



State of Wisconsin  
2011 - 2012 LEGISLATURE



P10

LRB-1211/P0

CMH/TKK/MES/JK:wlj:jf

*Now*

*stays*

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

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

*done for cut*

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

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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 of total base wages 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 ~~MARA~~ MERA

Under SELRA and MERA, a collective bargaining unit elects a labor organization as its representative once a majority of the employees in 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 employees in 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:**

percentage of

and subsequently votes to decertify the representative

at the expiration of the current collective bargaining agreements

and

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.~~ 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) of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 16.765 (7) (intro.) When a violation of this section has been determined by the  
23 department, the contracting agency, the University of Wisconsin Hospitals and  
24 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
25 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower

1 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
2 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
3 Entertainment Corporation, the contracting agency, the University of Wisconsin  
4 Hospitals and Clinics Authority, the Fox River Navigational System 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, or the Bradley Center  
8 Sports and Entertainment Corporation shall:

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

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

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

21 16.765 (8) If further violations of this section are committed during the term  
22 of the contract, the contracting agency, the Fox River Navigational System Authority,  
23 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
24 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
25 ~~Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley

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

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

18 16.85 (2) To furnish engineering, architectural, project management, and other  
19 building construction services whenever requisitions therefor are presented to the  
20 department by any agency. The department may deposit moneys received from the  
21 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
22 fund as general purpose revenue — earned. In this subsection, “agency” means an  
23 office, department, independent agency, institution of higher education, association,  
24 society, or other body in state government created or authorized to be created by the  
25 constitution or any law, which is entitled to expend moneys appropriated by law,

1 including the legislature and the courts, but not including an authority created in  
2 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

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

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

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

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

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

23 19.82 (1) "Governmental body" means a state or local agency, board,  
24 commission, committee, council, department or public body corporate and politic  
25 created by constitution, statute, ordinance, rule or order; a governmental or



1 quasi-governmental corporation except for the Bradley center sports and  
2 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
3 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
4 the foregoing, but excludes any such body or committee or subunit of such body which  
5 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
6 or V, ~~or VI~~ of ch. 111.

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

8 19.85 (3) Nothing in this subchapter shall be construed to authorize a  
9 governmental body to consider at a meeting in closed session the final ratification or  
10 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111  
11 which has been negotiated by such body or on its behalf.

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

13 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
14 19.82 (1), where notice has been given by either party to a collective bargaining  
15 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its  
16 expiration date, the employer shall give notice of such contract reopening as provided  
17 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
18 by the employer's chief officer or such person's designee.

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

20 20.425 (1) (a) *General program operations.* The amounts in the schedule for  
21 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

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

23 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
24 The amounts in the schedule for the performance of fact-finding, mediation,  
25 certification, and arbitration functions, for the provision of copies of transcripts, for

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

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

12 20.545 (1) (k) *General program operations.* The amounts in the schedule to  
13 administer state employment relations functions and the civil service system under  
14 ~~subchs. subch. V and VI~~ subch. V and ch. 230, to pay awards under s. 230.48, and  
15 to defray the expenses of the state employees suggestion board. All moneys received  
16 from state agencies for materials and services provided by the office of state  
17 employment relations shall be credited to this appropriation.

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

19 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in  
20 the schedule for the payment of the state's share of costs related to collective  
21 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~  
22 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state  
23 agencies for the purpose of reimbursing the state's share of the costs related to  
24 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for  
25 training related to grievance arbitrations, ~~and all moneys received from institutions,~~

1 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs  
2 related to grievance arbitrations under s. 111.993 and to reimburse the state's share  
3 of costs for training related to grievance arbitrations shall be credited to this  
4 appropriation account.

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

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

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

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

15 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*  
16 *academic pay adjustments.* From the appropriate program revenue and program  
17 revenue-service accounts, a sum sufficient to supplement the appropriations to the  
18 University of Wisconsin System to pay the cost of pay and related adjustments  
19 approved by the joint committee on employment relations under s. 230.12 (3) (e) for  
20 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and  
21 230.08 (2) (d) who are not included within a collective bargaining unit for which a  
22 representative is certified under subch. V or VI of ch. 111, as determined under s.  
23 20.928, other than adjustments funded under par. (cj).

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

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

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

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

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

11          20.917 (3) (b) This subsection applies to employees in all positions in the civil  
12 service, including those employees in positions included in collective bargaining  
13 units under subch. V or VI of ch. 111, whether or not the employees are covered by  
14 a collective bargaining agreement.

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

16          20.921 (1) (a) 2. Payment If the state employee is a public safety employee  
17 under s. 111.81 (15r), payment of dues to employee organizations.

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

19          20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the  
20 request under par. (a) shall be made to the state agency or to the University of  
21 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the  
22 directions and information prescribed by each state agency or by the authority. The  
23 request may be withdrawn or the amount paid to the payee may be changed by  
24 notifying the state agency or the authority to that effect, but no such withdrawal or  
25 change shall affect a payroll certification already prepared.

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

2           20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
3 following positions may be set by the appointing authority, subject to restrictions  
4 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
5 where the salaries are a subject of bargaining with a certified representative of a  
6 collective bargaining unit under s. 111.91 ~~or 111.998~~:

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

8           20.928 **(1)** Each state agency head shall certify to the department of  
9 administration, at such time and in such manner as the secretary of administration  
10 prescribes, the sum of money needed by the state agency from the appropriations  
11 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon  
12 receipt of the certifications together with such additional information as the  
13 secretary of administration prescribes, the secretary shall determine the amounts  
14 required from the respective appropriations to supplement state agency budgets.

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

16           36.09 **(1)** (j) Except where such matters are a subject of bargaining with a  
17 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the  
18 board shall establish salaries for persons not in the classified staff prior to July 1 of  
19 each year for the next fiscal year, and shall designate the effective dates for payment  
20 of the new salaries. In the first year of the biennium, payments of the salaries  
21 established for the preceding year shall be continued until the biennial budget bill  
22 is enacted. If the budget is enacted after July 1, payments shall be made following  
23 enactment of the budget to satisfy the obligations incurred on the effective dates, as  
24 designated by the board, for the new salaries, subject only to the appropriation of  
25 funds by the legislature and s. 20.928 (3). This paragraph does not limit the

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

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

23 36.25 (13g) (c) The board may negotiate and enter into a contractual services  
24 agreement with the University of Wisconsin Hospitals and Clinics Board for the  
25 provision of services by employees of the University of Wisconsin Hospitals and

1 Clinics Board. Any agreement under this ~~subdivision~~ paragraph shall include a  
2 provision that requires the board to make adequate payments to the University of  
3 Wisconsin Hospitals and Clinics Board for any services provided under the  
4 agreement in advance of their need by the University of Wisconsin Hospitals and  
5 Clinics Board to pay its employees for such services.

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

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

8 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
9 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or  
10 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.

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

12 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not  
13 covered by a collective bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 and  
14 for employees whose health insurance premium contribution rates are not  
15 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.  
16 (ag) unless a different amount is recommended by the director of the office of state  
17 employment relations and approved by the joint committee on employment relations  
18 in the manner provided for approval of changes in the compensation plan under s.  
19 230.12 (3).

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

21 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
22 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.  
23 I, V, ~~or VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon

1 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)  
2 or upon termination of creditable service and qualifying as an eligible employee  
3 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate  
4 he or she received while employed by the state, to credits for payment of health  
5 insurance premiums on behalf of the employee or the employee's surviving insured  
6 dependents. Any supplemental compensation that is paid to a state employee who  
7 is classified under the state classified civil service as a teacher, teacher supervisor,  
8 or education director for the employee's completion of educational courses that have  
9 been approved by the employee's employer is considered as part of the employee's  
10 basic pay for purposes of this paragraph. The full premium for any eligible employee  
11 who is insured at the time of retirement, or for the surviving insured dependents of  
12 an eligible employee who is deceased, shall be deducted from the credits until the  
13 credits are exhausted and paid from the account under s. 40.04 (10), and then  
14 deducted from annuity payments, if the annuity is sufficient. The department shall  
15 provide for the direct payment of premiums by the insured to the insurer if the  
16 premium to be withheld exceeds the annuity payment. Upon conversion of an  
17 employee's unused sick leave to credits under this paragraph or par. (bf), the  
18 employee or, if the employee is deceased, the employee's surviving insured  
19 dependents may initiate deductions from those credits or may elect to delay  
20 initiation of deductions from those credits, but only if the employee or surviving  
21 insured dependents are covered by a comparable health insurance plan or policy  
22 during the period beginning on the date of the conversion and ending on the date on  
23 which the employee or surviving insured dependents later elect to initiate  
24 deductions from those credits. If an employee or an employee's surviving insured  
25 dependents elect to delay initiation of deductions from those credits, an employee or



1 the employee's surviving insured dependents may only later elect to initiate  
2 deductions from those credits during the annual enrollment period under par. (be).  
3 A health insurance plan or policy is considered comparable if it provides hospital and  
4 medical benefits that are substantially equivalent to the standard health insurance  
5 plan established under s. 40.52 (1).

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

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

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

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

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

1           40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
2 continuation insurance provided under subch. V the employee shall pay the amount  
3 remaining after the employer has contributed the following or, if different, the  
4 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~  
5 of ch. 111 or s. 230.12 or 233.10:

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

7           40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
8 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,  
9 V, ~~or VI~~ of ch. 111.

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

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

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

20          40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
21 of the department, any collective bargaining agreement under subch. I, V, ~~or VI~~ of  
22 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,  
23 757.02 (5) and 978.12 (3).

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

1           40.80 (3) Any action taken under this section shall apply to employees covered  
2 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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

4           40.81 (3) Any action taken under this section shall apply to employees covered  
5 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

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

7           40.95 (1) (a) 2. The employee has his or her compensation established in a  
8 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

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

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

11          46.2895 (8) (a) 1. If the long-term care district offers employment to any  
12 individual who was previously employed by a county, which participated in creating  
13 the district and at the time of the offer had not withdrawn or been removed from the  
14 district under sub. (14), and who while employed by the county performed duties  
15 relating to the same or a substantially similar function for which the individual is  
16 offered employment by the district and whose wages, ~~hours and conditions of~~  
17 ~~employment~~ were established in a collective bargaining agreement with the county  
18 under subch. IV of ch. 111 that is in effect on the date that the individual commences  
19 employment with the district, with respect to that individual, abide by the terms of  
20 the collective bargaining agreement concerning the individual's wages and, ~~if~~  
21 ~~applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday~~  
22 ~~allowance, funeral leave allowance, personal day allowance, or paid time off~~  
23 ~~allowance~~ until the time of the expiration of that collective bargaining agreement or  
24 adoption of a collective bargaining agreement with the district under subch. IV of ch.  
25 111 covering the individual as an employee of the district, whichever occurs first.

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

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

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

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

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

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

7           **66.0506 Referendum; increase in employee wages.** (1) In this section,  
8 "local governmental unit" means any city, village, town, county, metropolitan  
9 sewerage district, long-term care district, transit authority under s. 59.58 (7) or  
10 66.1039, local cultural arts district under subch. V of ch. 229, or any other political  
11 subdivision of the state, or instrumentality of one or more political subdivisions of  
12 the state.

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

23           (3) The referendum question shall be substantially as follows: "Shall the ....  
24 [general municipal employees] in the .... [local governmental unit] receive a total  
25 increase in wages from \$....[current total base wages] to \$....[proposed total base

1 wages], which is a percentage wage increase that is .... [x] percent higher than the  
2 percent of the consumer price index increase, for a total percentage increase in wages  
3 of .... [x]?”

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

5 **66.0508 Collective bargaining.** (1) In this section, “local governmental  
6 unit” has the meaning given in s. 66.0506 (1).

7 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit  
8 may collectively bargain with its employees.

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

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

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

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

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

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

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

1 Authority, of the ~~Wisconsin Quality Home Care Authority~~, of the Fox River  
2 Navigational System Authority, of the Wisconsin Economic Development  
3 Corporation, and of the Wisconsin Aerospace Authority.

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

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

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

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

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

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

1 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~  
2 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River  
3 Navigational System Authority.

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

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

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

18 109.03 (1) (b) School district and private school employees who voluntarily  
19 request payment over a 12-month period for personal services performed during the  
20 school year, unless ~~such~~, with respect to private school employees, the employees are  
21 covered under a valid collective bargaining agreement which precludes this method  
22 of payment.

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

24 111.02 (1) ~~The term "all-union~~ "All-union agreement" ~~shall mean~~ means an  
25 agreement between an employer ~~other than the University of Wisconsin Hospitals~~

1 ~~and Clinics Authority~~ and the representative of the employer's employees in a  
2 collective bargaining unit whereby all or any of the employees in such unit are  
3 required to be members of a single labor organization.

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

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

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

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



1 representative where a majority of the employees in each separate unit have voted  
2 by secret ballot as provided in s. 111.05 (2) so to do.

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

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

6 111.02 (7) (a) "Employer" means a person who engages the services of an  
7 employee, and includes all of the following: ~~1. A~~ a person acting on behalf of an  
8 employer within the scope of his or her authority, express or implied.

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

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

11 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political  
12 subdivision thereof.

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

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

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

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

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

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

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

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

**SECTION 103**

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

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

3           111.06 (1) (c) 1. To encourage or discourage membership in any labor  
4 organization, employee agency, committee, association or representation plan by  
5 discrimination in regard to hiring, tenure or other terms or conditions of employment  
6 except in a collective bargaining unit where an all-union, fair-share or maintenance  
7 of membership agreement is in effect. ~~An employer is not prohibited from entering  
8 into an all-union agreement with the voluntarily recognized representative of the  
9 employees in a collective bargaining unit, where at least a majority of such employees  
10 voting have voted affirmatively, by secret ballot, in favor of such all-union agreement  
11 in a referendum conducted by the commission, except that where the bargaining  
12 representative has been certified by either the commission or the national labor  
13 relations board as the result of a representation election, no referendum is required  
14 to authorize the entry into such an all-union agreement. Such authorization of an  
15 all-union agreement shall be deemed to continue thereafter, subject to the right of  
16 either party to the all-union agreement to petition the commission to conduct a new  
17 referendum on the subject. Upon receipt of such petition, the commission shall  
18 determine whether there is reasonable ground to believe that the employees  
19 concerned have changed their attitude toward the all-union agreement and upon so  
20 finding the commission shall conduct a referendum. If the continuance of the  
21 all-union agreement is supported on any such referendum by a vote at least equal  
22 to that provided in this subdivision for its initial authorization, it may be continued  
23 in force thereafter, subject to the right to petition for a further vote by the procedure  
24 set forth in this subdivision. If the continuance of the all-union agreement is not  
25 thus supported on any such referendum, it is deemed terminated at the termination~~

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

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

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

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

20 111.06 (1) (i) To deduct labor organization dues or assessments from an  
21 employee's earnings, unless the employer has been presented with an individual  
22 order therefor, signed by the employee personally, and terminable at the end of any  
23 year of its life by the employee giving at least thirty days' written notice of such  
24 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

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

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.

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.

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 that represents public safety  
23 employees under which all or any of the public safety employees in the collective  
24 bargaining unit are required to pay their proportionate share of the cost of the  
25 collective bargaining process and contract administration measured by the amount

1 of dues uniformly required of all members. ~~Such an agreement shall contain a~~  
2 ~~provision requiring the employer to deduct the amount of dues as certified by the~~  
3 ~~labor organization from the earnings of the employees affected by said agreement~~  
4 ~~and to pay the amount so deducted to the labor organization.~~

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

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

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

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

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

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

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

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

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

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1           111.70 (1) (n) "Referendum" means a proceeding conducted by the commission  
2 in which public safety employees in a collective bargaining unit may cast a secret  
3 ballot on the question of authorizing a labor organization and the employer to  
4 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~  
5 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~  
6 ~~of the collective bargaining agreement deemed null and void that covers public safety~~  
7 employees.

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

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

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

20           111.70 (1b) (c) This subchapter shall be construed as an enactment of statewide  
21 concern for the purpose of providing a uniform operation of the collective bargaining  
22 laws.

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

24           111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the  
25 right of self-organization, and the right to form, join, or assist labor organizations,



1 to bargain collectively through representatives of their own choosing, and to engage  
2 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
3 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to  
4 refrain from any and all such activities ~~except that employees.~~ A general municipal  
5 employee has the right to refrain from paying dues while remaining a member of a  
6 collective bargaining unit. A public safety employee, however, maybe required to pay  
7 dues in the manner provided in a fair-share agreement.—Such; a fair-share  
8 agreement covering a public safety employee must contain a provision requiring the  
9 municipal employer to deduct the amount of dues as certified by the labor  
10 organization from the earnings of the public safety employee affected by the  
11 fair-share agreement and to pay the amount deducted to the labor organization. A  
12 fair-share agreement ~~shall be~~ covering a public safety employee is subject to the  
13 right of the municipal employer or a labor organization to petition the commission  
14 to conduct a referendum. Such petition must be supported by proof that at least 30%  
15 of the public safety employees in the collective bargaining unit desire that the  
16 fair-share agreement be terminated. Upon so finding, the commission shall conduct  
17 a referendum. If the continuation of the agreement is not supported by at least the  
18 majority of the eligible public safety employees, it shall ~~be deemed terminated~~  
19 terminate. The commission shall declare any fair-share agreement suspended upon  
20 such conditions and for such time as the commission decides whenever it finds that  
21 the labor organization involved has refused on the basis of race, color, sexual  
22 orientation, creed, or sex to receive as a member any public safety employee of the  
23 municipal employer in the bargaining unit involved, and such agreement ~~shall be~~  
24 made is subject to this duty of the commission. Any of the parties to such agreement

1 or any ~~municipal public safety~~ employee covered ~~thereby by the agreement~~ may come  
2 before the commission, as provided in s. 111.07, and ask the performance of this duty.

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

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

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

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

1 ~~school district employees shall not exceed 3 years, and the term of any collective~~  
2 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

3 **SECTION 129.** 111.70 (3) (a) 5. of the statutes is amended to read:

4 111.70 (3) (a) 5. To violate any collective bargaining agreement previously  
5 agreed upon by the parties with respect to wages, hours and conditions of  
6 employment affecting ~~municipal~~ public safety employees, including an agreement to  
7 arbitrate questions arising as to the meaning or application of the terms of a  
8 collective bargaining agreement or to accept the terms of such arbitration award,  
9 where previously the parties have agreed to accept such award as final and binding  
10 upon them or to violate any collective bargaining agreement affecting general  
11 municipal employees, that was previously agreed upon by the parties with respect  
12 to wages.

13 **SECTION 130.** 111.70 (3) (a) 6. of the statutes is amended to read:

14 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~  
15 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer  
16 has been presented with an individual order therefor, signed by the ~~municipal~~ public  
17 safety employee personally, and terminable by at least the end of any year of its life  
18 or earlier by the ~~municipal~~ public safety employee giving at least 30 days' written  
19 notice of such termination to the municipal employer and to the representative  
20 organization, except ~~where there is~~ when a fair-share agreement is in effect.

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

22 **SECTION 132.** 111.70 (3) (a) 9. of the statutes is amended to read:

23 111.70 (3) (a) 9. ~~After~~ If the collective bargaining unit contains a public safety  
24 employee, after a collective bargaining agreement expires and before another

1 collective bargaining agreement takes effect, to fail to follow any fair-share  
2 agreement in the expired collective bargaining agreement.

3 **SECTION 133.** 111.70 (3) (b) 6. of the statutes is repealed.

4 **SECTION 134.** 111.70 (3g) of the statutes is created to read:

5 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not  
6 deduct labor organization dues from the earnings of a general municipal employee  
7 or supervisor.

8 **SECTION 135.** 111.70 (3m) of the statutes is repealed.

9 **SECTION 136.** 111.70 (3p) of the statutes is repealed.

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

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

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

16 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*  
17 *and fire fighting personnel public safety employees.*

18 **SECTION 139.** 111.70 (4) (c) 1. of the statutes is amended to read:

19 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in  
20 labor disputes involving a collective bargaining unit containing a public safety  
21 employee. Such mediation may be carried on by a person designated to act by the  
22 commission upon request of one or both of the parties or upon initiation of the  
23 commission. The function of the mediator ~~shall be~~ is to encourage voluntary  
24 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

25 **SECTION 140.** 111.70 (4) (c) 2. of the statutes is amended to read:

1           111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning  
2 or application of the terms of a written collective bargaining agreement involving a  
3 collective bargaining unit containing a public safety employee may agree in writing  
4 to have the commission or any other appropriate agency serve as arbitrator or may  
5 designate any other competent, impartial and disinterested person to so serve.

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

13           **SECTION 141.** 111.70 (4) (c) 3. of the statutes is amended to read:

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

22           a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall  
23 make an investigation with or without a formal hearing, to determine whether a  
24 deadlock in fact exists. After its investigation the commission shall certify the  
25 results thereof. If the commission decides that fact-finding should be initiated, it

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1 shall appoint a qualified, disinterested person or 3-member panel, when jointly  
2 requested by the parties, to function as a fact finder.

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

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

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

22 **SECTION 142.** 111.70 (4) (c) 4. of the statutes is repealed.

23 **SECTION 143.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended  
24 to read:

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

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

21           3. 'Mediation.' The commission or its designee shall function as mediator in  
22 labor disputes involving general municipal employees upon request of one or both of  
23 the parties, or upon initiation of the commission. The function of the mediator shall  
24 be to encourage voluntary settlement by the parties. No mediator has the power of  
25 compulsion.

**SECTION 143**

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

7           **SECTION 144.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

8           **SECTION 145.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

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