

1 **SECTION 139.** 111.70 (4) (c) 4. of the statutes is repealed.

2 **SECTION 140.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
3 to read:

4 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; ~~other~~*
5 *personnel general municipal employees.* 1. 'Notice of commencement of contract
6 negotiations.' For the purpose of advising the commission of the commencement of
7 contract negotiations involving a collective bargaining unit containing general
8 municipal employees, whenever either party requests the other to reopen
9 negotiations under a binding collective bargaining agreement, or the parties
10 otherwise commence negotiations if no such agreement exists, the party requesting
11 negotiations shall immediately notify the commission in writing. Upon failure of the
12 requesting party to provide such notice, the other party may so notify the
13 commission. The notice shall specify the expiration date of the existing collective
14 bargaining agreement, if any, and shall set forth any additional information the
15 commission may require on a form provided by the commission.

16 2. 'Presentation of initial proposals; open meetings.' The meetings between
17 parties to a collective bargaining agreement or proposed collective bargaining
18 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
19 containing a general municipal employee and that are held for the purpose of
20 presenting initial bargaining proposals, along with supporting rationale, shall be
21 open to the public. Each party shall submit its initial bargaining proposals to the
22 other party in writing. Failure to comply with this subdivision is not cause to
23 invalidate a collective bargaining agreement under this subchapter.

24 3. 'Mediation.' The commission or its designee shall function as mediator in
25 labor disputes involving general municipal employees upon request of one or both of

1 the parties, or upon initiation of the commission. The function of the mediator shall
2 be to encourage voluntary settlement by the parties. No mediator has the power of
3 compulsion.

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

10 **SECTION 141.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

11 **SECTION 142.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

12 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
13 the initial collective bargaining agreement between the parties and except as the
14 parties otherwise agree, every collective bargaining agreement covering general
15 municipal employees subject to this paragraph shall be for a term of 2 years, but in
16 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
17 ~~consisting of municipal employees subject to this paragraph other than school~~
18 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
19 ~~agreement for any collective bargaining unit consisting of school district employees~~
20 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
21 extended. No ~~arbitration award may contain a provision for reopening of~~
22 ~~negotiations during the term of a collective bargaining agreement,~~ covering general
23 municipal employees may be reopened for negotiations unless both parties agree to
24 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
25 agreement by both parties does not apply to a provision for reopening of negotiations

1 with respect to any portion of an agreement that is declared invalid by a court or
2 administrative agency or rendered invalid by the enactment of a law or promulgation
3 of a federal regulation.

4 **SECTION 143.** 111.70 (4) (cm) 9. of the statutes is repealed.

5 **SECTION 144.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

6 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
7 bargaining unit for the purpose of collective bargaining and shall whenever possible,
8 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
9 maintaining as few collective bargaining units as practicable in keeping with the size
10 of the total municipal workforce. ~~In making such a determination, the~~ The
11 commission may decide whether, in a particular case, the municipal employees in the
12 same or several departments, divisions, institutions, crafts, professions, or other
13 occupational groupings constitute a collective bargaining unit. Before making its
14 determination, the commission may provide an opportunity for the municipal
15 employees concerned to determine, by secret ballot, whether they desire to be
16 established as a separate collective bargaining unit. The commission ~~shall~~ may not
17 decide, however, that any group of municipal employees constitutes an appropriate
18 collective bargaining unit if the group includes both professional employees and
19 nonprofessional employees, unless a majority of the professional employees vote for
20 inclusion in the unit. The commission may not decide that any group of municipal
21 employees constitutes an appropriate collective bargaining unit if the group includes
22 both school district employees and general municipal employees who are not school
23 district employees. The commission may not decide that any group of municipal
24 employees constitutes an appropriate collective bargaining unit if the group includes
25 both public safety employees and general municipal employees. The commission

1 ~~shall~~ may not decide that any group of municipal employees constitutes an
2 appropriate collective bargaining unit if the group includes both craft employees and
3 noncraft employees unless a majority of the craft employees vote for inclusion in the
4 unit. The commission shall place the professional employees who are assigned to
5 perform any services at a charter school, as defined in s. 115.001 (1), in a separate
6 collective bargaining unit from a unit that includes any other professional employees
7 whenever at least 30% of those professional employees request an election to be held
8 to determine that issue and a majority of the professional employees at the charter
9 school who cast votes in the election decide to be represented in a separate collective
10 bargaining unit. Upon the expiration of any collective bargaining agreement in
11 force, the commission shall combine into a single collective bargaining unit 2 or more
12 collective bargaining units consisting of school district employees if a majority of the
13 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
14 ~~under this subsection shall be by secret ballot.~~

15 **SECTION 145.** 111.70 (4) (d) 3. of the statutes is amended to read:

16 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
17 representation or appropriate unit, calling for a vote, the commission shall certify the
18 results in writing to the municipal employer and the labor organization involved and
19 to any other interested parties.

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

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

1 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
2 the representative of the collective bargaining unit that contains a general municipal
3 employee. The election shall occur no later than December 1 for a collective
4 bargaining unit containing school district employees and no later than May 1 for a
5 collective bargaining unit containing general municipal employees who are not
6 school district employees. The commission shall certify any representative that
7 receives at least 51 percent of the votes of all of the general municipal employees in
8 the collective bargaining unit. If no representative receives at least 51 percent of the
9 votes of all of the general municipal employees in the collective bargaining unit, the
10 commission shall decertify the current representative (and terminate the collective
11 bargaining agreement) and the general municipal employees shall be
12 nonrepresented. Notwithstanding sub. (2), if a ^{representative is decertified} collective bargaining agreement is
13 terminated under this subd. 3. b., the affected general municipal employees may not
14 be included in a substantially similar collective bargaining unit for 12 months from
15 the date ^{of decertification} the collective bargaining agreement is terminated. The commission shall
16 assess and collect a certification fee for each election conducted under this subd. 3.
17 b. Fees collected under this subd. 3. b. shall be credited to the appropriation account
18 under s. 20.425 (1) (i).

19 **SECTION 147.** 111.70 (4) (L) of the statutes is amended to read:

20 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (em) 5. and~~
21 ~~6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right
22 to strike by any municipal employee or labor organization, and such strikes are
23 hereby expressly prohibited. ~~Paragraph (em) does not authorize any strike after an~~
24 ~~injunction has been issued against such strike under sub. (7m).~~

25 **SECTION 148.** 111.70 (4) (m) of the statutes is repealed.

SECTION 149. 111.70 (4) (mb) of the statutes is created to read:

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

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

^ premium pay, merit pay, performance pay

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

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

a. If ^{if there is an increase in the} the consumer price index change is positive, provides for a wage expenditure per position in the proposed collective bargaining agreement that, after adjustment for pay schedules, exceeds the ^{total base} wage expenditure per ^{authorized} position 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

b. If ^{there is a decrease in the} the consumer price index change is negative, provides for a wage expenditure per position in the proposed collective bargaining agreement that, after adjustment for pay schedules, exceeds the ^{total base} wage expenditure per ^{authorized} position 180 days before the expiration of the previous collective bargaining agreement decreased by a percentage of that expenditure that is equal to the ^{negative} consumer price index change.
decrease in the

SECTION 150. 111.70 (4) (mc) (intro.) of the statutes is amended to read:

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

(intro.) The municipal employer is prohibited from bargaining collectively with a

1 collective bargaining unit containing a public safety employee with respect to any of
2 the following:

3 SECTION 151. 111.70 (4) (mc) 4. of the statutes is repealed.

4 SECTION 152. 111.70 (4) (n) and (o) of the statutes are repealed.

*Plus 5
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component*

~~SECTION 153. 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).~~

SECTION 154. 111.70 (6) of the statutes is ~~renumbered 111.70 (1b) (a)~~
repealed

SECTION 155. 111.70 (7) of the statutes is repealed.

*that covers public
safety
employees*

8 SECTION 156. 111.70 (7m) (b) of the statutes is repealed.

9 SECTION 157. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

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

19 SECTION 158. 111.70 (7m) (c) 3. of the statutes is repealed.

20 SECTION 159. 111.70 (7m) (e) and (f) of the statutes are repealed.

21 SECTION 160. 111.70 (8) (a) of the statutes is amended to read:

22 111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cm) and (7m)~~, applies
23 to law enforcement supervisors employed by a 1st class city. This section, except
24 ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m)~~, applies to law enforcement supervisors
25 employed by a county having a population of 500,000 or more. For purposes of such

1 application, the ~~term~~ terms “municipal employee” ~~includes and~~ “public safety
2 employee” include such a supervisor.

3 **SECTION 161.** 111.71 (2) of the statutes is amended to read:

4 111.71 (2) The commission shall assess and collect a filing fee for filing a
5 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
6 The commission shall assess and collect a filing fee for filing a request that the
7 commission act as an arbitrator to resolve a dispute involving the interpretation or
8 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
9 The commission shall assess and collect a filing fee for filing a request that the
10 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
11 assess and collect a filing fee for filing a request that the commission act as a
12 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
13 a filing fee for filing a request that the commission initiate compulsory, final and
14 binding arbitration under s. 111.70 (4) ~~(cm) 6. or (jm)~~ or 111.77 (3). For the
15 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
16 4. and 6., and (jm) and 111.77 (3), the commission shall require that the parties to the
17 dispute equally share in the payment of the fee and, for the performance of
18 commission actions involving a complaint alleging that a prohibited practice has
19 been committed under s. 111.70 (3), the commission shall require that the party filing
20 the complaint pay the entire fee. If any party has paid a filing fee requesting the
21 commission to act as a mediator for a labor dispute and the parties do not enter into
22 a voluntary settlement of the dispute, the commission may not subsequently assess
23 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
24 dispute. If any request for the performance of commission actions concerns issues
25 arising as a result of more than one unrelated event or occurrence, each such

1 separate event or occurrence shall be treated as a separate request. The commission
2 shall promulgate rules establishing a schedule of filing fees to be paid under this
3 subsection. Fees required to be paid under this subsection shall be paid at the time
4 of filing the complaint or the request for fact-finding, mediation or arbitration. A
5 complaint or request for fact-finding, mediation or arbitration is not filed until the
6 date such fee or fees are paid, except that the failure of the respondent party to pay
7 the filing fee for having the commission initiate compulsory, final and binding
8 arbitration under s. 111.70 (4) ~~(em) 6. or (jm)~~ or 111.77 (3) shall may not prohibit the
9 commission from initiating such arbitration. The commission may initiate collection
10 proceedings against the respondent party for the payment of the filing fee. Fees
11 collected under this subsection shall be credited to the appropriation account under
12 s. 20.425 (1) (i).

13 **SECTION 162.** 111.71 (4) of the statutes is repealed.

14 **SECTION 163.** 111.71 (5) of the statutes is repealed.

15 **SECTION 164.** 111.77 (intro.) of the statutes is amended to read:

16 **111.77 Settlement of disputes in collective bargaining units composed**
17 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
18 and city and county law enforcement agencies municipal Municipal employers and
19 employees public safety employees, as provided in sub. (8), have the duty to bargain
20 collectively in good faith including the duty to refrain from strikes or lockouts and
21 to comply with the ~~procedures set forth below~~ following:

22 **SECTION 165.** 111.77 (8) (a) of the statutes is amended to read:

23 111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees
24 who are supervisors employed by a county having a population of 500,000 or more.

1 For purposes of such application, the term “municipal employee” includes such a
2 supervisor.

3 SECTION 111.80 ; RP
SECTION 166. 111.81 (1) of the statutes is amended to read:

4 111.81 (1) “Collective bargaining” means the performance of the mutual
5 obligation of the state as an employer, by its officers and agents, and the
6 representatives of its employees, to meet and confer at reasonable times, in good
7 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
8 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),
9 with respect to general employees, with the intention of reaching an agreement, or
10 to resolve questions arising under such an agreement. The duty to bargain, however,
11 does not compel either party to agree to a proposal or require the making of a
12 concession. Collective bargaining includes the reduction of any agreement reached
13 to a written and signed document.

14 **SECTION 167.** 111.81 (3h) of the statutes is repealed.

15 **SECTION 168.** 111.81 (3n) of the statutes is created to read:

16 111.81 (3n) “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.

20 **SECTION 169.** 111.81 (7) (g) of the statutes is repealed.

21 **SECTION 170.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

22 111.81 (7) (gm) Research assistants of the University of Wisconsin–Madison
23 and University of Wisconsin–Extension.

24 (h) Research assistants of the University of Wisconsin–Milwaukee.

1 (i) Research assistants of the Universities of Wisconsin-Eau Claire, Green Bay,
2 La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout,
3 Superior, and Whitewater.

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

5 111.81 (9g) "General employee" means an employee who is not a public safety
6 employee.

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

8 SECTION 173. 111.81 (12m) of the statutes is renumbered 111.81 (12m) (intro.)

9 and amended to read:

10 111.81 (12m) (intro.) "Maintenance of membership agreement" means an
11 agreement between the employer and a labor organization representing ^{public safety} employees
12 ~~or supervisors~~ specified in s. 111.825 (5) which requires that all ^{public safety} ~~one~~ of the employees
13 ~~or supervisors~~ following: ^{plan} No 91 ^{plan}

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

19 (b) The general employees or supervisors who are required to pay dues at the
20 time the agreement takes effect shall continue to be required to pay dues for the
21 duration of the agreement, and ^{public safety} ~~all general employees or supervisors~~ who are hired
22 on or after the effective date of the agreement shall continue to pay dues for the
23 duration of the agreement.

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

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and

(intro.)

following:

No 91

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1 111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)
2 (am) 7. or 8.

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

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

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

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

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

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

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

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

23 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
24 collective bargaining, units must be structured in such a way as to avoid excessive
25 fragmentation whenever possible. In accordance with this policy, collective

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

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

6 111.825 (1) (g) Public safety employees.

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

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

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

10 111.825 (3) The commission shall assign employees to the appropriate
11 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

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

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

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

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

23 111.825 (5) Although supervisors are not considered employees for purposes
24 of this subchapter, the commission may consider a petition for a statewide collective
25 bargaining unit of professional supervisors or a statewide unit of nonprofessional

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

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

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

12 111.825 (6) (b) The commission may assign only a public safety employee to the
13 collective bargaining unit under sub. (1) (g).

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

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

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

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

3 111.83 (3) (b) Annually, no later than December 1, the commission shall
4 conduct an election to certify the representative of a collective bargaining unit that
5 contains a general employee. There shall be included on the ballot the names of all
6 labor organizations having an interest in representing the general employees
7 participating in the election. The commission may exclude from the ballot one who,
8 at the time of the election, stands deprived of his or her rights under this subchapter
9 by reason of a prior adjudication of his or her having engaged in an unfair labor
10 practice. The commission shall certify any representative that receives at least 51
11 percent of the votes of all of the general employees in the collective bargaining unit.

12 If no representative receives at least 51 percent of the votes of all of the general
13 employees in the collective bargaining unit, the commission shall decertify the
14 current representative and terminate the collective bargaining agreement and the

15 general employees shall be nonrepresented. Notwithstanding s. 111.82, if a
16 ~~collective bargaining agreement is terminated~~ ^{representative is decertified} under this paragraph, the affected
17 general employees may not be included in a substantially similar collective

18 bargaining unit for 12 months from the date ~~the collective bargaining agreement is~~
19 ~~terminated~~ ^{of decertification}. The commission's certification of the results of any election is conclusive

20 unless reviewed as provided by s. 111.07 (8). The commission shall assess and collect
21 a certification fee for each election conducted under this paragraph. Fees collected
22 under this paragraph shall be credited to the appropriation account under s. 20.425

23 (1) (i).

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

SECTION 191

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

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

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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. ^{or} ~~general~~ ^{public safety} 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.

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

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

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

no 9

a public safety

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 amended to read:

24 111.91 (2) (gu) The right of ~~an~~ a public safety employee, who is an employee,
25 as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,

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1 first responder, or ambulance driver for a volunteer fire department or fire company,
2 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
3 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

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

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

6 111.91 (3) The employer is prohibited from bargaining with a collective
7 bargaining unit containing a general employee with respect to any of the following:

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

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

14 1. If the consumer price index change is positive, provides for a wage
15 expenditure per position in the proposed collective bargaining agreement that, after
16 adjustment for pay schedules, exceeds the ^{total base} wage expenditure per ^{authorized} position 180 days
17 before the expiration of the previous collective bargaining agreement by a greater
18 percentage than the consumer price index change.

19 2. If there is a decrease in the consumer price index change is negative, provides for a wage
20 expenditure per position in the proposed collective bargaining agreement that, after
21 adjustment for pay schedules, exceeds the ^{total base} wage expenditure per ^{authorized} position 180 days
22 before the expiration of the previous collective bargaining agreement decreased by
23 a percentage of that expenditure that is equal to the ^{negative} consumer price index
24 change. ^{decrease in the}

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

^ premium pay ^ merit pay ^ performance pay ^
Δ

there is an increase in

there is a decrease in

negative decrease in the

1 111.91 (3q) For purposes of determining compliance with sub. (3), the
2 commission shall provide, upon request, to the employer or to any representative of
3 a collective bargaining unit containing a general employee, the consumer price index
4 change during any 12-month period. The commission may get the information from
5 the department of revenue.

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

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

1 the tentative agreement, it shall be returned to the parties for renegotiation. If the
2 legislature does not adopt without change that portion of the tentative agreement
3 introduced by the joint committee on employment relations, the tentative agreement
4 shall be returned to the parties for renegotiation.

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

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

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

9 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
10 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

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

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

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

17 111.92 (6) Each collective bargaining agreement covering general employees
18 must contain a provision allowing the contract to be terminated under s. 111.83 (3)
19 (b).

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

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

1 ~~(b) to (f)~~ public safety employees who are not included in a collective bargaining unit
2 for which a representative is recognized or certified.

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

4 111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages
5 apply to general employees who are not included in a collective bargaining units for
6 which a representative is recognized or certified.

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

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

12 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)
13 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

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

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

22 111.93 (3) (b) If a collective bargaining agreement exists between the employer
23 and a labor organization representing general employees in a collective bargaining
24 unit, the provisions of that agreement shall supersede the provisions of civil service
25 and other applicable statutes, as well as rules and policies of the board of regents of

1 the University of Wisconsin System, related to wages, whether or not the matters
2 contained in those statutes, rules, and policies are set forth in the collective
3 bargaining agreement.

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

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

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

8 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.
9 111, no school board may collectively bargain with its employees.

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

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

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

21 (2) The question submitted in the referendum shall be substantially as follows:

22 "Shall the employees in the [school district] receive a percentage wage increase
23 that is [x] percent higher than the percent of the consumer price index increase?"

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

*^ for a total percentage increase
Δ in wages of [x] % ...*

1 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
2 board of regents' authority to establish and adjust all compensation and fringe
3 benefits of instructional staff, subject to the terms of any collective bargaining
4 agreement under subch. V of ch. 111 that covers the instructional staff. In the
5 absence of a collective bargaining agreement, the governing board may establish and
6 adjust all compensation and fringe benefits of the instructional staff only with the
7 approval of the chancellor of the University of Wisconsin-Parkside.

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

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

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

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

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

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
18 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
19 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
20 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,
21 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,
22 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),
23 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and
24 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
25 and board.

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

2 **120.12 (4m) CALCULATION OF WAGE INCREASE FOR COLLECTIVE BARGAINING.** If
3 collectively bargaining with employees of the school district, determine the
4 maximum wage expenditure that is subject to collective bargaining under s. 111.70
5 (4) (mb) 2., calculating the consumer price index change using the method the
6 department of revenue uses under s. 73.03 (68).

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

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

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

16 **120.18 (1) (gm) Payroll and related benefit costs for all school district**
17 **employees in the previous school year. Costs Payroll costs for represented employees**
18 **shall be based upon the costs of wages of any collective bargaining agreements**
19 **covering such employees for the previous school year. If, as of the time specified by**
20 **the department for filing the report, the school district has not entered into a**
21 **collective bargaining agreement for any portion of the previous school year with the**
22 **recognized or certified representative of any of its employees ~~and the school district~~**
23 **~~and the representative have been required to submit final offers under s. 111.70 (4)~~**
24 **~~(cm) 6., increased costs limited to the lower of the school district's offer or the~~**
25 **~~representative's offer shall be of wages reflected in the report shall be equal to the~~**

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

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

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

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

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

18 **SECTION 241.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act ...
19 (January 2011 Special Session Senate Bill 6), is amended to read:

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

1 subch. III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.
2 “Agency” does not mean any local unit of government or body within one or more local
3 units of government that is created by law or by action of one or more local units of
4 government.

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

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

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

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

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

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

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

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

20 230.35 (1s) Annual leave of absence with pay for instructional staff employed
21 by the board of regents of the University of Wisconsin System who provide services
22 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
23 determined by the governing board of the charter school established by contract
24 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of

1 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement
2 under subch. V of ch. 111 covering the instructional staff.

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

4 230.35 (2d) (e) 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 subsection shall apply unless otherwise provided in a collective bargaining
7 agreement.

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

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

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

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

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

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

1 233.02 (8) The members of the board of directors shall annually elect a
2 chairperson and may elect other officers as they consider appropriate. Eight ~~voting~~
3 members of the board of directors constitute a quorum for the purpose of conducting
4 the business and exercising the powers of the authority, notwithstanding the
5 existence of any vacancy. The members of the board of directors specified under sub.
6 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
7 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
8 of a majority of the members present, unless the bylaws of the authority require a
9 larger number.

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

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

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

18 233.04 (2) Subject to subs. (4) ~~to (4r)~~ and (4m) and s. 233.10, develop and
19 implement a personnel structure and other employment policies for employees of the
20 authority.

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

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

23 233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,
24 section 9159 (2) and (4), the authority shall employ such employees as it may require

1 and shall determine the qualifications and duties of its employees. Appointments
2 to and promotions in the authority shall be made according to merit and fitness.

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

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

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

9 233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), “carry-over
10 employee” means an employee of the authority who satisfies all of the following:

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

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

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

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

18 233.10 (3) (d) If an employee of the authority is not a carry-over employee ~~and~~
19 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,
20 1996, to June 30, 1997, provide that employee the same rights, benefits and
21 compensation provided to a carry-over employee under par. (c) who holds a position
22 at the authority with similar duties.

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

24 **SECTION 261.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
25 (January 2011 Special Session Senate Bill 6), is amended to read:

1 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. ~~52~~, 231,
2 233, 234, 237, or 238.

3 **SECTION 262.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
4 ... (January 2011 Special Session Senate Bill 6), is amended to read:

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

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

16 704.31 (3) This section does not apply to a lease to which a local professional
17 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~
18 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

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

20 851.71 (4) In counties having a population of 500,000 or more, the appointment
21 under subs. (1) and (2) shall be made as provided in those subsections but the judges
22 shall not remove the register in probate and deputy registers, except through charges
23 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~
24 ~~bargaining agreement~~.

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

1 978.12 (1) (c) *Assistant district attorneys*. Assistant district attorneys shall be
2 employed outside the classified service. For purposes of salary administration, the
3 director of the office of state employment relations shall establish one or more
4 classifications for assistant district attorneys in accordance with the classification
5 or classifications allocated to assistant attorneys general. Except as provided in s.
6 111.93 (3) (b), the salaries of assistant district attorneys shall be established and
7 adjusted in accordance with the state compensation plan for assistant attorneys
8 general whose positions are allocated to the classification or classifications
9 established by the director of the office of state employment relations.

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

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

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

17 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

18 (a) In this subsection:

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

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

23 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the
24 statutes, as affected by this act, containing general municipal employees shall vote
25 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.

1 of the statutes, as created by this act. Notwithstanding the date provided under
2 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, for collective
3 bargaining units containing school district employees, the vote shall be held in the
4 May that follows the termination of the collective bargaining agreement covering the
5 collective bargaining unit, and for collective bargaining units containing general
6 municipal employees who are not school district employees, the vote shall be held in
7 the December that follows the termination of the collective bargaining agreement
8 covering the collective bargaining unit.

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

10 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

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

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

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

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

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

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

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

7 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections
8 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508,
9 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (1b) (b) (2),
10 (3) (a) 4., 6., and 7. and (b) 6., (3m), (3p), (4) (intro.), (am), (c) (title), 1., 2., 3., and 4.,
11 (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc)
12 (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a),
13 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5),
14 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and
15 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes,
16 and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees
17 who are covered by a collective bargaining agreement under subchapter IV of chapter
18 III of the statutes that contains provisions inconsistent with those sections on the day
19 on which the agreement expires or is terminated, extended, modified, or renewed,
20 whichever occurs first.

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

22 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN
23 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

24 (a) The treatment of sections 20.921 (1) (a) 2. and (b), 73.03 (68), 111.81 (1), (3h),
25 (3n), (7) (g), (gm), (h), and (i), (9g), (9k), (12m), and (15r), 111.815 (1) and (2), 111.82,

Handwritten annotations include: "305" in a circle with an arrow pointing to (3) (a) 4.; "50" with an arrow pointing to (b); "5 and 90" with an arrow pointing to "and"; "Keep comma" with an arrow pointing to (b) (2); "11.705 (3)" with an arrow pointing to (3) (a) 4.; "11080" with an arrow pointing to 111.81 (1); "(a)" with an arrow pointing to (a); "(2) (intro)" with an arrow pointing to (2); and "4" with an arrow pointing to (4) (intro.).

, (2), (4)

1 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and
 2 (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3), 111.85 (1) ~~(c) and (d)~~ and (5), 111.90 (2),
 3 111.905, 111.91 (1) (a), (am), (b), (c), ~~(cg)~~, (cm), (d), and (e), (2) (intro.) and (gu), (2c),
 4 (3), and (3q), 111.92 (1) (a) and (b) ^{and} (2m), and (6), 118.40 (2r) (b) 3. a., 146.59 (3) (a),
 5 230.34 (1) (ar), 230.35 (1s), and 978.12 (1) (c) of the statutes, the renumbering of
 6 sections 111.825 (6) and 111.83 (3) of the statutes, the renumbering and amendment
 7 of sections 111.92 (3) and 111.93 (2) and (3) of the statutes, and the creation of sections
 8 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes
 9 first apply to employees who are covered by a collective bargaining agreement under
 10 subchapter V of chapter III of the statutes that contains provisions inconsistent with
 11 those sections on the day on which the agreement expires or is terminated, extended,
 12 modified, or renewed, whichever occurs first.

13 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96 (1) (h)
 14 and (2), 16.50 (3) (e), 16.705 (3) ~~(c)~~, 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i),
 15 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b),
 16 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c) 1.
 17 and 2., 40.02 (25) (b) 8., 40.05 (4) (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4.,
 18 and (6) (a), 40.62 (2), 40.95 (1) (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2.,
 19 3., and 4. and (b) 1., (7m), (9m), and (10m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1)
 20 (c) 1., (d), (i), and (m) and (2) (i), 111.075, 111.115 (title), (1) (intro.), (a), and (b), and
 21 (2), 111.17 (intro.), (1) and (2), 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d)
 22 (e) and (3) (e) 6., 230.88 (2) (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and
 23 (4r), 233.10 (1), (2) (intro.), (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m) and
 24 subchapter VI of chapter 111 of the statutes first applies to employees who are
 25 covered by a collective bargaining agreement under subchapter I or VI of chapter III

1 of the statutes that contains provisions inconsistent with those sections on the day
2 on which the agreement expires or is terminated, extended, modified, or renewed,
3 whichever occurs first.

4 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1211/p8ins
CMH:.....

1 Insert 41-25

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

3 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
4 organization by discrimination in regard to hiring, tenure, or other terms or
5 conditions of employment; but the prohibition shall not apply to a fair-share
6 agreement that covers public safety employees.

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

7

8 Insert 42-19

9 ~~SECTION 4~~ 111.70 (3) (a) 5. of the statutes is amended to read:

10 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
11 agreed upon by the parties with respect to wages, hours and conditions of
12 employment affecting municipal public safety employees, including an agreement to
13 arbitrate questions arising as to the meaning or application of the terms of a
14 collective bargaining agreement or to accept the terms of such arbitration award,
15 where previously the parties have agreed to accept such award as final and binding
16 upon them or to violate any collective bargaining agreement affecting general
17 municipal employees, that was previously agreed upon by the parties with respect
18 to wages.

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

19

20 Insert 43-6

21 ~~SECTION 4~~ 111.70 (3) (a) 9. of the statutes is amended to read:

1 111.70 (3) (a) 9. ~~After~~ If the collective bargaining unit contains a public safety
2 employee, after a collective bargaining agreement expires and before another
3 collective bargaining agreement takes effect, to fail to follow any fair-share
4 agreement in the expired collective bargaining agreement.

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

5

6 Insert 56-4

7 SECTION ~~#~~ 111.81 (9) of the statutes is amended to read:

8 111.81 (9) "Fair-share agreement" means an agreement between the employer
9 and a labor organization representing public safety employees ~~or supervisors~~
10 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~
11 ~~supervisors~~ in a collective bargaining unit are required to pay their proportionate
12 share of the cost of the collective bargaining process and contract administration
13 measured by the amount of dues uniformly required of all members.

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

INSERT
56-7
→

14 SECTION ~~#~~ 111.81 (12) (intro.) of the statutes is amended to read:

15 111.81 (12) (intro.) "Labor organization" means any employee organization
16 whose purpose is to represent employees in collective bargaining with the employer,
17 or its agents, on matters pertaining to terms and conditions of employment that are
18 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but
19 the term shall not include any organization:

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

20

21 Insert 66-6

22 SECTION ~~#~~ 111.85 (1), (2) and (4) of the statutes are amended to read:

1 111.85 (1) (a) No fair-share or maintenance of membership agreement
2 covering public safety employees may become effective unless authorized by a
3 referendum. The commission shall order a referendum whenever it receives a
4 petition supported by proof that at least 30% of the public safety employees ~~or~~
5 ~~supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a
6 fair-share or maintenance of membership agreement be entered into between the
7 employer and a labor organization. A petition may specify that a referendum is
8 requested on a maintenance of membership agreement only, in which case the ballot
9 shall be limited to that question.

10 (b) For a fair-share agreement to be authorized, at least two-thirds of the
11 eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in
12 favor of the agreement. For a maintenance of membership agreement to be
13 authorized, at least a majority of the eligible public safety employees ~~or supervisors~~
14 voting in a referendum shall vote in favor of the agreement. In a referendum on a
15 fair-share agreement, if less than two-thirds but more than one-half of the eligible
16 public safety employees ~~or supervisors~~ vote in favor of the agreement, a maintenance
17 of membership agreement is authorized.

18 (c) If a fair-share or maintenance of membership agreement is authorized in
19 a referendum, the employer shall enter into such an agreement with the labor
20 organization named on the ballot in the referendum. Each fair-share or
21 maintenance of membership agreement shall contain a provision requiring the
22 employer to deduct the amount of dues as certified by the labor organization from the
23 earnings of the public safety employees ~~or supervisors~~ affected by the agreement and
24 to pay the amount so deducted to the labor organization. Unless the parties agree
25 to an earlier date, the agreement shall take effect 60 days after certification by the

1 commission that the referendum vote authorized the agreement. The employer shall
2 be held harmless against any claims, demands, suits and other forms of liability
3 made by public safety employees ~~or supervisors~~ or local labor organizations which
4 may arise for actions taken by the employer in compliance with this section. All such
5 lawful claims, demands, suits and other forms of liability are the responsibility of the
6 labor organization entering into the agreement.

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

14 (2) (a) Once authorized, a fair-share or maintenance of membership
15 agreement covering public safety employees shall continue in effect, subject to the
16 right of the employer or labor organization concerned to petition the commission to
17 conduct a new referendum. Such petition must be supported by proof that at least
18 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit
19 desire that the fair-share or maintenance of membership agreement be
20 discontinued. Upon so finding, the commission shall conduct a new referendum. If
21 the continuance of the fair-share or maintenance of membership agreement is
22 approved in the referendum by at least the percentage of eligible voting public safety
23 employees ~~or supervisors~~ required for its initial authorization, it shall be continued
24 in effect, subject to the right of the employer or labor organization to later initiate a
25 further vote following the procedure prescribed in this subsection. If the

1 continuation of the agreement is not supported in any referendum, it is deemed
2 terminated at the termination of the collective bargaining agreement, or one year
3 from the date of the certification of the result of the referendum, whichever is earlier.

4 (b) The commission shall declare any fair-share or maintenance of
5 membership agreement suspended upon such conditions and for such time as the
6 commission decides whenever it finds that the labor organization involved has
7 refused on the basis of race, color, sexual orientation or creed to receive as a member
8 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,
9 and the agreement shall be made subject to the findings and orders of the
10 commission. Any of the parties to the agreement, or any public safety employee ~~or~~
11 ~~supervisor~~ covered thereby, may come before the commission, as provided in s.
12 111.07, and petition the commission to make such a finding.

13 (4) The commission may, under rules adopted for that purpose, appoint as its
14 agent an official of a state agency whose public safety employees are entitled to vote
15 in a referendum to conduct a referendum provided for herein.

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