



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1211/P7

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P8

stays

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

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

done

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

Analysis by the Legislative Reference Bureau

COLLECTIVE BARGAINING

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 certain 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 percentage 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 SELRA and MERA, a collective bargaining unit elects a labor organization as its representative once a majority of the ~~members~~^{employees in} 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~~^{employees in} 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 collective bargaining agreements from being extended. 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.

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

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

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

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

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

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

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

20 **SECTION 4.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act
21 (January 2011 Special Session Senate Bill 6), is amended to read:

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

1 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
2 ch. ~~52~~, 231, 233, 234, 238, or 279.

3 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act
4 (January 2011 Special Session Senate Bill 6), is amended to read:

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

18 **SECTION 6.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 13.62 (2) "Agency" means any board, commission, department, office, society,
21 institution of higher education, council, or committee in the state government, or any
22 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
23 233, 234, 237, 238, or 279, except that the term does not include a council or
24 committee of the legislature.

1 **SECTION 7.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
4 credentialing board, commission, independent agency, council or office in the
5 executive branch of state government; all bodies created by the legislature in the
6 legislative or judicial branch of state government; any public body corporate and
7 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~
8 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River
9 Remediation Authority, ~~and~~ the Wisconsin Aerospace Authority, and the Wisconsin
10 Economic Development Corporation, a professional baseball park district, a local
11 professional football stadium district, a local cultural arts district and a long-term
12 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
13 49; every provider of medical assistance under subch. IV of ch. 49; technical college
14 district boards; every county department under s. 51.42 or 51.437; every nonprofit
15 corporation or cooperative or unincorporated cooperative association to which
16 moneys are specifically appropriated by state law; and every corporation, institution,
17 association or other organization which receives more than 50% of its annual budget
18 from appropriations made by state law, including subgrantee or subcontractor
19 recipients of such funds.

20 **SECTION 8.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act
21 (January 2011 Special Session Senate Bill 6), is amended to read:

22 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
23 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
24 shall be strictly nonpartisan and shall at all times observe the confidential nature
25 of the research requests received by it; however, with the prior approval of the

1 requester in each instance, the bureau may duplicate the results of its research for
2 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
3 designated employees shall at all times, with or without notice, have access to all
4 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
5 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
6 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
7 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
8 Navigational System Authority, and to any books, records, or other documents
9 maintained by such agencies or authorities and relating to their expenditures,
10 revenues, operations, and structure.

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

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

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

14 15.96 (2) Eight voting members of the University of Wisconsin Hospitals and
15 Clinics Board constitute a quorum for the purpose of conducting the business and
16 exercising the powers of the board, notwithstanding the existence of a vacancy.

17 **SECTION 12.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act
18 (January 2011 Special Session Senate Bill 6), is amended to read:

19 16.002 (2) "Departments" means constitutional offices, departments, and
20 independent agencies and includes all societies, associations, and other agencies of
21 state government for which appropriations are made by law, but not including
22 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
23 233, 234, 235, 237, 238, or 279.

24 **SECTION 13.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act
25 (January 2011 Special Session Senate Bill 6), is amended to read:

1 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
2 department as the secretary designates may enter into the offices of state agencies
3 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and
4 under chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and may examine their books and
5 accounts and any other matter that in the secretary's judgment should be examined
6 and may interrogate the agency's employees publicly or privately relative thereto.

7 **SECTION 14.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act
8 (January 2011 Special Session Senate Bill 6), is amended to read:

9 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
10 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under
11 chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall
12 cooperate with the secretary and shall comply with every request of the secretary
13 relating to his or her functions.

14 **SECTION 15.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
15 (January 2011 Special Session Senate Bill 6), is amended to read:

16 16.004 (12) (a) In this subsection, "state agency" means an association,
17 authority, board, department, commission, independent agency, institution, office,
18 society, or other body in state government created or authorized to be created by the
19 constitution or any law, including the legislature, the office of the governor, and the
20 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
21 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
22 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
23 ~~Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox
24 River Navigational System Authority.

1 **SECTION 16.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 16.045 (1) (a) “Agency” means an office, department, independent agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
8 ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

9 **SECTION 17.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act
10 (January 2011 Special Session Senate Bill 6), is amended to read:

11 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
12 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
13 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
14 Wisconsin Economic Development Corporation, and the Health Insurance
15 Risk-Sharing Plan Authority.

16 **SECTION 18.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act
17 (January 2011 Special Session Senate Bill 6), is amended to read:

18 16.41 (4) In this section, “authority” means a body created under subch. II of
19 ch. 114 or subch. III of ch. 149 or under ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

20 **SECTION 19.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
21 (January 2011 Special Session Senate Bill 6), is amended to read:

22 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
23 ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

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

1 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
2 the pay ranges prescribed in the compensation plan or as provided in a collective
3 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

4 **SECTION 21.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act
5 (January 2011 Special Session Senate Bill 6), is amended to read:

6 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
7 that is authorized to maintain a contingent fund under s. 20.920 may establish a
8 petty cash account from its contingent fund. The procedure for operation and
9 maintenance of petty cash accounts and the character of expenditures therefrom
10 shall be prescribed by the secretary. In this subsection, "agency" means an office,
11 department, independent agency, institution of higher education, association,
12 society, or other body in state government created or authorized to be created by the
13 constitution or any law, that is entitled to expend moneys appropriated by law,
14 including the legislature and the courts, but not including an authority created in
15 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

16 **SECTION 22.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
17 (January 2011 Special Session Senate Bill 6), is amended to read:

18 16.528 (1) (a) "Agency" means an office, department, independent agency,
19 institution of higher education, association, society, or other body in state
20 government created or authorized to be created by the constitution or any law, that
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
23 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

24 **SECTION 23.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act
25 (January 2011 Special Session Senate Bill 6), 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, 238, or 279.

10 **SECTION 24.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
11 (January 2011 Special Session Senate Bill 6), is amended to read:

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

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

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

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

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

24 **SECTION 27.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act
25 (January 2011 Special Session Senate Bill 6), is amended to read:

*Place
in
comment*

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

13 **SECTION 28.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act
14 (January 2011 Special Session Senate Bill 6), is amended to read:

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

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

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

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

15 **SECTION 30.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act ...
16 (January 2011 Special Session Senate Bill 6), is amended to read:

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

1 department shall make recommendations to the contracting agencies and the boards
2 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
3 River Navigational System Authority, the Wisconsin Aerospace Authority, the
4 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
5 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
6 Development Corporation, and the Bradley Center Sports and Entertainment
7 Corporation for improving and making more effective the nondiscrimination and
8 affirmative action provisions of contracts. The department shall promulgate such
9 rules as may be necessary for the performance of its functions under this section.

10 **SECTION 31.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act
11 (January 2011 Special Session Senate Bill 6), is amended to read:

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

22 **SECTION 32.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
23 Act (January 2011 Special Session Senate Bill 6), is amended to read:

24 16.765 (7) (intro.) When a violation of this section has been determined by the
25 department, the contracting agency, the University of Wisconsin Hospitals and

1 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
2 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
3 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
4 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
5 Entertainment Corporation, the contracting agency, the University of Wisconsin
6 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
7 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
8 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care
9 Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center
10 Sports and Entertainment Corporation shall:

11 **SECTION 33.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act ...
12 (January 2011 Special Session Senate Bill 6), is amended to read:

13 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
14 further violations of this section and to report its corrective action to the contracting
15 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
16 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
17 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
18 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
19 Development Corporation, or the Bradley Center Sports and Entertainment
20 Corporation.

21 **SECTION 34.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act ...
22 (January 2011 Special Session Senate Bill 6), is amended to read:

23 16.765 (8) If further violations of this section are committed during the term
24 of the contract, the contracting agency, the Fox River Navigational System Authority,
25 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan

1 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
2 ~~Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley
3 Center Sports and Entertainment Corporation may permit the violating party to
4 complete the contract, after complying with this section, but thereafter the
5 contracting agency, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
7 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
8 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
9 Entertainment Corporation shall request the department to place the name of the
10 party on the ineligible list for state contracts, or the contracting agency, the Fox River
11 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
12 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
13 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
14 Development Corporation, or the Bradley Center Sports and Entertainment
15 Corporation may terminate the contract without liability for the uncompleted
16 portion or any materials or services purchased or paid for by the contracting party
17 for use in completing the contract.

18 **SECTION 35.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 16.85 (2) To furnish engineering, architectural, project management, and other
21 building construction services whenever requisitions therefor are presented to the
22 department by any agency. The department may deposit moneys received from the
23 provision of these services in the account under s. 20.505 (1) (kc) or in the general
24 fund as general purpose revenue — earned. In this subsection, “agency” means an
25 office, department, independent agency, institution of higher education, association,

1 society, or other body in state government created or authorized to be created by the
2 constitution or any law, which is entitled to expend moneys appropriated by law,
3 including the legislature and the courts, but not including an authority created in
4 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

5 **SECTION 36.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act
6 (January 2011 Special Session Senate Bill 6), is amended to read:

7 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
8 proportionate share of the estimated costs attributable to programs administered by
9 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
10 may charge premiums to agencies to finance costs under this subsection and pay the
11 costs from the appropriation on an actual basis. The department shall deposit all
12 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
13 Costs assessed under this subsection may include judgments, investigative and
14 adjustment fees, data processing and staff support costs, program administration
15 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
16 subsection, "agency" means an office, department, independent agency, institution
17 of higher education, association, society, or other body in state government created
18 or authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

11 19.85 (3) Nothing in this subchapter shall be construed to authorize a
12 governmental body to consider at a meeting in closed session the final ratification or
13 approval of a collective bargaining agreement under subch. I, IV, or V, or VI of ch. 111
14 which has been negotiated by such body or on its behalf.

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

16 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
17 19.82 (1), where notice has been given by either party to a collective bargaining
18 agreement under subch. I, IV, or V, or VI of ch. 111 to reopen such agreement at its
19 expiration date, the employer shall give notice of such contract reopening as provided
20 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
21 by the employer's chief officer or such person's designee.

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

23 20.425 (1) (a) *General program operations.* The amounts in the schedule for
24 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).

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

1 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

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

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

15 20.545 (1) (k) *General program operations.* The amounts in the schedule to
16 administer state employment relations functions and the civil service system under
17 ~~subchs. subch. V and VI~~ subch. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
18 to defray the expenses of the state employees suggestion board. All moneys received
19 from state agencies for materials and services provided by the office of state
20 employment relations shall be credited to this appropriation.

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

22 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
23 the schedule for the payment of the state's share of costs related to collective
24 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~
25 ~~bargaining grievance arbitrations under s. 111.993~~. All moneys received from state

1 agencies for the purpose of reimbursing the state's share of the costs related to
2 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
3 training related to grievance arbitrations, and all moneys received from institutions,
4 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
5 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
6 of costs for training related to grievance arbitrations shall be credited to this
7 appropriation account.

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

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

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

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

18 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
19 *academic pay adjustments.* From the appropriate program revenue and program
20 revenue-service accounts, a sum sufficient to supplement the appropriations to the
21 University of Wisconsin System to pay the cost of pay and related adjustments
22 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
23 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
24 230.08 (2) (d) who are not included within a collective bargaining unit for which a

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

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

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

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

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

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

15 20.917 (3) (b) This subsection applies to employees in all positions in the civil
16 service, including those employees in positions included in collective bargaining
17 units under subch. V ~~or~~ VI of ch. 111, whether or not the employees are covered by
18 a collective bargaining agreement.

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

20 20.921 (1) (a) 2. Payment If the state employee is a public safety employee
21 under s. 111.81 (15r), payment of dues to employee organizations.

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

23 20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the
24 request under par. (a) shall be made to the state agency or to the University of
25 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the

1 directions and information prescribed by each state agency or by the authority. The
2 request may be withdrawn or the amount paid to the payee may be changed by
3 notifying the state agency or the authority to that effect, but no such withdrawal or
4 change shall affect a payroll certification already prepared.

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

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

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

12 20.928 (1) Each state agency head shall certify to the department of
13 administration, at such time and in such manner as the secretary of administration
14 prescribes, the sum of money needed by the state agency from the appropriations
15 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon
16 receipt of the certifications together with such additional information as the
17 secretary of administration prescribes, the secretary shall determine the amounts
18 required from the respective appropriations to supplement state agency budgets.

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

20 36.09 (1) (j) Except where such matters are a subject of bargaining with a
21 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the
22 board shall establish salaries for persons not in the classified staff prior to July 1 of
23 each year for the next fiscal year, and shall designate the effective dates for payment
24 of the new salaries. In the first year of the biennium, payments of the salaries
25 established for the preceding year shall be continued until the biennial budget bill

1 is enacted. If the budget is enacted after July 1, payments shall be made following
2 enactment of the budget to satisfy the obligations incurred on the effective dates, as
3 designated by the board, for the new salaries, subject only to the appropriation of
4 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
5 authority of the board to establish salaries for new appointments. The board may
6 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
7 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
8 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
9 increase to correct salary inequities under par. (h), to fund job reclassifications or
10 promotions, or to recognize competitive factors. The board may not increase the
11 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
12 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
13 board authorizes the salary increase to correct a salary inequity or to recognize
14 competitive factors. The board may not increase the salary of any position identified
15 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
16 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
17 the increase is approved by the office of state employment relations. The granting
18 of salary increases to recognize competitive factors does not obligate inclusion of the
19 annualized amount of the increases in the appropriations under s. 20.285 (1) for
20 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
21 report to the joint committee on finance and the secretary of administration and
22 director of the office of state employment relations concerning the amounts of any
23 salary increases granted to recognize competitive factors, and the institutions at
24 which they are granted, for the 12-month period ending on the preceding June 30.

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

3 **36.25 (13g) (c)** The board may negotiate and enter into a contractual services
4 agreement with the University of Wisconsin Hospitals and Clinics Board for the
5 provision of services by employees of the University of Wisconsin Hospitals and
6 Clinics Board. Any agreement under this ~~subdivision~~ paragraph shall include a
7 provision that requires the board to make adequate payments to the University of
8 Wisconsin Hospitals and Clinics Board for any services provided under the
9 agreement in advance of their need by the University of Wisconsin Hospitals and
10 Clinics Board to pay its employees for such services.

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

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

13 **40.02 (25) (b) 8.** Any other state employee for whom coverage is authorized
14 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or
15 under s. 230.12 or 233.10.

****NOTE: I removed the treatments of s. 40.05 (1) (b) and (4) (ag) (intro.). This is
to reconcile with the retirement bills.

16 **SECTION 61.** 40.05 (4) (ar) of the statutes is amended to read:

17 **40.05 (4) (ar)** The employer shall pay under par. (a) for employees who are not
18 covered by a collective bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 and
19 for employees whose health insurance premium contribution rates are not
20 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.
21 (ag) unless a different amount is recommended by the director of the office of state
22 employment relations and approved by the joint committee on employment relations

1 in the manner provided for approval of changes in the compensation plan under s.
2 230.12 (3).

3 **SECTION 62.** 40.05 (4) (b) of the statutes is amended to read:

4 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
5 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
6 I, V, ~~or VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon
7 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
8 or upon termination of creditable service and qualifying as an eligible employee
9 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
10 he or she received while employed by the state, to credits for payment of health
11 insurance premiums on behalf of the employee or the employee's surviving insured
12 dependents. Any supplemental compensation that is paid to a state employee who
13 is classified under the state classified civil service as a teacher, teacher supervisor,
14 or education director for the employee's completion of educational courses that have
15 been approved by the employee's employer is considered as part of the employee's
16 basic pay for purposes of this paragraph. The full premium for any eligible employee
17 who is insured at the time of retirement, or for the surviving insured dependents of
18 an eligible employee who is deceased, shall be deducted from the credits until the
19 credits are exhausted and paid from the account under s. 40.04 (10), and then
20 deducted from annuity payments, if the annuity is sufficient. The department shall
21 provide for the direct payment of premiums by the insured to the insurer if the
22 premium to be withheld exceeds the annuity payment. Upon conversion of an
23 employee's unused sick leave to credits under this paragraph or par. (bf), the
24 employee or, if the employee is deceased, the employee's surviving insured
25 dependents may initiate deductions from those credits or may elect to delay

1 initiation of deductions from those credits, but only if the employee or surviving
2 insured dependents are covered by a comparable health insurance plan or policy
3 during the period beginning on the date of the conversion and ending on the date on
4 which the employee or surviving insured dependents later elect to initiate
5 deductions from those credits. If an employee or an employee's surviving insured
6 dependents elect to delay initiation of deductions from those credits, an employee or
7 the employee's surviving insured dependents may only later elect to initiate
8 deductions from those credits during the annual enrollment period under par. (be).
9 A health insurance plan or policy is considered comparable if it provides hospital and
10 medical benefits that are substantially equivalent to the standard health insurance
11 plan established under s. 40.52 (1).

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

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

24 **SECTION 64.** 40.05 (4g) (a) 4. of the statutes is amended to read:

1 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
2 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111
3 or under rules promulgated by the director of the office of state employment relations
4 or is eligible for reemployment with the state under s. 321.64 after completion of his
5 or her service in the U.S. armed forces.

6 **SECTION 65.** 40.05 (5) (intro.) of the statutes is amended to read:

7 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
8 continuation insurance provided under subch. V the employee shall pay the amount
9 remaining after the employer has contributed the following or, if different, the
10 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~
11 of ch. 111 or s. 230.12 or 233.10:

12 **SECTION 66.** 40.05 (5) (b) 4. of the statutes is amended to read:

13 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
14 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,
15 V, ~~or VI~~ of ch. 111.

16 **SECTION 67.** 40.05 (6) (a) of the statutes is amended to read:

17 40.05 (6) (a) Except as otherwise provided in accordance with a collective
18 bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each
19 insured employee under the age of 70 and annuitant under the age of 65 shall pay
20 for group life insurance coverage a sum, approved by the group insurance board,
21 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
22 based upon the last amount of insurance in force during the month for which
23 earnings are paid. The equivalent premium may be fixed by the group insurance
24 board if the annual compensation is paid in other than 12 monthly installments.

25 **SECTION 68.** 40.62 (2) of the statutes is amended to read:

1 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
2 of the department, any collective bargaining agreement under subch. I, V, ~~or VI~~ of
3 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
4 757.02 (5) and 978.12 (3).

5 **SECTION 69.** 40.80 (3) of the statutes is amended to read:

6 40.80 (3) Any action taken under this section shall apply to employees covered
7 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

8 **SECTION 70.** 40.81 (3) of the statutes is amended to read:

9 40.81 (3) Any action taken under this section shall apply to employees covered
10 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

11 **SECTION 71.** 40.95 (1) (a) 2. of the statutes is amended to read:

12 40.95 (1) (a) 2. The employee has his or her compensation established in a
13 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

14 **SECTION 72.** 46.284 (4) (m) of the statutes is repealed.

15 **SECTION 73.** 46.2895 (8) (a) 1. of the statutes is amended to read:

16 46.2895 (8) (a) 1. If the long-term care district offers employment to any
17 individual who was previously employed by a county, which participated in creating
18 the district and at the time of the offer had not withdrawn or been removed from the
19 district under sub. (14), and who while employed by the county performed duties
20 relating to the same or a substantially similar function for which the individual is
21 offered employment by the district and whose wages, ~~hours and conditions of~~
22 ~~employment~~ were established in a collective bargaining agreement with the county
23 under subch. IV of ch. 111 that is in effect on the date that the individual commences
24 employment with the district, with respect to that individual, abide by the terms of
25 the collective bargaining agreement concerning the individual's wages ~~and, if~~

1 ~~applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday~~
2 ~~allowance, funeral leave allowance, personal day allowance, or paid time off~~
3 ~~allowance~~ until the time of the expiration of that collective bargaining agreement or
4 adoption of a collective bargaining agreement with the district under subch. IV of ch.
5 111 covering the individual as an employee of the district, whichever occurs first.

6 **SECTION 74.** 46.2898 of the statutes is repealed.

7 **SECTION 75.** 46.48 (9m) of the statutes is repealed.

8 **SECTION 76.** 49.825 (3) (b) 4. of the statutes is repealed.

9 **SECTION 77.** 49.826 (3) (b) 4. of the statutes is repealed.

10 **SECTION 78.** Chapter 52 of the statutes is repealed.

11 **SECTION 79.** 66.0506 of the statutes is created to read:

12 **66.0506 Referendum; increase in employee wages.** (1) In this section,
13 “local governmental unit” means any city, village, town, county, metropolitan
14 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
15 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
16 subdivision of the state, or instrumentality of one or more political subdivisions of
17 the state.

18 (2) If any local governmental unit wishes to increase the wages of its general
19 municipal employees, as defined in s. 111.70 (1) (fm), in an amount that exceeds the
20 limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit
21 shall adopt a resolution to that effect. The resolution shall specify the amount by
22 which the proposed wage increase will exceed the limit under s. 111.70 (4) (mb) 2.
23 The resolution may not take effect unless it is approved in a referendum called for
24 that purpose. The referendum shall occur in November for collective bargaining

1 agreements that begin the following January 1. The results of a referendum apply
2 to the wages only in the next collective bargaining agreement.

3 (3) The referendum question shall be substantially as follows: "Shall the
4 [general municipal employees] in the [local governmental unit] receive a
5 percentage wage increase that is [x] percent higher than the percent of the
6 consumer price index increase?" *for a total percentage increase in wages of [x]%*

7 SECTION 80. 66.0508 of the statutes is created to read:

8 **66.0508 Collective bargaining.** (1) In this section, "local governmental
9 unit" has the meaning given in s. 66.0506 (1).

10 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit
11 may collectively bargain with its employees.

12 (2) If a local governmental unit has in effect on the effective date of this
13 subsection [LRB inserts date], an ordinance or resolution that is inconsistent with
14 sub. (1m), the ordinance or resolution does not apply and may not be enforced.

15 (3) Each local governmental unit that is collectively bargaining with its
16 employees shall determine the maximum wage expenditure that is subject to
17 collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index
18 change using the same method the department of revenue uses under s. 73.03 (68).

19 SECTION 81. 66.1104 (1) (a) of the statutes is amended to read:

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

23 SECTION 82. 70.11 (41s) of the statutes is repealed.

24 SECTION 83. 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
25 (January 2011 Special Session Senate Bill 6), is amended to read:

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

6 **SECTION 84.** 73.03 (68) of the statutes is created to read:

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

12 **SECTION 85.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act
13 (January 2011 Special Session Senate Bill 6), is amended to read:

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

19 **SECTION 86.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
20 (January 2011 Special Session Senate Bill 6), is amended to read:

21 100.45 (1) (dm) "State agency" means any office, department, agency,
22 institution of higher education, association, society or other body in state
23 government created or authorized to be created by the constitution or any law which
24 is entitled to expend moneys appropriated by law, including the legislature and the
25 courts, the Wisconsin Housing and Economic Development Authority, the Bradley

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

6 **SECTION 87.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
7 ... (January 2011 Special Session Senate Bill 6), is amended to read:

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

19 **SECTION 88.** 109.03 (1) (b) of the statutes is amended to read:

20 109.03 (1) (b) School district and private school employees who voluntarily
21 request payment over a 12-month period for personal services performed during the
22 school year, unless ~~such~~, with respect to private school employees, the employees are
23 covered under a valid collective bargaining agreement which precludes this method
24 of payment.

25 **SECTION 89.** 111.02 (1) of the statutes is amended to read:

SECTION 89

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

6 **SECTION 90.** 111.02 (2) of the statutes is amended to read:

7 111.02 (2) ~~“Collective bargaining” is the negotiating~~ means the negotiation by
8 an employer and a majority of the employer’s employees in a collective bargaining
9 unit, or their representatives, concerning representation or terms and conditions of
10 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~
11 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject
12 under negotiation.

13 **SECTION 91.** 111.02 (3) of the statutes is amended to read:

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

1 collective bargaining units may bargain collectively through the same
2 representative where a majority of the employees in each separate unit have voted
3 by secret ballot as provided in s. 111.05 (2) so to do.

4 **SECTION 92.** 111.02 (6) (am) of the statutes is repealed.

5 **SECTION 93.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
6 renumbered 111.02 (7) (a) and amended to read:

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

10 **SECTION 94.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

11 **SECTION 95.** 111.02 (7) (b) 1. of the statutes is amended to read:

12 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
13 subdivision thereof.

14 **SECTION 96.** 111.02 (7m) of the statutes is repealed.

15 **SECTION 97.** 111.02 (9m) of the statutes is repealed.

16 **SECTION 98.** 111.02 (10m) of the statutes is repealed.

17 **SECTION 99.** 111.05 (2) of the statutes is amended to read:

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

24 **SECTION 100.** 111.05 (3g) of the statutes is repealed.

25 **SECTION 101.** 111.05 (5) of the statutes is repealed.

1 **SECTION 102.** 111.05 (6) of the statutes is repealed.

2 **SECTION 103.** 111.05 (7) of the statutes is repealed.

3 **SECTION 104.** 111.06 (1) (c) 1. of the statutes is amended to read:

4 111.06 (1) (c) 1. To encourage or discourage membership in any labor
5 organization, employee agency, committee, association or representation plan by
6 discrimination in regard to hiring, tenure or other terms or conditions of employment
7 except in a collective bargaining unit where an all-union, fair-share or maintenance
8 of membership agreement is in effect. ~~An employer is not prohibited from entering
9 into an all-union agreement with the voluntarily recognized representative of the
10 employees in a collective bargaining unit, where at least a majority of such employees
11 voting have voted affirmatively, by secret ballot, in favor of such all-union agreement
12 in a referendum conducted by the commission, except that where the bargaining
13 representative has been certified by either the commission or the national labor
14 relations board as the result of a representation election, no referendum is required
15 to authorize the entry into such an all-union agreement. Such authorization of an
16 all-union agreement shall be deemed to continue thereafter, subject to the right of
17 either party to the all-union agreement to petition the commission to conduct a new
18 referendum on the subject. Upon receipt of such petition, the commission shall
19 determine whether there is reasonable ground to believe that the employees
20 concerned have changed their attitude toward the all-union agreement and upon so
21 finding the commission shall conduct a referendum. If the continuance of the
22 all-union agreement is supported on any such referendum by a vote at least equal
23 to that provided in this subdivision for its initial authorization, it may be continued
24 in force thereafter, subject to the right to petition for a further vote by the procedure
25 set forth in this subdivision. If the continuance of the all-union agreement is not~~

1 ~~thus supported on any such referendum, it is deemed terminated at the termination~~
2 ~~of the contract of which it is then a part or at the end of one year from the date of the~~
3 ~~announcement by the commission of the result of the referendum, whichever is~~
4 ~~earlier. The commission shall declare any all-union agreement terminated~~
5 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
6 ~~receive as a member any employee of such employer, and each such all-union~~
7 ~~agreement shall be made subject to this duty of the commission. Any person~~
8 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
9 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~
10 ~~made in accordance with the law in effect at the time it is made is valid.~~

11 **SECTION 105.** 111.06 (1) (d) of the statutes is amended to read:

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

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

21 111.06 (1) (i) To deduct labor organization dues or assessments from an
22 employee's earnings, unless the employer has been presented with an individual
23 order therefor, signed by the employee personally, and terminable at the end of any
24 year of its life by the employee giving at least thirty days' written notice of such
25 termination unless there is an all-union, ~~fair-share or maintenance of membership~~

1 agreement in effect. The employer shall give notice to the labor organization of
2 receipt of such notice of termination.

3 **SECTION 107.** 111.06 (1) (m) of the statutes is repealed.

4 **SECTION 108.** 111.06 (2) (i) of the statutes is amended to read:

5 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
6 in s. 111.115 (2) ~~or~~ (3).

7 **SECTION 109.** 111.075 of the statutes is repealed.

8 **SECTION 110.** 111.115 (title) of the statutes is amended to read:

9 **111.115 (title) Notice of certain proposed lockouts or strikes.**

10 **SECTION 111.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
11 renumbered 111.115 (1) and amended to read:

12 111.115 (1) In this subsection: ~~(b)~~ “Strike” section, “strike” includes any
13 concerted stoppage of work by employees, and any concerted slowdown or other
14 concerted interruption of operations or services by employees, or any concerted
15 refusal of employees to work or perform their usual duties as employees, for the
16 purpose of enforcing demands upon an employer.

17 **SECTION 112.** 111.115 (1) (a) of the statutes is repealed.

18 **SECTION 113.** 111.115 (2) of the statutes is repealed.

19 **SECTION 114.** 111.17 (intro.) and (1) of the statutes are consolidated,
20 renumbered 111.17 and amended to read:

21 **111.17 Conflict of provisions; effect.** Wherever the application of the
22 provisions of other statutes or laws conflict with the application of the provisions of
23 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ In in any situation
24 where the provisions of this subchapter cannot be validly enforced the provisions of
25 such other statutes or laws shall apply.

1 **SECTION 115.** 111.17 (2) of the statutes is repealed.

2 **SECTION 116.** 111.70 (1) (a) of the statutes is amended to read:

3 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
4 obligation of a municipal employer, through its officers and agents, and the
5 representative of its municipal employees in a collective bargaining unit, to meet and
6 confer at reasonable times, in good faith, with the intention of reaching an
7 agreement, or to resolve questions arising under such an agreement, with respect to
8 wages, hours, and conditions of employment for public safety employees and with
9 respect to wages for general municipal employees, and with respect to a requirement
10 of the municipal employer for a municipal employee to perform law enforcement and
11 fire fighting services under s. 61.66 ~~and for a school district with respect to any~~
12 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~
13 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~
14 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
15 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~
16 any public safety employees under ch. 164. Collective bargaining includes the
17 reduction of any agreement reached to a written and signed document.

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

21 **(4) (p)** Permissive subjects of collective bargaining: public safety employees. A
22 municipal employer shall is not be required to bargain with public safety employees
23 on subjects reserved to management and direction of the governmental unit except
24 insofar as the manner of exercise of such functions affects the wages, hours, and

SECTION 116

1 conditions of employment of the ~~municipal public safety~~ employees in a collective
2 bargaining unit. *NOPI*

3 ~~(1b)(b) (In creating this subchapter the legislature recognizes that the~~
4 ~~municipal employer must exercise its powers and responsibilities to act for the~~
5 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~
6 ~~and the health, safety, and welfare of the public to assure orderly operations and~~
7 ~~functions within its jurisdiction, subject to those rights secured to municipal~~
8 ~~employees by the constitutions of this state and of the United States and by this~~
9 ~~subchapter.~~

↓ strike

strike

10 **SECTION 117.** 111.70 (1) (b) of the statutes is amended to read:

11 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
12 employees ~~who are school district employees or of municipal employees who are not~~
13 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
14 a. to be appropriate for the purpose of collective bargaining.

15 **SECTION 118.** 111.70 (1) (cm) of the statutes is created to read:

16 111.70 (1) (cm) "Consumer price index change" means the average annual
17 percentage change in the consumer price index for all urban consumers, U.S. city
18 average, as determined by the federal department of labor, for the 12 months
19 immediately preceding the current date.

that represents public safety employees

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

21 111.70 (1) (f) "Fair-share agreement" means an agreement between a
22 municipal employer and a labor organization under which all or any of the *public safety* employees
23 in the collective bargaining unit are required to pay their proportionate share of the
24 cost of the collective bargaining process and contract administration measured by
25 the amount of dues uniformly required of all members. ~~Such an agreement shall~~

1 ~~contain a provision requiring the employer to deduct the amount of dues as certified~~
2 ~~by the labor organization from the earnings of the employees affected by said~~
3 ~~agreement and to pay the amount so deducted to the labor organization.~~

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

5 111.70 (1) (fm) "General municipal employee" means a municipal employee
6 who is not a public safety employee.

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

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

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

17 111.70 (1) (mm) "Public safety employee" means any municipal employee who
18 is employed in a position that, on the effective date of this paragraph [LRB inserts
19 date], is classified as a protective occupation participant under any of the following:

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

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

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

24 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
25 in which employees in a collective bargaining unit may cast a secret ballot on the

public safety

1 question of authorizing a labor organization and the employer to continue a
 2 fair-share agreement. [↓] ~~Unless a majority of the eligible employees vote in favor of~~
 3 ~~the fair-share agreement, it shall be deemed terminated and that portion of the~~
 4 ~~collective bargaining agreement deemed null and void.~~ *that covers public safety* ✓
explain employees

5 SECTION 124. 111.70 (1) (nm) of the statutes is amended to read:

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

16 SECTION 125. 111.70 (1b) ^(c) of the statutes is created to read:

17 111.70 (1b) ^(c) This subchapter shall be construed as an enactment of statewide
 18 concern for the purpose of providing a uniform operation of the collective bargaining
 19 laws.

20 SECTION 126. 111.70 (2) of the statutes is amended to read:

21 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
 22 right of self-organization, and the right to form, join, or assist labor organizations,
 23 to bargain collectively through representatives of their own choosing, and to engage
 24 in lawful, concerted activities for the purpose of collective bargaining or other mutual
 25 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to

INTENT. CS

however,

(a)

1 refrain from any and all such activities ~~except that~~ employees ^(a) a public safety
 2 employee may be required to pay dues in the manner provided in a fair-share
 3 agreement. ~~Such~~; a fair-share agreement covering a public safety employee must
 4 contain a provision requiring the municipal employer to deduct the amount of dues
 5 as certified by the labor organization from the earnings of the public safety employee
 6 affected by the fair-share agreement and to pay the amount deducted to the labor
 7 organization. A general municipal employee has the right to refrain from paying
 8 dues while remaining a member of a collective bargaining unit ~~except that general~~
 9 municipal employees may be required to pay dues if they are subject to a fair-share
 10 agreement. A fair-share agreement shall be covering any ^y municipal employee is
 11 subject to the right of the municipal employer or a labor organization to petition the
 12 commission to conduct a referendum. Such petition must be supported by proof that
 13 at least 30% of the ^{public safety} employees in the collective bargaining unit desire that the
 14 fair-share agreement be terminated. Upon so finding, the commission shall conduct
 15 a referendum. If the continuation of the agreement is not supported by at least the
 16 majority of the ^{public safety} eligible employees, it shall be ~~deemed terminated~~ terminate. The
 17 commission shall declare any fair-share agreement suspended upon such conditions
 18 and for such time as the commission decides whenever it finds that the labor
 19 organization involved has refused on the basis of race, color, sexual orientation,
 20 creed, or sex to receive as a member any ^{public safety} employee of the municipal employer in the
 21 bargaining unit involved, and such agreement shall be made is subject to this duty
 22 of the commission. Any of the parties to such agreement or any ^{public safety} ~~municipal~~ employee
 23 covered ~~thereby~~ by the agreement may come before the commission, as provided in
 24 s. 111.07, and ask the performance of this duty.

SECTION 127. 111.70 (3) (a) 4. of the statutes is amended to read:

INS
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1 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
2 majority of its employees in an appropriate collective bargaining unit. Such refusal
3 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
4 including those provided for by statute, with individuals in the collective bargaining
5 unit while collective bargaining, mediation, or fact-finding concerning the terms and
6 conditions of a new collective bargaining agreement is in progress, unless such
7 individual contracts contain express language providing that the contract is subject
8 to amendment by a subsequent collective bargaining agreement. Where the
9 employer has a good faith doubt as to whether a labor organization claiming the
10 support of a majority of its employees in an appropriate bargaining unit does in fact
11 have that support, it may file with the commission a petition requesting an election
12 to that claim. An employer shall not be deemed to have refused to bargain until an
13 election has been held and the results thereof certified to the employer by the
14 commission. The violation shall include, though not be limited thereby, to the refusal
15 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~
16 ~~any collective bargaining agreement covering municipal employees who are not~~
17 ~~school district employees shall not exceed 3 years, and the term of any collective~~
18 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

19 **SECTION 128.** 111.70 (3) (a) 6. of the statutes is renumbered 111.70 (3) (a) 6. a.
20 and amended to read:

21 111.70 (3) (a) 6. a. To deduct labor organization dues from ~~an employee's or~~
22 ~~supervisor's~~ the earnings of a general municipal employee or supervisor.

23 b. To deduct labor organization dues from the earnings of a public safety
24 employee's earnings, unless the municipal employer has been presented with an
25 individual order therefor, signed by the ~~municipal~~ public safety employee personally,

1 and terminable by at least the end of any year of its life or earlier by the municipal
2 public safety employee giving at least 30 days' written notice of such termination to
3 the municipal employer and to the representative organization, except where there
4 is when a fair-share agreement is in effect.

~~covering that covers public safety employees~~

↓
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5 **SECTION 129.** 111.70 (3) (a) 7. of the statutes is repealed.

6 **SECTION 130.** 111.70 (3) (b) 6. of the statutes is repealed.

7 **SECTION 131.** 111.70 (3m) of the statutes is repealed.

8 **SECTION 132.** 111.70 (3p) of the statutes is repealed.

9 **SECTION 133.** 111.70 (4) (intro.) of the statutes is amended to read:

10 111.70 (4) **POWERS OF THE COMMISSION.** (intro.) The commission shall conduct
11 any election under this subsection by secret ballot and shall be governed by adhere
12 to the following provisions relating to bargaining in municipal employment in
13 addition to other powers and duties provided in this subchapter:

14 **SECTION 134.** 111.70 (4) (am) of the statutes is created to read:

15 111.70 (4) (am) *Mandatory provision for general municipal employees.* The
16 commission shall ensure that each collective bargaining agreement covering general
17 municipal employees contains a provision allowing the contract to be terminated
18 under par. (d) 3. b.

19 **SECTION 135.** 111.70 (4) (c) (title) of the statutes is amended to read:

20 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
21 *and fire fighting personnel public safety employees.*

22 **SECTION 136.** 111.70 (4) (c) 1. of the statutes is amended to read:

23 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
24 labor disputes involving a collective bargaining unit containing a public safety
25 employee. Such mediation may be carried on by a person designated to act by the

1 commission upon request of one or both of the parties or upon initiation of the
2 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
3 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

4 **SECTION 137.** 111.70 (4) (c) 2. of the statutes is amended to read:

5 111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning
6 or application of the terms of a written collective bargaining agreement involving a
7 collective bargaining unit containing a public safety employee may agree in writing
8 to have the commission or any other appropriate agency serve as arbitrator or may
9 designate any other competent, impartial and disinterested person to so serve.

10 b. A collective bargaining agreement involving a collective bargaining unit
11 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
12 dispute resolution procedures, including arbitration, that address the suspension,
13 reduction in rank, suspension and reduction in rank, or removal of such personnel.
14 If the procedures include arbitration, the arbitration hearing shall be public and the
15 decision of the arbitrator shall be issued within 180 days of the conclusion of the
16 hearing.

17 **SECTION 138.** 111.70 (4) (c) 3. of the statutes is amended to read:

18 111.70 (4) (c) 3. 'Fact-finding.' ~~If~~ Unless s. 111.77 applies, if a dispute involving
19 a collective bargaining unit containing a public safety employee has not been settled
20 after a reasonable period of negotiation and after the settlement procedures, if any,
21 established by the parties have been exhausted, and the parties are deadlocked with
22 respect to any dispute between them arising in the collective bargaining process,
23 either party, or the parties jointly, may petition the commission, in writing, to initiate
24 fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the
25 deadlock, as follows:

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

7 b. The fact finder appointed under subd. 3. a. may establish dates and place of
8 hearings which shall be where feasible, and shall conduct the hearings pursuant to
9 rules established by the commission. Upon request, the commission shall issue
10 subpoenas for hearings conducted by the fact finder. The fact finder may administer
11 oaths. Upon completion of the hearing, the fact finder shall make written findings
12 of fact and recommendations for solution of the dispute and shall cause the same to
13 be served on the parties and the commission. Cost of fact-finding proceedings shall
14 be divided equally between the parties. At the time the fact finder submits a
15 statement of his or her costs to the parties, the fact finder shall submit a copy ~~thereof~~
16 of the statement to the commission at its Madison office.

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

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