

1           **SECTION 146.** 111.70 (4) (cm) 9. of the statutes is repealed.

2           **SECTION 147.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

3           111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
4 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
5 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by  
6 maintaining as few collective bargaining units as practicable in keeping with the size  
7 of the total municipal workforce. ~~In making such a determination, the~~ The  
8 commission may decide whether, in a particular case, the municipal employees in the  
9 same or several departments, divisions, institutions, crafts, professions, or other  
10 occupational groupings constitute a collective bargaining unit. Before making its  
11 determination, the commission may provide an opportunity for the municipal  
12 employees concerned to determine, by secret ballot, whether they desire to be  
13 established as a separate collective bargaining unit. The commission ~~shall~~ may not  
14 decide, however, that any group of municipal employees constitutes an appropriate  
15 collective bargaining unit if the group includes both professional employees and  
16 nonprofessional employees, unless a majority of the professional employees vote for  
17 inclusion in the unit. The commission may not decide that any group of municipal  
18 employees constitutes an appropriate collective bargaining unit if the group includes  
19 both school district employees and general municipal employees who are not school  
20 district employees. The commission may not decide that any group of municipal  
21 employees constitutes an appropriate collective bargaining unit if the group includes  
22 both public safety employees and general municipal employees. The commission  
23 ~~shall~~ may not decide that any group of municipal employees constitutes an  
24 appropriate collective bargaining unit if the group includes both craft employees and  
25 noncraft employees unless a majority of the craft employees vote for inclusion in the

1 unit. The commission shall place the professional employees who are assigned to  
2 perform any services at a charter school, as defined in s. 115.001 (1), in a separate  
3 collective bargaining unit from a unit that includes any other professional employees  
4 whenever at least 30% of those professional employees request an election to be held  
5 to determine that issue and a majority of the professional employees at the charter  
6 school who cast votes in the election decide to be represented in a separate collective  
7 bargaining unit. Upon the expiration of any collective bargaining agreement in  
8 force, the commission shall combine into a single collective bargaining unit 2 or more  
9 collective bargaining units consisting of school district employees if a majority of the  
10 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~  
11 ~~under this subsection shall be by secret ballot.~~

12 **SECTION 148.** 111.70 (4) (d) 3. of the statutes is amended to read:

13 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning  
14 representation or appropriate unit, calling for a vote, the commission shall certify the  
15 results in writing to the municipal employer and the labor organization involved and  
16 to any other interested parties.

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

22 **SECTION 149.** 111.70 (4) (d) 3. b. of the statutes is created to read:

23 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify  
24 the representative of the collective bargaining unit that contains a general municipal  
25 employee. The election shall occur no later than December 1 for a collective

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

15 **SECTION 150.** 111.70 (4) (L) of the statutes is amended to read:

16 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~  
17 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right  
18 to strike by any municipal employee or labor organization, and such strikes are  
19 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~  
20 ~~injunction has been issued against such strike under sub. (7m).~~

21 **SECTION 151.** 111.70 (4) (m) of the statutes is repealed.

22 **SECTION 152.** 111.70 (4) (mb) of the statutes is created to read:

23 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

24 The municipal employer is prohibited from bargaining collectively with a collective

1 bargaining unit containing a general municipal employee with respect to any of the  
2 following:

3 1. Any factor or condition of employment except wages, which includes only  
4 total base wages and excludes any other compensation, which includes, but is not  
5 limited to, overtime, premium pay, merit pay, performance pay, supplemental  
6 compensation, pay schedules, and automatic pay progressions.

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

9 a. If there is an increase in the consumer price index change, provides for total  
10 base wages for authorized positions in the proposed collective bargaining agreement  
11 that exceeds the total base wages for authorized positions 180 days before the  
12 expiration of the previous collective bargaining agreement by a greater percentage  
13 than the consumer price index change.

14 b. If there is a decrease in the consumer price index change, provides for total  
15 base wages for authorized positions in the proposed collective bargaining agreement  
16 that exceeds the total base wages for authorized positions 180 days before the  
17 expiration of the previous collective bargaining agreement decreased by a  
18 percentage of that expenditure that is equal to the decrease in the consumer price  
19 index change.

20 **SECTION 153.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

21 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*  
22 (intro.) The municipal employer is prohibited from bargaining collectively with a  
23 collective bargaining unit containing a public safety employee with respect to any of  
24 the following:

25 **SECTION 154.** 111.70 (4) (mc) 4. of the statutes is repealed.

1           **SECTION 155.** 111.70 (4) (n) and (o) of the statutes are repealed.

2           **SECTION 156.** 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).

3           **SECTION 157.** 111.70 (6) of the statutes is renumbered 111.70 (1b) (a).

4           **SECTION 158.** 111.70 (7) of the statutes is repealed.

5           **SECTION 159.** 111.70 (7m) (b) of the statutes is repealed.

6           **SECTION 160.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

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

16           **SECTION 161.** 111.70 (7m) (c) 3. of the statutes is repealed.

17           **SECTION 162.** 111.70 (7m) (e) and (f) of the statutes are repealed.

18           **SECTION 163.** 111.70 (8) (a) of the statutes is amended to read:

19           111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cm) and (7m)~~, applies  
20 to law enforcement supervisors employed by a 1st class city. This section, except  
21 ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m)~~, applies to law enforcement supervisors  
22 employed by a county having a population of 500,000 or more. For purposes of such  
23 application, the ~~term~~ terms "municipal employee" ~~includes~~ and "public safety  
24 employee" ~~include~~ such a supervisor.

25           **SECTION 164.** 111.71 (2) of the statutes is amended to read:

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

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

10 **SECTION 165.** 111.71 (4) of the statutes is repealed.

11 **SECTION 166.** 111.71 (5) of the statutes is repealed.

12 **SECTION 167.** 111.77 (intro.) of the statutes is amended to read:

13 **111.77 Settlement of disputes in collective bargaining units composed**  
14 **~~of law enforcement personnel and fire fighters.~~** (intro.) ~~In fire departments~~  
15 ~~and city and county law enforcement agencies municipal~~ Municipal employers and  
16 ~~employees~~ public safety employees, as provided in sub. (8), have the duty to bargain  
17 collectively in good faith including the duty to refrain from strikes or lockouts and  
18 to comply with the ~~procedures set forth below~~ following:

19 **SECTION 168.** 111.77 (8) (a) of the statutes is amended to read:

20 111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees  
21 who are supervisors employed by a county having a population of 500,000 or more.  
22 For purposes of such application, the term “municipal employee” includes such a  
23 supervisor.

24 **SECTION 169.** 111.81 (1) of the statutes is amended to read:

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

11           **SECTION 170.** 111.81 (3h) of the statutes is repealed.

12           **SECTION 171.** 111.81 (3n) of the statutes is created to read:

13           111.81 (3n) "Consumer price index change" means the average annual  
14 percentage change in the consumer price index for all urban consumers, U.S. city  
15 average, as determined by the federal department of labor, for the 12 months  
16 immediately preceding the current date.

17           **SECTION 172.** 111.81 (7) (g) of the statutes is repealed.

18           **SECTION 173.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

19           111.81 (7) (gm) Research assistants of the University of Wisconsin-Madison  
20 and University of Wisconsin-Extension.

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

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

25           **SECTION 174.** 111.81 (9) of the statutes is amended to read:



1           111.81 (9) “Fair-share agreement” means an agreement between the employer  
2 and a labor organization representing public safety employees ~~or supervisors~~  
3 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~  
4 ~~supervisors~~ in a collective bargaining unit are required to pay their proportionate  
5 share of the cost of the collective bargaining process and contract administration  
6 measured by the amount of dues uniformly required of all members.

7           **SECTION 175.** 111.81 (9g) of the statutes is created to read:

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

10          **SECTION 176.** 111.81 (9k) of the statutes is repealed.

11          **SECTION 177.** 111.81 (12) (intro.) of the statutes is amended to read:

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

17          **SECTION 178.** 111.81 (12m) of the statutes is amended to read:

18          111.81 (12m) “Maintenance of membership agreement” means an agreement  
19 between the employer and a labor organization representing public safety employees  
20 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety  
21 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.  
22 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to  
23 have dues deducted for the duration of the agreement, and that dues shall be  
24 deducted from the earnings of all public safety employees ~~or supervisors~~ who are  
25 hired on or after the effective date of the agreement.

1           **SECTION 179.** 111.81 (15r) of the statutes is created to read:

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

4           **SECTION 180.** 111.81 (16) of the statutes is amended to read:

5           111.81 (16) "Referendum" means a proceeding conducted by the commission in  
6 which public safety employees, ~~or supervisors specified in s. 111.825 (5),~~ in a  
7 collective bargaining unit may cast a secret ballot on the question of directing the  
8 labor organization and the employer to enter into a fair-share or maintenance of  
9 membership agreement or to terminate such an agreement.

10          **SECTION 181.** 111.815 (1) of the statutes is amended to read:

11          111.815 (1) In the furtherance of this subchapter, the state shall be considered  
12 as a single employer and employment relations policies and practices throughout the  
13 state service shall be as consistent as practicable. The office shall negotiate and  
14 administer collective bargaining agreements ~~except that the department of health~~  
15 ~~services, subject to the approval of the federal centers for medicare and medicaid~~  
16 ~~services to use collective bargaining as the method of setting rates for~~  
17 ~~reimbursement of home care providers, shall negotiate and administer collective~~  
18 ~~bargaining agreements entered into with the collective bargaining unit specified in~~  
19 ~~s. 111.825 (2g).~~ To coordinate the employer position in the negotiation of agreements,  
20 the office, ~~or the department of health services with regard to collective bargaining~~  
21 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~  
22 (2g), shall maintain close liaison with the legislature relative to the negotiation of  
23 agreements and the fiscal ramifications of those agreements. Except with respect  
24 to the collective bargaining ~~units~~ unit specified in s. 111.825 (1m), (2) (f), ~~and (2g),~~  
25 the office is responsible for the employer functions of the executive branch under this

1 subchapter, and shall coordinate its collective bargaining activities with operating  
2 state agencies on matters of agency concern. The legislative branch shall act upon  
3 those portions of tentative agreements negotiated by the office that require  
4 legislative action. ~~With respect to the collective bargaining units specified in s.~~  
5 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~  
6 ~~for the employer functions under this subchapter.~~ With respect to the collective  
7 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter  
8 school established by contract under s. 118.40 (2r) (cm) is responsible for the  
9 employer functions under this subchapter. ~~With respect to the collective bargaining~~  
10 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~  
11 ~~the employer functions of the executive branch under this subchapter.~~

12 **SECTION 182.** 111.815 (2) of the statutes is amended to read:

13 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of  
14 the office shall, together with the appointing authorities or their representatives,  
15 represent the state in its responsibility as an employer under this subchapter except  
16 with respect to negotiations in the collective bargaining ~~units~~ unit specified in s.  
17 111.825 ~~(1m), (2) (f), and (2g)~~. The director of the office shall establish and maintain,  
18 wherever practicable, consistent employment relations policies and practices  
19 throughout the state service.

20 **SECTION 183.** 111.82 of the statutes is amended to read:

21 **111.82 Rights of employees.** Employees ~~shall~~ have the right of  
22 self-organization and the right to form, join, or assist labor organizations, to bargain  
23 collectively through representatives of their own choosing under this subchapter,  
24 and to engage in lawful, concerted activities for the purpose of collective bargaining  
25 or other mutual aid or protection. Employees ~~shall~~ also have the right to refrain from

1 any or all of such activities. A general employee has the right to refrain from paying  
2 dues while remaining a member of a collective bargaining unit.

3 **SECTION 184.** 111.825 (1) (intro.) of the statutes is amended to read:

4 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
5 collective bargaining, units must be structured in such a way as to avoid excessive  
6 fragmentation whenever possible. In accordance with this policy, collective  
7 bargaining units for employees in the classified service of the state, ~~except employees~~  
8 ~~in the collective bargaining units specified in sub. (1m)~~, are structured on a statewide  
9 basis with one collective bargaining unit for each of the following occupational  
10 groups:

11 **SECTION 185.** 111.825 (1) (g) of the statutes is created to read:

12 111.825 (1) (g) Public safety employees.

13 **SECTION 186.** 111.825 (1m) of the statutes is repealed.

14 **SECTION 187.** 111.825 (2g) of the statutes is repealed.

15 **SECTION 188.** 111.825 (3) of the statutes is amended to read:

16 111.825 (3) The commission shall assign employees to the appropriate  
17 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

18 **SECTION 189.** 111.825 (4) of the statutes is amended to read:

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

1 through signed authorization cards, that at least 10% of the employees in the  
2 collective bargaining unit want it to be their representative.

3 **SECTION 190.** 111.825 (4m) of the statutes is repealed.

4 **SECTION 191.** 111.825 (5) of the statutes is amended to read:

5 111.825 (5) Although supervisors are not considered employees for purposes  
6 of this subchapter, the commission may consider a petition for a statewide collective  
7 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
8 supervisors in the classified service, but the representative of supervisors may not  
9 be affiliated with any labor organization representing employees. For purposes of  
10 this subsection, affiliation does not include membership in a national, state, county  
11 or municipal federation of national or international labor organizations. The  
12 certified representative of supervisors who are not public safety employees may not  
13 bargain collectively with respect to any matter other than wages and fringe benefits  
14 as provided in s. 111.91 (3), and the certified representative of supervisors who are  
15 public safety employees may not bargain collectively with respect to any matter other  
16 than wages and fringe benefits as provided in s. 111.91 (1).

17 **SECTION 192.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

18 **SECTION 193.** 111.825 (6) (b) of the statutes is created to read:

19 111.825 (6) (b) The commission may assign only a public safety employee to the  
20 collective bargaining unit under sub. (1) (g).

21 **SECTION 194.** 111.83 (1) of the statutes is amended to read:

22 111.83 (1) Except as provided in ~~subs. sub. (5) and (5m)~~, a representative  
23 chosen for the purposes of collective bargaining by a majority of the employees voting  
24 in a collective bargaining unit shall be the exclusive representative of all of the  
25 employees in such unit for the purposes of collective bargaining. Any individual

1 employee, or any minority group of employees in any collective bargaining unit, may  
2 present grievances to the employer in person, or through representatives of their own  
3 choosing, and the employer shall confer with said employee or group of employees in  
4 relation thereto if the majority representative has been afforded the opportunity to  
5 be present at the conference. Any adjustment resulting from such a conference may  
6 not be inconsistent with the conditions of employment established by the majority  
7 representative and the employer.

8 **SECTION 195.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

9 **SECTION 196.** 111.83 (3) (b) of the statutes is created to read:

10 111.83 (3) (b) Annually, no later than December 1, the commission shall  
11 conduct an election to certify the representative of a collective bargaining unit that  
12 contains a general employee. There shall be included on the ballot the names of all  
13 labor organizations having an interest in representing the general employees  
14 participating in the election. The commission may exclude from the ballot one who,  
15 at the time of the election, stands deprived of his or her rights under this subchapter  
16 by reason of a prior adjudication of his or her having engaged in an unfair labor  
17 practice. The commission shall certify any representative that receives at least 51  
18 percent of the votes of all of the general employees in the collective bargaining unit.  
19 If no representative receives at least 51 percent of the votes of all of the general  
20 employees in the collective bargaining unit, at the expiration of the collective  
21 bargaining agreement, the commission shall decertify the current representative  
22 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if  
23 a representative is decertified under this paragraph, the affected general employees  
24 may not be included in a substantially similar collective bargaining unit for 12  
25 months from the date of decertification. The commission's certification of the results

1 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The  
2 commission shall assess and collect a certification fee for each election conducted  
3 under this paragraph. Fees collected under this paragraph shall be credited to the  
4 appropriation account under s. 20.425 (1) (i).

5 **SECTION 197.** 111.83 (4) of the statutes is amended to read:

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

15 **SECTION 198.** 111.83 (5m) of the statutes is repealed.

16 **SECTION 199.** 111.83 (7) of the statutes is repealed.

17 **SECTION 200.** 111.84 (1) (b) of the statutes is amended to read:

18 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
19 create, dominate or interfere with the formation or administration of any labor or  
20 employee organization or contribute financial support to it. Except as provided in  
21 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
22 retirement system under ch. 40 and no action by the employer that is authorized by  
23 such a law constitutes a violation of this paragraph unless an applicable collective  
24 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)  
25 specifically prohibits the change or action. No such change or action affects the

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1 continuing duty to bargain collectively with a collective bargaining unit under s.  
2 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent  
3 required by s. 111.91 (1). It is not an unfair labor practice for the employer to  
4 reimburse an employee at his or her prevailing wage rate for the time spent during  
5 the employee's regularly scheduled hours conferring with the employer's officers or  
6 agents and for attendance at commission or court hearings necessary for the  
7 administration of this subchapter. Professional supervisory or craft personnel may  
8 maintain membership in professional or craft organizations; however, as members  
9 of such organizations they shall be prohibited from those activities related to  
10 collective bargaining in which the organizations may engage.

11 **SECTION 201.** 111.84 (1) (d) of the statutes is amended to read:

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

22 **SECTION 202.** 111.84 (1) (f) of the statutes is amended to read:

23 111.84 (1) (f) To deduct labor organization dues from ~~an~~ employee's the  
24 earnings of a public safety employee, unless the employer has been presented with  
25 an individual order therefor, signed by the public safety employee personally, and



1 terminable by at least the end of any year of its life or earlier by the public safety  
2 employee giving at least 30 but not more than 120 days' written notice of such  
3 termination to the employer and to the representative labor organization, except if  
4 there is a fair-share or maintenance of membership agreement in effect. The  
5 employer shall give notice to the labor organization of receipt of such notice of  
6 termination.

7 **SECTION 203.** 111.84 (2) (c) of the statutes is amended to read:

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

16 **SECTION 204.** 111.84 (3) of the statutes is amended to read:

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

21 **SECTION 205.** 111.845 of the statutes is created to read:

22 **111.845 Wage deduction prohibition.** The employer may not deduct labor  
23 organization dues from a general employee's earnings.

24 **SECTION 206.** 111.85 (1), (2) and (4) of the statutes are amended to read:

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

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

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

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

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

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

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

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

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

16 **SECTION 207.** 111.85 (5) of the statutes is repealed.

17 **SECTION 208.** 111.90 (2) of the statutes is amended to read:

18 111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state  
19 agency; hire, promote, transfer, assign or retain employees in positions within the  
20 agency; and in that regard establish reasonable work rules.

21 **SECTION 209.** 111.905 of the statutes is repealed.

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

23 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective  
24 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to  
25 the point of impasse are wage rates, consistent with sub. (2), the assignment and

1 reassignment of classifications to pay ranges, determination of an incumbent's pay  
2 status resulting from position reallocation or reclassification, and pay adjustments  
3 upon temporary assignment of classified public safety employees to duties of a higher  
4 classification or downward reallocations of a classified public safety employee's  
5 position; fringe benefits consistent with sub. (2); hours and conditions of  
6 employment.

7 **SECTION 211.** 111.91 (1) (am) of the statutes is repealed.

8 **SECTION 212.** 111.91 (1) (b) of the statutes is amended to read:

9 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a  
10 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.  
11 111.90, except that procedures for the adjustment or settlement of grievances or  
12 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall  
13 be a subject of bargaining.

14 **SECTION 213.** 111.91 (1) (c) of the statutes is amended to read:

15 111.91 (1) (c) The employer is prohibited from bargaining with a collective  
16 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

17 **SECTION 214.** 111.91 (1) (cg) of the statutes is repealed.

18 **SECTION 215.** 111.91 (1) (cm) of the statutes is amended to read:

19 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)  
20 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40  
21 and all actions of the employer that are authorized under any such law which apply  
22 to nonrepresented individuals employed by the state shall apply to similarly situated  
23 public safety employees, unless otherwise specifically provided in a collective  
24 bargaining agreement that applies to ~~those~~ the public safety employees.

25 **SECTION 216.** 111.91 (1) (d) of the statutes is amended to read:

**SECTION 216**

1           111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.  
2 111.825 (1) (g), demands relating to retirement and group insurance shall be  
3 submitted to the employer at least one year prior to commencement of negotiations.

4           **SECTION 217.** 111.91 (1) (e) of the statutes is repealed.

5           **SECTION 218.** 111.91 (2) (intro.) of the statutes is amended to read:

6           111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a  
7 collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

8           **SECTION 219.** 111.91 (2) (gu) of the statutes is amended to read:

9           111.91 (2) (gu) The right of ~~an~~ a public safety employee, who is an employee,  
10 as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,  
11 first responder, or ambulance driver for a volunteer fire department or fire company,  
12 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined  
13 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

14           **SECTION 220.** 111.91 (2c) of the statutes is repealed.

15           **SECTION 221.** 111.91 (3) of the statutes is created to read:

16           111.91 (3) The employer is prohibited from bargaining with a collective  
17 bargaining unit containing a general employee with respect to any of the following:

18           (a) Any factor or condition of employment except wages, which includes only  
19 total base wages and excludes any other compensation, which includes, but is not  
20 limited to, overtime, premium pay, merit pay, performance pay, supplemental  
21 compensation, pay schedules, and automatic pay progressions.

22           (b) Unless the electors in a statewide referendum approve a total base wages  
23 increase that exceeds the total base wages expenditure described in this paragraph,  
24 any proposal that does any of the following:

1           1. If there is an increase in the consumer price index change, provides for total  
2 base wages for authorized positions in the proposed collective bargaining agreement  
3 that exceeds the total base wages for authorized positions 180 days before the  
4 expiration of the previous collective bargaining agreement by a greater percentage  
5 than the consumer price index change.

6           2. If there is a decrease in the consumer price index change, provides for total  
7 base wages for authorized positions in the proposed collective bargaining agreement  
8 that exceeds the total base wages for authorized positions 180 days before the  
9 expiration of the previous collective bargaining agreement decreased by a  
10 percentage of that expenditure that is equal to the decrease in the consumer price  
11 index change.

12           **SECTION 222.** 111.91 (3q) of the statutes is created to read:

13           111.91 (3q) For purposes of determining compliance with sub. (3), the  
14 commission shall provide, upon request, to the employer or to any representative of  
15 a collective bargaining unit containing a general employee, the consumer price index  
16 change during any 12-month period. The commission may get the information from  
17 the department of revenue.

18           **SECTION 223.** 111.92 (1) (a) of the statutes is amended to read:

19           111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~  
20 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~  
21 any labor organization representing a collective bargaining unit specified in s.  
22 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor  
23 organization, be submitted by the office ~~or department of health services~~ to the joint  
24 committee on employment relations, which shall hold a public hearing before  
25 determining its approval or disapproval. If the committee approves the tentative

1 agreement, it shall introduce in a bill or companion bills, to be put on the calendar  
2 or referred to the appropriate scheduling committee of each house, that portion of the  
3 tentative agreement which requires legislative action for implementation, such as  
4 salary and wage adjustments, changes in fringe benefits, and any proposed  
5 amendments, deletions or additions to existing law. Such bill or companion bills are  
6 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,  
7 however, submit suitable portions of the tentative agreement to appropriate  
8 legislative committees for advisory recommendations on the proposed terms. The  
9 committee shall accompany the introduction of such proposed legislation with a  
10 message that informs the legislature of the committee's concurrence with the  
11 matters under consideration and which recommends the passage of such legislation  
12 without change. If the joint committee on employment relations does not approve  
13 the tentative agreement, it shall be returned to the parties for renegotiation. If the  
14 legislature does not adopt without change that portion of the tentative agreement  
15 introduced by the joint committee on employment relations, the tentative agreement  
16 shall be returned to the parties for renegotiation.

17 **SECTION 224.** 111.92 (1) (b) of the statutes is repealed.

18 **SECTION 225.** 111.92 (2m) of the statutes is repealed.

19 **SECTION 226.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
20 amended to read:

21 111.92 (3) (a) Agreements covering a collective bargaining unit specified under  
22 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

23 **SECTION 227.** 111.92 (3) (b) of the statutes is created to read:

24 111.92 (3) (b) No agreements covering a collective bargaining unit containing  
25 a general employee may be for a period that exceeds one year, and each agreement



1 must coincide with the fiscal year. Agreements covering a collective bargaining unit  
2 containing a general employee may not be extended.

3 **SECTION 228.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and  
4 amended to read:

5 111.93 (2) (a) All civil service and other applicable statutes concerning wages,  
6 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~  
7 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~  
8 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~  
9 ~~(b) to (f) public safety employees~~ who are not included in a collective bargaining unit  
10 for which a representative is certified.

11 **SECTION 229.** 111.93 (2) (b) of the statutes is created to read:

12 111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages  
13 apply to general employees who are not included in a collective bargaining units for  
14 which a representative is recognized or certified.

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

18 **SECTION 230.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
19 amended to read:

20 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)  
21 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

22 (a) If a collective bargaining agreement exists between the employer and a  
23 labor organization representing employees in a collective bargaining unit under s.  
24 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of  
25 civil service and other applicable statutes, as well as rules and policies of the board

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

4 **SECTION 231.** 111.93 (3) (b) of the statutes is created to read:

5 111.93 (3) (b) If a collective bargaining agreement exists between the employer  
6 and a labor organization representing general employees in a collective bargaining  
7 unit, the provisions of that agreement shall supersede the provisions of civil service  
8 and other applicable statutes, as well as rules and policies of the board of regents of  
9 the University of Wisconsin System, related to wages, whether or not the matters  
10 contained in those statutes, rules, and policies are set forth in the collective  
11 bargaining agreement.

12 **SECTION 232.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
13 repealed.

14 **SECTION 233.** 118.22 (4) of the statutes is repealed.

15 **SECTION 234.** 118.223 of the statutes is created to read:

16 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.  
17 111, no school board may collectively bargain with its employees.

18 **SECTION 235.** 118.23 (5) of the statutes is repealed.

19 **SECTION 236.** 118.245 of the statutes is created to read:

20 **118.245 Referendum; increase in employee wages.** (1) If a school board  
21 wishes to increase the total base wages of its employees in an amount that exceeds  
22 the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that  
23 effect. The resolution shall specify the amount by which the proposed total base  
24 wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may  
25 not take effect unless it is approved in a referendum called for that purpose. The

1 referendum shall occur in April for collective bargaining agreements that begin in  
2 July of that year. The results of a referendum apply to the total base wages only in  
3 the next collective bargaining agreement.

4 (2) The question submitted in the referendum shall be substantially as follows:  
5 “Shall the employees in the .... [school district] receive a total increase on wages from  
6 \$....[current total base wages] to \$....[proposed total base wages], which is a  
7 percentage wage increase that is .... [x] percent higher than the percent of the  
8 consumer price index increase, for a total percentage increase in wages of .... [x]?”

9 **SECTION 237.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

10 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the  
11 board of regents’ authority to establish and adjust all compensation and fringe  
12 benefits of instructional staff, subject to the terms of any collective bargaining  
13 agreement under subch. V of ch. 111 that covers the instructional staff. In the  
14 absence of a collective bargaining agreement, the governing board may establish and  
15 adjust all compensation and fringe benefits of the instructional staff only with the  
16 approval of the chancellor of the University of Wisconsin-Parkside.

17 **SECTION 238.** 118.42 (3) (a) 4. of the statutes is amended to read:

18 118.42 (3) (a) 4. Implement changes in administrative and personnel  
19 structures ~~that are consistent with applicable collective bargaining agreements.~~

20 **SECTION 239.** 118.42 (5) of the statutes is amended to read:

21 118.42 (5) Nothing in this section alters or otherwise affects the rights or  
22 remedies afforded school districts and school district employees under federal or  
23 state law ~~or under the terms of any applicable collective bargaining agreement.~~

24 **SECTION 240.** 119.04 (1) of the statutes is amended to read:

**SECTION 240**

1           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
2           66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
3           115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
4           118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
5           118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,  
6           118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,  
7           118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),  
8           120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and  
9           (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district  
10          and board.

11           **SECTION 241.** 120.12 (4m) of the statutes is created to read:

12           120.12 (**4m**) CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE  
13          BARGAINING. If collectively bargaining with employees of the school district,  
14          determine the maximum total base wages expenditure that is subject to collective  
15          bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change  
16          using the method the department of revenue uses under s. 73.03 (68).

17           **SECTION 242.** 120.12 (15) of the statutes is amended to read:

18           120.12 (**15**) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
19          school day. The school board may differentiate between the various elementary and  
20          high school grades in scheduling the school day. The equivalent of 180 such days, as  
21          defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
22          ~~not be construed to eliminate a school district's duty to bargain with the employee's~~  
23          ~~collective bargaining representative over any calendaring proposal which is~~  
24          ~~primarily related to wages, hours and conditions of employment.~~

25           **SECTION 243.** 120.18 (1) (gm) of the statutes is amended to read:

1           120.18 (1) (gm) Payroll and related benefit costs for all school district  
2 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees  
3 shall be based upon the costs of wages of any collective bargaining agreements  
4 covering such employees for the previous school year. If, as of the time specified by  
5 the department for filing the report, the school district has not entered into a  
6 collective bargaining agreement for any portion of the previous school year with the  
7 recognized or certified representative of any of its employees ~~and the school district~~  
8 ~~and the representative have been required to submit final offers under s. 111.70 (4)~~  
9 ~~(em) 6.~~, increased costs ~~limited to the lower of the school district's offer or the~~  
10 ~~representative's offer shall be~~ of wages reflected in the report shall be equal to the  
11 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
12 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
13 reflect any change in such costs as a result of any ~~award or settlement under s. 111.70~~  
14 ~~(4) (em) 6. collective bargaining agreement entered into~~ between the date of filing the  
15 report and October 1. Any such amendment shall be concurred in by the certified  
16 public accountant licensed or certified under ch. 442 certifying the school district  
17 audit.

18           **SECTION 244.** 146.59 (3) (a) of the statutes is amended to read:

19           146.59 (3) (a) Any contractual services agreement under sub. (2) may include  
20 a provision that authorizes the authority to perform specified duties for the board  
21 with respect to employees of the board. This authorization may include duties  
22 related to supervising employees, taking disciplinary action, or recommending new  
23 hires or layoffs, or with respect to collective bargaining, claims, or complaints, ~~or~~  
24 ~~benefits~~ and records administration.

25           **SECTION 245.** 230.01 (3) of the statutes is amended to read:

1           230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
2 or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

3           **SECTION 246.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act ....  
4 (January 2011 Special Session Senate Bill 6), is amended to read:

5           230.03 (3) "Agency" means any board, commission, committee, council, or  
6 department in state government or a unit thereof created by the constitution or  
7 statutes if such board, commission, committee, council, department, unit, or the  
8 head thereof, is authorized to appoint subordinate staff by the constitution or  
9 statute, except a legislative or judicial board, commission, committee, council,  
10 department, or unit thereof or an authority created under subch. II of ch. 114 or  
11 subch. III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.  
12 "Agency" does not mean any local unit of government or body within one or more local  
13 units of government that is created by law or by action of one or more local units of  
14 government.

15           **SECTION 247.** 230.046 (10) (a) of the statutes is amended to read:

16           230.046 (10) (a) Conduct off-the-job employee development and training  
17 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

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18           **SECTION 248.** 230.12 (3) (e) 1. of the statutes is amended to read:

19           230.12 (3) (e) 1. The director, after receiving recommendations from the board  
20 of regents, shall submit to the joint committee on employment relations a proposal  
21 for adjusting compensation and employee benefits for employees under ss. 20.923  
22 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining  
23 unit under subch. V ~~or VI~~ of ch. 111 for which a representative is certified. The  
24 proposal shall include the salary ranges and adjustments to the salary ranges for the  
25 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).

1 The proposal shall be based upon the competitive ability of the board of regents to  
2 recruit and retain qualified faculty and academic staff, data collected as to rates of  
3 pay for comparable work in other public services, universities and commercial and  
4 industrial establishments, recommendations of the board of regents and any special  
5 studies carried on as to the need for any changes in compensation and employee  
6 benefits to cover each year of the biennium. The proposal shall also take proper  
7 account of prevailing pay rates, costs and standards of living and the state's  
8 employment policies. The proposal for such pay adjustments may contain  
9 recommendations for across-the-board pay adjustments, merit or other  
10 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
11 shall apply to the process for approval of all pay adjustments for such employees  
12 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
13 by the joint committee on employment relations and the governor shall be based  
14 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
15 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
16 and adjustments other than across-the-board pay adjustments is available for  
17 discretionary use by the board of regents.

18 **SECTION 249.** 230.34 (1) (ar) of the statutes is amended to read:

19 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
20 status in class in the classified service and all employees who have served with the  
21 state as an assistant district attorney for a continuous period of 12 months or more,  
22 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~  
23 ~~for which a representative is recognized or certified, or for employees specified in s.~~  
24 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~  
25 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~

1 ~~collective bargaining unit, the determination of just cause and all aspects of the~~  
2 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~  
3 ~~agreement.~~

4 **SECTION 250.** 230.35 (1s) of the statutes is amended to read:

5 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
6 by the board of regents of the University of Wisconsin System who provide services  
7 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
8 determined by the governing board of the charter school established by contract  
9 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
10 Wisconsin-Parkside ~~and subject to the terms of any collective bargaining agreement~~  
11 ~~under subch. V of ch. 111 covering the instructional staff.~~

12 **SECTION 251.** 230.35 (2d) (e) of the statutes is amended to read:

13 230.35 (2d) (e) For employees who are included in a collective bargaining unit  
14 for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111,  
15 this subsection shall apply unless otherwise provided in a collective bargaining  
16 agreement.

17 **SECTION 252.** 230.35 (3) (e) 6. of the statutes is amended to read:

18 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit  
19 for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111,  
20 this paragraph shall apply unless otherwise provided in a collective bargaining  
21 agreement.

22 **SECTION 253.** 230.88 (2) (b) of the statutes is amended to read:

23 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an  
24 employee under this subchapter. However, nothing in this subchapter affects any  
25 right of an employee to pursue a grievance procedure under a collective bargaining



1 agreement under subch. V ~~or VI~~ of ch. 111, and if the division of equal rights  
2 determines that a grievance arising under such a collective bargaining agreement  
3 involves the same parties and matters as a complaint under s. 230.85, it shall order  
4 the arbitrator's final award on the merits conclusive as to the rights of the parties  
5 to the complaint, on those matters determined in the arbitration which were at issue  
6 and upon which the determination necessarily depended.

7 **SECTION 254.** 233.02 (1) (h) of the statutes is repealed.

8 **SECTION 255.** 233.02 (8) of the statutes is amended to read:

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

18 **SECTION 256.** 233.03 (7) of the statutes is amended to read:

19 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
20 9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~  
21 ~~bargaining unit for which a representative is recognized or certified under subch. I~~  
22 ~~of ch. 111~~, employ any agent, employee or special advisor that the authority finds  
23 necessary and fix his or her compensation and provide any employee benefits,  
24 including an employee pension plan.

25 **SECTION 257.** 233.04 (2) of the statutes is amended to read:

1           233.04 (2) Subject to subs. (4) ~~to (4r)~~ and (4m) and s. 233.10, develop and  
2 implement a personnel structure and other employment policies for employees of the  
3 authority.

4           **SECTION 258.** 233.04 (4r) of the statutes is repealed.

5           **SECTION 259.** 233.10 (1) of the statutes is amended to read:

6           233.10 (1) Subject to s. 233.04 (4) ~~to (4r)~~ and (4m) and 1995 Wisconsin Act 27,  
7 section 9159 (2) and (4), the authority shall employ such employees as it may require  
8 and shall determine the qualifications and duties of its employees. Appointments  
9 to and promotions in the authority shall be made according to merit and fitness.

10          **SECTION 260.** 233.10 (2) (intro.) of the statutes is amended to read:

11          233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~  
12 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~  
13 ~~which a representative is recognized or certified under subch. I of ch. 111, the~~  
14 authority shall establish any of the following:

15          **SECTION 261.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

16          233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m)~~ and sub. (4), “carry-over  
17 employee” means an employee of the authority who satisfies all of the following:

18          **SECTION 262.** 233.10 (3) (b) of the statutes is repealed.

19          **SECTION 263.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

20          233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee  
21 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting  
22 the terms of the carry-over employee’s employment during the period beginning on  
23 June 29, 1996, and ending on June 30, 1997, do all of the following:

24          **SECTION 264.** 233.10 (3) (d) of the statutes is amended to read:

1           233.10 (3) (d) If an employee of the authority is not a carry-over employee and  
2 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,  
3 1996, to June 30, 1997, provide that employee the same rights, benefits and  
4 compensation provided to a carry-over employee under par. (c) who holds a position  
5 at the authority with similar duties.

6           **SECTION 265.** 233.10 (3m) of the statutes is repealed.

7           **SECTION 266.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act  
8 .... (January 2011 Special Session Senate Bill 6), is amended to read:

9           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. ~~52~~, 231,  
10 233, 234, 237, or 238.

11           **SECTION 267.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act  
12 .... (January 2011 Special Session Senate Bill 6), is amended to read:

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

23           **SECTION 268.** 704.31 (3) of the statutes is amended to read:

1           704.31 (3) This section does not apply to a lease to which a local professional  
2     baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~  
3     ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

4           **SECTION 269.** 851.71 (4) of the statutes is amended to read:

5           851.71 (4) In counties having a population of 500,000 or more, the appointment  
6     under subs. (1) and (2) shall be made as provided in those subsections but the judges  
7     shall not remove the register in probate and deputy registers, except through charges  
8     for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~  
9     ~~bargaining agreement.~~

10          **SECTION 270.** 978.12 (1) (c) of the statutes is amended to read:

11          978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
12     employed outside the classified service. For purposes of salary administration, the  
13     director of the office of state employment relations shall establish one or more  
14     classifications for assistant district attorneys in accordance with the classification  
15     or classifications allocated to assistant attorneys general. Except as provided in s.  
16     111.93 (3) (b), the salaries of assistant district attorneys shall be established and  
17     adjusted in accordance with the state compensation plan for assistant attorneys  
18     general whose positions are allocated to the classification or classifications  
19     established by the director of the office of state employment relations.

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

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

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

2           (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

3           (a) In this subsection:

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

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

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

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

20           (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

21           (a) In this subsection, "general employee" has the meaning given in section  
22 111.81 (9g) of the statutes, as created by this act.

23           (b) Each collective bargaining unit under subchapter V of chapter 111 of the  
24 statutes, as affected by this act, containing general employees shall vote to certify or  
25 decertify their representatives as provided in section 111.83 (3) (b) of the statutes,

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1 as created by this act. Notwithstanding the date provided under section 111.83 (3)  
2 (b) of the statutes, as created by this act, the vote shall be held in April 2011.

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

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

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

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

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

17 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections  
18 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508,  
19 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (1b) (c), (2),  
20 (3) (a) 3., 4., 5., 6., 7., and 9. and (b) 6., (3g), (3m), (3p), (4) (intro.), (c) (title), 1., 2., 3.,  
21 and 4., (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb),  
22 (mc) (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8)  
23 (a), 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5),  
24 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and  
25 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes,

1 and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees  
2 who are covered by a collective bargaining agreement under subchapter IV of chapter  
3 III of the statutes that contains provisions inconsistent with those sections on the day  
4 on which the agreement expires or is terminated, extended, modified, or renewed,  
5 whichever occurs first.

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

7 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN  
8 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

9 (a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68),  
10 111.81 (1), (3h), (3n), (7) (g), (gm), (h), and (i), (9), (9g), (9k), (12) (intro.), (12m), (15r),  
11 and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4),  
12 (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3),  
13 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c),  
14 (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b) and  
15 (2m), 118.40 (2r) (b) 3. a., 146.59 (3) (a), <sup>230.10 (1) ↑</sup> 230.34 (1) (ar), 230.35 (1s), and 978.12 (1)  
16 (c) of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3) of the  
17 statutes, the renumbering and amendment of sections 111.92 (3) and 111.93 (2) and  
18 (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92  
19 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes first apply to employees who are  
20 covered by a collective bargaining agreement under subchapter V of chapter III of the  
21 statutes that contains provisions inconsistent with those sections on the day on  
22 which the agreement expires or is terminated, extended, modified, or renewed,  
23 whichever occurs first.

24 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96 (1) (h)  
25 and (2), 16.50 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i),

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

15 (END)



2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1385/P1insRC  
RAC:.....

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SECTION ~~#~~. 230.10 (1) of the statutes is amended to read:

230.10 (1) Except as provided under sub. (2), the compensation plan provisions of s. 230.12 apply to all employees of the classified service, ~~unless they are covered by a collective bargaining agreement under subch. V of ch. 111.~~ If an employee is covered under a collective bargaining agreement under subch. V of ch. 111, the compensation plan provisions of s. 230.12 apply to that employee, except for those provisions relating to matters that are subject to bargaining under a collective bargaining agreement that covers the employee.

History: 1971 c. 270; 1977 c. 44; 1977 c. 196 ss. 35, 131; 1977 c. 272 s. 98; Stats. 1977 s. 230.10; 1985 a. 42; 1989 a. 31; 2001 a. 16. ✓

**SECTION 9143. Nonstatutory provisions; State Employment Relations,**

**Office of.**

(1) COMPENSATION PLAN FOR REPRESENTED STATE EMPLOYEES. Notwithstanding section 230.10 (1) of the statutes, as affected by this act, the director of the office of state employment relations shall establish a compensation plan for state employees who are covered under a collective bargaining agreement under subchapter V of chapter 111, as affected by this act, that contains provisions on any matters relating to wages, hours, and conditions of employment, other than matters that are subject to bargaining under a collective bargaining agreement covering the employees. The compensation plan shall be reviewed and established in the same manner as provided under section 230.12 (3) of the statutes. The compensation plan shall not apply after July 1, 2012.

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