and conditions of employment.~~

11 **SECTION 238.** 120.18 (1) (gm) of the statutes is amended to read:

12 120.18 (1) (gm) Payroll and related benefit costs for all school district  
13 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees  
14 shall be based upon the costs of wages of any collective bargaining agreements  
15 covering such employees for the previous school year. If, as of the time specified by  
16 the department for filing the report, the school district has not entered into a  
17 collective bargaining agreement for any portion of the previous school year with the  
18 recognized or certified representative of any of its employees ~~and the school district~~  
19 ~~and the representative have been required to submit final offers under s. 111.70 (4)~~  
20 ~~(em) 6., increased costs limited to the lower of the school district's offer or the~~  
21 ~~representative's offer shall be~~ of wages reflected in the report shall be equal to the  
22 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
23 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
24 reflect any change in such costs as a result of any ~~award or settlement under s. 111.70~~  
25 ~~(4) (em) 6. collective bargaining agreement entered into between the date of filing the~~

1 report and October 1. Any such amendment shall be concurred in by the certified  
2 public accountant licensed or certified under ch. 442 certifying the school district  
3 audit.

4 **SECTION 239.** 146.59 (3) (a) of the statutes is amended to read:

5 146.59 (3) (a) Any contractual services agreement under sub. (2) may include  
6 a provision that authorizes the authority to perform specified duties for the board  
7 with respect to employees of the board. This authorization may include duties  
8 related to supervising employees, taking disciplinary action, or recommending new  
9 hires or layoffs, or with respect to collective bargaining, claims, or complaints, ~~or~~  
10 ~~benefits~~ and records administration.

11 **SECTION 240.** 230.01 (3) of the statutes is amended to read:

12 230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
13 or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

14 **SECTION 241.** 230.03 (3) of the statutes is amended to read:

15 230.03 (3) "Agency" means any board, commission, committee, council, or  
16 department in state government or a unit thereof created by the constitution or  
17 statutes if such board, commission, committee, council, department, unit, or the  
18 head thereof, is authorized to appoint subordinate staff by the constitution or  
19 statute, except a legislative or judicial board, commission, committee, council,  
20 department, or unit thereof or an authority created under subch. II of ch. 114 or  
21 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, (or 279, <sup>238</sup> "Agency"  
22 does not mean any local unit of government or body within one or more local units  
23 of government that is created by law or by action of one or more local units of  
24 government.

25 **SECTION 242.** 230.046 (10) (a) of the statutes is amended to read:

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

1           230.046 (10) (a) Conduct off-the-job employee development and training  
2 programs relating to functions under this chapter or subch. V ~~or~~ VI of ch. 111.

3           **SECTION 243.** 230.12 (3) (e) 1. of the statutes is amended to read:

4           230.12 (3) (e) 1. The director, after receiving recommendations from the board  
5 of regents, shall submit to the joint committee on employment relations a proposal  
6 for adjusting compensation and employee benefits for employees under ss. 20.923  
7 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining  
8 unit under subch. V ~~or~~ VI of ch. 111 for which a representative is certified. The  
9 proposal shall include the salary ranges and adjustments to the salary ranges for the  
10 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).  
11 The proposal shall be based upon the competitive ability of the board of regents to  
12 recruit and retain qualified faculty and academic staff, data collected as to rates of  
13 pay for comparable work in other public services, universities and commercial and  
14 industrial establishments, recommendations of the board of regents and any special  
15 studies carried on as to the need for any changes in compensation and employee  
16 benefits to cover each year of the biennium. The proposal shall also take proper  
17 account of prevailing pay rates, costs and standards of living and the state's  
18 employment policies. The proposal for such pay adjustments may contain  
19 recommendations for across-the-board pay adjustments, merit or other  
20 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
21 shall apply to the process for approval of all pay adjustments for such employees  
22 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
23 by the joint committee on employment relations and the governor shall be based  
24 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
25 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit

1 and adjustments other than across-the-board pay adjustments is available for  
2 discretionary use by the board of regents.

3 **SECTION 244.** 230.34 (1) (ar) of the statutes is amended to read:

4 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
5 status in class in the classified service and all employees who have served with the  
6 state as an assistant district attorney for a continuous period of 12 months or more,  
7 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~  
8 ~~for which a representative is recognized or certified, or for employees specified in s.~~  
9 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~  
10 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~  
11 ~~collective bargaining unit, the determination of just cause and all aspects of the~~  
12 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~  
13 ~~agreement.~~

14 **SECTION 245.** 230.35 (1s) of the statutes is amended to read:

15 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
16 by the board of regents of the University of Wisconsin System who provide services  
17 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
18 determined by the governing board of the charter school established by contract  
19 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
20 Wisconsin-Parkside and ~~subject to the terms of any collective bargaining agreement~~  
21 ~~under subch. V of ch. 111 covering the instructional staff.~~

22 **SECTION 246.** 230.35 (2d) (e) of the statutes is amended to read:

23 230.35 (2d) (e) For employees who are included in a collective bargaining unit  
24 for which a representative is recognized or certified under subch. V ~~or VI~~ of ch. 111,

1 this subsection shall apply unless otherwise provided in a collective bargaining  
2 agreement.

3 **SECTION 247.** 230.35 (3) (e) 6. of the statutes is amended to read:

4 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit  
5 for which a representative is recognized or certified under subch. V or VI of ch. 111,  
6 this paragraph shall apply unless otherwise provided in a collective bargaining  
7 agreement.

8 **SECTION 248.** 230.88 (2) (b) of the statutes is amended to read:

9 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an  
10 employee under this subchapter. However, nothing in this subchapter affects any  
11 right of an employee to pursue a grievance procedure under a collective bargaining  
12 agreement under subch. V or VI of ch. 111, and if the division of equal rights  
13 determines that a grievance arising under such a collective bargaining agreement  
14 involves the same parties and matters as a complaint under s. 230.85, it shall order  
15 the arbitrator's final award on the merits conclusive as to the rights of the parties  
16 to the complaint, on those matters determined in the arbitration which were at issue  
17 and upon which the determination necessarily depended.

18 **SECTION 249.** 233.02 (1) (h) of the statutes is repealed.

19 **SECTION 250.** 233.02 (8) of the statutes is amended to read:

20 233.02 (8) The members of the board of directors shall annually elect a  
21 chairperson and may elect other officers as they consider appropriate. Eight voting  
22 members of the board of directors constitute a quorum for the purpose of conducting  
23 the business and exercising the powers of the authority, notwithstanding the  
24 existence of any vacancy. The members of the board of directors specified under sub.  
25 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995

**SECTION 250**

1 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote  
2 of a majority of the members present, unless the bylaws of the authority require a  
3 larger number.

4 **SECTION 251.** 233.03 (7) of the statutes is amended to read:

5 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
6 9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~  
7 ~~bargaining unit for which a representative is recognized or certified under subch. I~~  
8 ~~of ch. 111~~, employ any agent, employee or special advisor that the authority finds  
9 necessary and fix his or her compensation and provide any employee benefits,  
10 including an employee pension plan.

11 **SECTION 252.** 233.04 (2) of the statutes is amended to read:

12 233.04 (2) Subject to subs. (4) ~~to (4r)~~ and (4m) and s. 233.10, develop and  
13 implement a personnel structure and other employment policies for employees of the  
14 authority.

15 **SECTION 253.** 233.04 (4r) of the statutes is repealed.

16 **SECTION 254.** 233.10 (1) of the statutes is amended to read:

17 233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,  
18 section 9159 (2) and (4), the authority shall employ such employees as it may require  
19 and shall determine the qualifications and duties of its employees. Appointments  
20 to and promotions in the authority shall be made according to merit and fitness.

21 **SECTION 255.** 233.10 (2) (intro.) of the statutes is amended to read:

22 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~  
23 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~  
24 ~~which a representative is recognized or certified under subch. I of ch. 111~~, the  
25 authority shall establish any of the following:



1           **SECTION 256.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

2           233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), "carry-over  
3 employee" means an employee of the authority who satisfies all of the following:

4           **SECTION 257.** 233.10 (3) (b) of the statutes is repealed.

5           **SECTION 258.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

6           233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee  
7 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting  
8 the terms of the carry-over employee's employment during the period beginning on  
9 June 29, 1996, and ending on June 30, 1997, do all of the following:

10          **SECTION 259.** 233.10 (3) (d) of the statutes is amended to read:

11          233.10 (3) (d) If an employee of the authority is not a carry-over employee ~~and~~  
12 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,  
13 1996, to June 30, 1997, provide that employee the same rights, benefits and  
14 compensation provided to a carry-over employee under par. (c) who holds a position  
15 at the authority with similar duties.

16          **SECTION 260.** 233.10 (3m) of the statutes is repealed.

17          **SECTION 261.** 281.75 (4) (b) 3. of the statutes is amended to read:

18          281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
19 233, 234, <sup>or 237</sup>, or 238

20          **SECTION 262.** 285.59 (1) (b) of the statutes is amended to read:

21          285.59 (1) (b) "State agency" means any office, department, agency, institution  
22 of higher education, association, society or other body in state government created  
23 or authorized to be created by the constitution or any law which is entitled to expend  
24 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
25 Housing and Economic Development Authority, the Bradley Center Sports and

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

1 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
2 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
3 Authority, ~~the Wisconsin Quality Home Care Authority,~~ and the Wisconsin Health  
4 and Educational Facilities Authority.

*the Wisconsin  
Economic  
Development  
Corporation*

5 **SECTION 263.** 704.31 (3) of the statutes is amended to read:

6 704.31 (3) This section does not apply to a lease to which a local professional  
7 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~  
8 ~~Home Care Authority,~~ or the Fox River Navigational System Authority is a party.

9 **SECTION 264.** 851.71 (4) of the statutes is amended to read:

10 851.71 (4) In counties having a population of 500,000 or more, the appointment  
11 under subs. (1) and (2) shall be made as provided in those subsections but the judges  
12 shall not remove the register in probate and deputy registers, except through charges  
13 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~  
14 ~~bargaining agreement.~~

15 **SECTION 265.** 978.12 (1) (c) of the statutes is amended to read:

16 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
17 employed outside the classified service. For purposes of salary administration, the  
18 director of the office of state employment relations shall establish one or more  
19 classifications for assistant district attorneys in accordance with the classification  
20 or classifications allocated to assistant attorneys general. Except as provided in s.  
21 111.93 (3) (b), the salaries of assistant district attorneys shall be established and  
22 adjusted in accordance with the state compensation plan for assistant attorneys  
23 general whose positions are allocated to the classification or classifications  
24 established by the director of the office of state employment relations.

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

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

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

7           (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

8           (a) In this subsection:

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

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

13           (b) Each collective bargaining unit under subchapter IV of chapter 111 of the  
14 statutes, as affected by this act, containing general municipal employees shall vote  
15 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.  
16 of the statutes, as created by this act. Notwithstanding the date provided under  
17 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, for collective  
18 bargaining units containing school district employees, the vote shall be held in the  
19 May that follows the termination of the collective bargaining agreement covering the  
20 collective bargaining unit, and for collective bargaining units containing general  
21 municipal employees who are not school district employees, the vote shall be held in  
22 the December that follows the termination of the collective bargaining agreement  
23 covering the collective bargaining unit.

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

25           (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

1 (a) In this subsection, "general employee" has the meaning given in section  
2 111.81 (9g) of the statutes, as created by this act.

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

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

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

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

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

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

22 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections  
23 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508,  
24 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (2), (3) (a) 4.,  
25 6., and 7. and (b) 6., (3m), (3p), (4) (intro.), (am), (c) (title), 1., 2., 3., and 4., (cm) (title),

1 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc) (intro.) and  
2 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a), 111.71 (2), (4),  
3 and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5), 118.245, 118.42 (3)  
4 (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and 851.71 (4) of the  
5 statutes, the amendment of section 111.70 (4) (d) 3. of the statutes, and the creation  
6 of section 111.70 (4) (d) 3. b. of the statutes first apply to employees who are covered  
7 by a collective bargaining agreement under subchapter IV of chapter III of the  
8 statutes that contains provisions inconsistent with those sections on the day on  
9 which the agreement expires or is terminated, extended, modified, or renewed,  
10 whichever occurs first.

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

12 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN  
13 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

14 (a) The treatment of sections 20.921 (1) (a) 2. and (b), 73.03 (68), 111.81 (1), (3h),  
15 (3n), (7) (g), (9g), (9k), (12m), and (15r), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.)  
16 and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b),  
17 (d), and (f), (2) (c), and (3), 111.85 (1) (c) and (d) and (5), 111.90 (2), 111.905, 111.91  
18 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q),  
19 111.92 (1) (a) and (b), (2m), and (6), 118.40 (2r) (b) 3. a., 146.59 (3) (a), 230.34 (1) (ar),  
20 230.35 (1s), and 978.12 (1) (c) of the statutes, the renumbering of sections 111.825 (6)  
21 and 111.83 (3) of the statutes, the renumbering and amendment of sections 111.92  
22 (3) and 111.93 (2) and (3) of the statutes, and the creation of sections 111.825 (6) (b),  
23 111.83 (3) (b), 111.92 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes first apply  
24 to employees who are covered by a collective bargaining agreement under  
25 subchapter V of chapter III of the statutes that contains provisions inconsistent with

1 those sections on the day on which the agreement expires or is terminated, extended,  
2 modified, or renewed, whichever occurs first.

3 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96 (1) (h)  
4 and (2), 16.50 (3) (e), 16.705 (3) (c), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i),  
5 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b),  
6 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c) 1.  
7 and 2., 40.02 (25) (b) 8., 40.05 (1) (b), (4) (ag) (intro.), (ar), (b), and (bw), (4g) (a) 4.,  
8 (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95 (1) (a) 2., 111.02 (1), (2), (3), (6) (am),  
9 (7) (a) (intro.), 1., 2., 3., and 4. and (b) 1., (7m), (9m), and (10m), 111.05 (2), (3g), (5),  
10 (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i), 111.075, 111.115 (title), (1)  
11 (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2), 230.01 (3), 230.046 (10) (a),  
12 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2) (b), and 233.02 (1) (h) and (8),  
13 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.), (3) (a) (intro.), (b), (c) (intro.),  
14 and (d), and (3m) and subchapter VI of chapter 111 of the statutes first applies to  
15 employees who are covered by a collective bargaining agreement under subchapter  
16 I or VI of chapter III of the statutes that contains provisions inconsistent with those  
17 sections on the day on which the agreement expires or is terminated, extended,  
18 modified, or renewed, whichever occurs first.

\*\*\*\*NOTE: Caitlin, the next version will contain the effective date provisions that  
will delay the effective date to March 13, 2011.

(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1211/p5ins  
CMH:.....

LPS: You can use  
Insert A for all of the "as affected by..."  
action phrase additions

1 Insert A

2 (Not)

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

3 6),

4 Insert 23-6

\*\*\*\*NOTE: I removed the treatments of ~~ss.~~ 40.05 (1) (b) and (4) (ag) (intro.). This is  
to reconcile with 11-0639/14.

5  
6 Insert 55-6

7 SECTION ~~#~~ 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

8 111.81 (7) (gm) Research assistants of the University of Wisconsin-Madison

9 and University of Wisconsin-Extension.

10 (h) Research assistants of the University of Wisconsin-Milwaukee.

11 (i) Research assistants of the Universities of Wisconsin-Eau Claire, Green Bay,

12 La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout,

13 Superior, and Whitewater.

14  
15 Insert 66-24

16 SECTION ~~#~~ 111.91 (2) (gu) of the statutes is amended to read:

17 111.91 (2) (gu) The right of an a public safety employee, who is an employee,

18 as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,

19 first responder, or ambulance driver for a volunteer fire department or fire company,

20 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined

21 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

NOTE: NOTE: Par. (gu) was created as par. (gr) by 2009 Wis. Act 140 and renumbered by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995  
a. 302 s. 48; 1997 a. 27, 35, 155, 237; 1999 a. 9, 95, 115, 155; 2001 a. 16, 26; 2003 a. 33; 2007 a. 36; 2009 a. 14, 28, 56, 140, 218, 276, 346; s. 13.92 (1) (bm) 2., (2) (i).