

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 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

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

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

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

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

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

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

23 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 111.81 (9g) “General employee” means an employee who is not a public safety
13 employee.

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

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

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

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

22 111.81 (12m) “Maintenance of membership agreement” means an agreement
23 between the employer and a labor organization representing public safety employees
24 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
25 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.

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1 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
2 have dues deducted for the duration of the agreement, and that dues shall be
3 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
4 hired on or after the effective date of the agreement.

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

6 111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)
7 (am) 7. or 8.

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

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

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

15 111.815 (1) In the furtherance of this subchapter, the state shall be considered
16 as a single employer and employment relations policies and practices throughout the
17 state service shall be as consistent as practicable. The office shall negotiate and
18 administer collective bargaining agreements ~~except that the department of health~~
19 ~~services, subject to the approval of the federal centers for medicare and medicaid~~
20 ~~services to use collective bargaining as the method of setting rates for~~
21 ~~reimbursement of home care providers, shall negotiate and administer collective~~
22 ~~bargaining agreements entered into with the collective bargaining unit specified in~~
23 ~~s. 111.825 (2g).~~ To coordinate the employer position in the negotiation of agreements,
24 the office, ~~or the department of health services with regard to collective bargaining~~
25 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~

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

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

17 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
18 the office shall, together with the appointing authorities or their representatives,
19 represent the state in its responsibility as an employer under this subchapter except
20 with respect to negotiations in the collective bargaining ~~units~~ unit specified in s.
21 111.825 ~~(1m)~~, (2) (f), ~~and (2g)~~. The director of the office shall establish and maintain,
22 wherever practicable, consistent employment relations policies and practices
23 throughout the state service.

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

1 **111.82 Rights of employees.** Employees shall have the right of
2 self-organization and the right to form, join, or assist labor organizations, to bargain
3 collectively through representatives of their own choosing under this subchapter,
4 and to engage in lawful, concerted activities for the purpose of collective bargaining
5 or other mutual aid or protection. Employees shall also have the right to refrain from
6 any or all of such activities. A general employee has the right to refrain from paying
7 dues while remaining a member of a collective bargaining unit.

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

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

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

17 111.825 (1) (g) Public safety employees.

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

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

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

21 111.825 (3) The commission shall assign employees to the appropriate
22 collective bargaining units set forth in subs. (1), ~~(1m),~~ and (2), ~~and~~ (2g).

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

24 111.825 (4) Any labor organization may petition for recognition as the exclusive
25 representative of a collective bargaining unit specified in sub. (1), ~~(1m),~~ or (2), ~~or~~ (2g)

1 in accordance with the election procedures set forth in s. 111.83, provided the petition
2 is accompanied by a 30% showing of interest in the form of signed authorization
3 cards. Each additional labor organization seeking to appear on the ballot shall file
4 petitions within 60 days of the date of filing of the original petition and prove,
5 through signed authorization cards, that at least 10% of the employees in the
6 collective bargaining unit want it to be their representative.

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

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

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

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

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

23 111.825 (6) (b) The commission may assign only a public safety employee to the
24 collective bargaining unit under sub. (1) (g).

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

1 111.83 (1) Except as provided in ~~subs. sub. (5) and (5m)~~, a representative
2 chosen for the purposes of collective bargaining by a majority of the employees voting
3 in a collective bargaining unit shall be the exclusive representative of all of the
4 employees in such unit for the purposes of collective bargaining. Any individual
5 employee, or any minority group of employees in any collective bargaining unit, may
6 present grievances to the employer in person, or through representatives of their own
7 choosing, and the employer shall confer with said employee or group of employees in
8 relation thereto if the majority representative has been afforded the opportunity to
9 be present at the conference. Any adjustment resulting from such a conference may
10 not be inconsistent with the conditions of employment established by the majority
11 representative and the employer.

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

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

14 111.83 (3) (b) Annually, no later than December 1, the commission shall
15 conduct an election to certify the representative of a collective bargaining unit that
16 contains a general employee. There shall be included on the ballot the names of all
17 labor organizations having an interest in representing the general employees
18 participating in the election. The commission may exclude from the ballot one who,
19 at the time of the election, stands deprived of his or her rights under this subchapter
20 by reason of a prior adjudication of his or her having engaged in an unfair labor
21 practice. The commission shall certify any representative that receives at least 51
22 percent of the votes of all of the general employees in the collective bargaining unit.
23 If no representative receives at least 51 percent of the votes of all of the general
24 employees in the collective bargaining unit, at the expiration of the collective
25 bargaining agreement, the commission shall decertify the current representative

1 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
2 a representative is decertified under this paragraph, the affected general employees
3 may not be included in a substantially similar collective bargaining unit for 12
4 months from the date of decertification. The commission's certification of the results
5 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
6 commission shall assess and collect a certification fee for each election conducted
7 under this paragraph. Fees collected under this paragraph shall be credited to the
8 appropriation account under s. 20.425 (1) (i).

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

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

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

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

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

22 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
23 create, dominate or interfere with the formation or administration of any labor or
24 employee organization or contribute financial support to it. Except as provided in
25 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin

1 retirement system under ch. 40 and no action by the employer that is authorized by
2 such a law constitutes a violation of this paragraph unless an applicable collective
3 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
4 specifically prohibits the change or action. No such change or action affects the
5 continuing duty to bargain collectively with a collective bargaining unit under s.
6 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
7 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
8 reimburse an employee at his or her prevailing wage rate for the time spent during
9 the employee's regularly scheduled hours conferring with the employer's officers or
10 agents and for attendance at commission or court hearings necessary for the
11 administration of this subchapter. Professional supervisory or craft personnel may
12 maintain membership in professional or craft organizations; however, as members
13 of such organizations they shall be prohibited from those activities related to
14 collective bargaining in which the organizations may engage.

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

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

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

2 111.84 (1) (f) To deduct labor organization dues from ~~an employee's~~ the
3 earnings of a public safety employee, unless the employer has been presented with
4 an individual order therefor, signed by the public safety employee personally, and
5 terminable by at least the end of any year of its life or earlier by the public safety
6 employee giving at least 30 but not more than 120 days' written notice of such
7 termination to the employer and to the representative labor organization, except if
8 there is a fair-share or maintenance of membership agreement in effect. The
9 employer shall give notice to the labor organization of receipt of such notice of
10 termination.

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

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

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

21 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
22 on behalf of or in the interest of employers or employees, or in connection with or to
23 influence the outcome of any controversy as to employment relations, any act
24 prohibited by ~~subs.~~ sub. (1) ~~and or~~ (2).

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

1 **111.845 Wage deduction prohibition.** The employer may not deduct labor
2 organization dues from a general employee's earnings.

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

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

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

21 (c) If a fair-share or maintenance of membership agreement is authorized in
22 a referendum, the employer shall enter into such an agreement with the labor
23 organization named on the ballot in the referendum. Each fair-share or
24 maintenance of membership agreement shall contain a provision requiring the
25 employer to deduct the amount of dues as certified by the labor organization from the

1 earnings of the public safety employees ~~or supervisors~~ affected by the agreement and
2 to pay the amount so deducted to the labor organization. Unless the parties agree
3 to an earlier date, the agreement shall take effect 60 days after certification by the
4 commission that the referendum vote authorized the agreement. The employer shall
5 be held harmless against any claims, demands, suits and other forms of liability
6 made by public safety employees ~~or supervisors~~ or local labor organizations which
7 may arise for actions taken by the employer in compliance with this section. All such
8 lawful claims, demands, suits and other forms of liability are the responsibility of the
9 labor organization entering into the agreement.

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

17 (2) (a) Once authorized, a fair-share or maintenance of membership
18 agreement covering public safety employees shall continue in effect, subject to the
19 right of the employer or labor organization concerned to petition the commission to
20 conduct a new referendum. Such petition must be supported by proof that at least
21 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit
22 desire that the fair-share or maintenance of membership agreement be
23 discontinued. Upon so finding, the commission shall conduct a new referendum. If
24 the continuance of the fair-share or maintenance of membership agreement is
25 approved in the referendum by at least the percentage of eligible voting public safety

1 employees ~~or supervisors~~ required for its initial authorization, it shall be continued
2 in effect, subject to the right of the employer or labor organization to later initiate a
3 further vote following the procedure prescribed in this subsection. If the
4 continuation of the agreement is not supported in any referendum, it is deemed
5 terminated at the termination of the collective bargaining agreement, or one year
6 from the date of the certification of the result of the referendum, whichever is earlier.

7 (b) The commission shall declare any fair-share or maintenance of
8 membership agreement suspended upon such conditions and for such time as the
9 commission decides whenever it finds that the labor organization involved has
10 refused on the basis of race, color, sexual orientation or creed to receive as a member
11 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,
12 and the agreement shall be made subject to the findings and orders of the
13 commission. Any of the parties to the agreement, or any public safety employee ~~or~~
14 ~~supervisor~~ covered thereby, may come before the commission, as provided in s.
15 111.07, and petition the commission to make such a finding.

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

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

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

21 111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state
22 agency; hire, promote, transfer, assign or retain employees in positions within the
23 agency; and in that regard establish reasonable work rules.

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

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

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

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

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

12 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a
13 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.
14 111.90, except that procedures for the adjustment or settlement of grievances or
15 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall
16 be a subject of bargaining.

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

18 111.91 (1) (c) The employer is prohibited from bargaining with a collective
19 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

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

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

22 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)
23 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
24 and all actions of the employer that are authorized under any such law which apply
25 to nonrepresented individuals employed by the state shall apply to similarly situated

1 public safety employees, unless otherwise specifically provided in a collective
2 bargaining agreement that applies to those the public safety employees.

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

4 111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.
5 111.825 (1) (g), demands relating to retirement and group insurance shall be
6 submitted to the employer at least one year prior to commencement of negotiations.

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

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

9 111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a
10 collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

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

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

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

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

19 111.91 (3) The employer is prohibited from bargaining with a collective
20 bargaining unit containing a general employee with respect to any of the following:

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

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

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

9 2. If there is a decrease 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 decreased by a
13 percentage of that expenditure that is equal to the decrease in the consumer price
14 index change.

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

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

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

22 111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~
23 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~
24 any labor organization representing a collective bargaining unit specified in s.
25 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor

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

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

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

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

24 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
25 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

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

2 111.92 (3) (b) No agreements covering a collective bargaining unit containing
3 a general employee may be for a period that exceeds one year, and each agreement
4 must coincide with the fiscal year. Agreements covering a collective bargaining unit
5 containing a general employee may not be extended.

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

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

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

15 111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages
16 apply to general employees who are not included in a collective bargaining units for
17 which a representative is recognized or certified.

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

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

23 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)
24 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

1 (a) If a collective bargaining agreement exists between the employer and a
2 labor organization representing employees in a collective bargaining unit under s.
3 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of
4 civil service and other applicable statutes, as well as rules and policies of the board
5 of regents of the University of Wisconsin System, related to wages, fringe benefits,
6 hours, and conditions of employment whether or not the matters contained in those
7 statutes, rules, and policies are set forth in the collective bargaining agreement.

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

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

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

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

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

20 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.
21 111, no school board may collectively bargain with its employees.

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

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

24 **118.245 Referendum; increase in employee wages.** (1) If a school board
25 wishes to increase the total base wages of its employees in an amount that exceeds

1 the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that
2 effect. The resolution shall specify the amount by which the proposed total base
3 wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may
4 not take effect unless it is approved in a referendum called for that purpose. The
5 referendum shall occur in April for collective bargaining agreements that begin in
6 July of that year. The results of a referendum apply to the total base wages only in
7 the next collective bargaining agreement.

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

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

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

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

22 118.42 (3) (a) 4. Implement changes in administrative and personnel
23 structures ~~that are consistent with applicable collective bargaining agreements.~~

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

1 118.42 (5) Nothing in this section alters or otherwise affects the rights or
2 remedies afforded school districts and school district employees under federal or
3 state law ~~or under the terms of any applicable collective bargaining agreement.~~

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

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
7 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
8 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
9 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,
10 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,
11 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),
12 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and
13 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
14 and board.

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

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

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

22 120.12 (**15**) SCHOOL HOURS. Establish rules scheduling the hours of a normal
23 school day. The school board may differentiate between the various elementary and
24 high school grades in scheduling the school day. The equivalent of 180 such days, as
25 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~

1 ~~not be construed to eliminate a school district's duty to bargain with the employee's~~
2 ~~collective bargaining representative over any calendaring proposal which is~~
3 ~~primarily related to wages, hours and conditions of employment.~~

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

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

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

23 146.59 (3) (a) Any contractual services agreement under sub. (2) may include
24 a provision that authorizes the authority to perform specified duties for the board
25 with respect to employees of the board. This authorization may include duties

1 related to supervising employees, taking disciplinary action, or recommending new
2 hires or layoffs, or with respect to collective bargaining, claims, or complaints, ~~or~~
3 ~~benefits~~ and records administration.

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

5 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
6 or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

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

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

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

20 230.046 (10) (a) Conduct off-the-job employee development and training
21 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

22 **SECTION 248.** 230.10 (1) of the statutes is amended to read:

23 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
24 of s. 230.12 apply to all employees of the classified service, ~~unless they are covered~~
25 ~~by a collective bargaining agreement under subch. V of ch. 111.~~ If an employee is

1 covered under a collective bargaining agreement under subch. V of ch. 111, the
2 compensation plan provisions of s. 230.12 apply to that employee, except for those
3 provisions relating to matters that are subject to bargaining under a collective
4 bargaining agreement that covers the employee.

5 **SECTION 249.** 230.12 (3) (e) 1. of the statutes is amended to read:

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

1 upon a percentage of the budgeted salary base for such employees under ss. 20.923
2 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
3 and adjustments other than across-the-board pay adjustments is available for
4 discretionary use by the board of regents.

5 **SECTION 250.** 230.34 (1) (ar) of the statutes is amended to read:

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

16 **SECTION 251.** 230.35 (1s) of the statutes is amended to read:

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

24 **SECTION 252.** 230.35 (2d) (e) of the statutes is amended to read:

1 230.35 (2d) (e) For employees who are included in a collective bargaining unit
2 for which a representative is recognized or certified under subch. V ~~or VI~~ of ch. 111,
3 this subsection shall apply unless otherwise provided in a collective bargaining
4 agreement.

5 **SECTION 253.** 230.35 (3) (e) 6. of the statutes is amended to read:

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

10 **SECTION 254.** 230.88 (2) (b) of the statutes is amended to read:

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

20 **SECTION 255.** 233.02 (1) (h) of the statutes is repealed.

21 **SECTION 256.** 233.02 (8) of the statutes is amended to read:

22 233.02 (8) The members of the board of directors shall annually elect a
23 chairperson and may elect other officers as they consider appropriate. Eight ~~voting~~
24 members of the board of directors constitute a quorum for the purpose of conducting
25 the business and exercising the powers of the authority, notwithstanding the

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1 existence of any vacancy. The members of the board of directors specified under sub.
2 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
3 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
4 of a majority of the members present, unless the bylaws of the authority require a
5 larger number.

6 **SECTION 257.** 233.03 (7) of the statutes is amended to read:

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

13 **SECTION 258.** 233.04 (2) of the statutes is amended to read:

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

17 **SECTION 259.** 233.04 (4r) of the statutes is repealed.

18 **SECTION 260.** 233.10 (1) of the statutes is amended to read:

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

23 **SECTION 261.** 233.10 (2) (intro.) of the statutes is amended to read:

24 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~
25 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~

1 ~~which a representative is recognized or certified under subch. I of ch. 111, the~~
2 authority shall establish any of the following:

3 **SECTION 262.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

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

6 **SECTION 263.** 233.10 (3) (b) of the statutes is repealed.

7 **SECTION 264.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

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

12 **SECTION 265.** 233.10 (3) (d) of the statutes is amended to read:

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

18 **SECTION 266.** 233.10 (3m) of the statutes is repealed.

19 **SECTION 267.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
20 (January 2011 Special Session Senate Bill 6), is amended to read:

21 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
22 233, 234, 237, or 238.

23 **SECTION 268.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
24 (January 2011 Special Session Senate Bill 6), is amended to read:

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

11 **SECTION 269.** 704.31 (3) of the statutes is amended to read:

12 704.31 (3) This section does not apply to a lease to which a local professional
13 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~
14 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

15 **SECTION 270.** 851.71 (4) of the statutes is amended to read:

16 851.71 (4) In counties having a population of 500,000 or more, the appointment
17 under subs. (1) and (2) shall be made as provided in those subsections but the judges
18 shall not remove the register in probate and deputy registers, except through charges
19 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~
20 ~~bargaining agreement.~~

21 **SECTION 271.** 978.12 (1) (c) of the statutes is amended to read:

22 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
23 employed outside the classified service. For purposes of salary administration, the
24 director of the office of state employment relations shall establish one or more
25 classifications for assistant district attorneys in accordance with the classification

1 or classifications allocated to assistant attorneys general. Except as provided in s.
2 111.93 (3) (b), the salaries of assistant district attorneys shall be established and
3 adjusted in accordance with the state compensation plan for assistant attorneys
4 general whose positions are allocated to the classification or classifications
5 established by the director of the office of state employment relations.

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

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

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

13 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

14 (a) In this subsection:

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

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

19 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the
20 statutes, as affected by this act, containing general municipal employees shall vote
21 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.
22 of the statutes, as created by this act. Notwithstanding the date provided under
23 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, for collective
24 bargaining units containing school district employees, the vote shall be held in the
25 May that follows the termination of the collective bargaining agreement covering the

1 collective bargaining unit, and for collective bargaining units containing general
2 municipal employees who are not school district employees, the vote shall be held in
3 the December that follows the termination of the collective bargaining agreement
4 covering the collective bargaining unit.

5 **SECTION 9143. Nonstatutory provisions; State Employment Relations,**
6 **Office of.**

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

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

18 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

19 (a) In this subsection, "general employee" has the meaning given in section
20 111.81 (9g) of the statutes, as created by this act.

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

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

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

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

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

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

15 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections
16 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508,
17 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (1b) (c), (2),
18 (3) (a) 3., 4., 5., 6., 7., and 9. and (b) 6., (3g), (3m), (3p), (4) (intro.), (c) (title), 1., 2., 3.,
19 and 4., (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb),
20 (mc) (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8)
21 (a), 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5),
22 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and
23 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes,
24 and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees
25 who are covered by a collective bargaining agreement under subchapter IV of chapter

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

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

5 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN
6 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

7 (a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68),
8 111.81 (1), (3h), (3n), (7) (g), (gm), (h), and (i), (9), (9g), (9k), (12) (intro.), (12m), (15r),
9 and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4),
10 (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3),
11 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c),
12 (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b) and
13 (2m), 118.40 (2r) (b) 3. a., 146.59 (3) (a), 230.10 (1), 230.34 (1) (ar), 230.35 (1s), and
14 978.12 (1) (c) of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3)
15 of the statutes, the renumbering and amendment of sections 111.92 (3) and 111.93
16 (2) and (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b),
17 111.92 (3) (b), and 111.93 (2) (b) and (3) (b) of the statutes first apply to employees who
18 are covered by a collective bargaining agreement under subchapter V of chapter III
19 of the statutes that contains provisions inconsistent with those sections on the day
20 on which the agreement expires or is terminated, extended, modified, or renewed,
21 whichever occurs first.

22 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96 (1) (h)
23 and (2), 16.50 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i),
24 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b),
25 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c) 1.

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

13 (END)