

SECTION 126

1 **SECTION 126.** 49.45 (24r) (a) of the statutes is amended to read:

2 49.45 **(24r)** (a) The department shall implement any waiver granted by the
3 secretary of the federal department of health and human services to permit the
4 department to conduct a demonstration project to provide family planning, as
5 defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages
6 of 15 and 44 whose family income does not exceed 200% of the poverty line for a family
7 the size of the woman's family. If the department promulgates a rule under sub. (2m)
8 (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

9 **SECTION 127.** 49.45 (24r) (b) of the statutes is amended to read:

10 49.45 **(24r)** (b) The department may request an amended waiver from the
11 secretary to permit the department to conduct a demonstration project to provide
12 family planning to any man between the ages of 15 and 44 whose family income does
13 not exceed 200 percent of the poverty line for a family the size of the man's family.
14 If the amended waiver is granted, the department may implement the waiver. If the
15 department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply
16 to the extent it conflicts with the rule.

17 **SECTION 128.** 49.45 (25g) (c) of the statutes is amended to read:

18 49.45 **(25g)** (c) The department's proposal under par. (b) shall specify increases
19 in reimbursement rates for providers that satisfy the conditions under par. (b), and
20 shall provide for payment of a monthly per-patient care coordination fee to those
21 providers. The department shall set the increases in reimbursement rates and the
22 monthly per-patient care coordination fee so that together they provide sufficient
23 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
24 specify effective dates for the increases in reimbursement rates and the monthly
25 per-patient care coordination fee that are no sooner than January 1, 2011. The

1 increases in reimbursement rates and monthly per-patient care coordination fees
2 that are not provided by the federal government shall be paid from the appropriation
3 under s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c)
4 4., this paragraph does not apply to the extent it conflicts with the rule.

5 **SECTION 129.** 49.45 (27) of the statutes is amended to read:

6 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
7 lawfully admitted for permanent residence or otherwise permanently residing in the
8 United States under color of law may not receive medical assistance benefits except
9 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise
10 provided by the department by rule promulgated under sub. (2m) (c).

11 **SECTION 130.** 49.45 (39) (b) 1. of the statutes is amended to read:

12 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
13 cooperative educational service agency elects to provide school medical services and
14 meets all requirements under par. (c), the department shall reimburse the school
15 district or the cooperative educational service agency for 60% of the federal share of
16 allowable charges for the school medical services that it provides, unless otherwise
17 provided by the department by rule promulgated under sub. (2m) (c), and, as
18 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for
19 the Blind and Visually Impaired or the Wisconsin Educational Services Program for
20 the Deaf and Hard of Hearing elects to provide school medical services and meets all
21 requirements under par. (c), the department shall reimburse the department of
22 public instruction for 60% of the federal share of allowable charges for the school
23 medical services that the Wisconsin Center for the Blind and Visually Impaired or
24 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
25 provides, unless otherwise provided by the department by rule promulgated under

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1 sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school
2 district, cooperative educational service agency, the Wisconsin Center for the Blind
3 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
4 and Hard of Hearing may submit, and the department shall allow, claims for common
5 carrier transportation costs as a school medical service unless the department
6 receives notice from the federal health care financing administration that, under a
7 change in federal policy, the claims are not allowed. If the department receives the
8 notice, a school district, cooperative educational service agency, the Wisconsin
9 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
10 Program for the Deaf and Hard of Hearing may submit, and the department shall
11 allow, unreimbursed claims for common carrier transportation costs incurred before
12 the date of the change in federal policy. The department shall promulgate rules
13 establishing a methodology for making reimbursements under this paragraph. All
14 other expenses for the school medical services provided by a school district or a
15 cooperative educational service agency shall be paid for by the school district or the
16 cooperative educational service agency with funds received from state or local taxes.
17 The school district, the Wisconsin Center for the Blind and Visually Impaired, the
18 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
19 cooperative educational service agency shall comply with all requirements of the
20 federal department of health and human services for receiving federal financial
21 participation.

22 **SECTION 131.** 49.46 (1) (n) of the statutes is created to read:

23 49.46 (1) (n) If the department promulgates a rule under s. 49.45 (2m) (c) 8.,
24 9., or 10., this subsection does not apply to the extent that it conflicts with the rule.

25 **SECTION 132.** 49.46 (2) (a) (intro.) of the statutes is amended to read:

1 49.46 (2) (a) (intro.) Except as provided in par. (be) and unless otherwise
2 provided by the department by rule promulgated under s. 49.45 (2m) (c), the
3 department shall audit and pay allowable charges to certified providers for medical
4 assistance on behalf of recipients for the following federally mandated benefits:

5 **SECTION 133.** 49.46 (2) (b) (intro.) of the statutes is amended to read:

6 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and unless
7 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
8 the department shall audit and pay allowable charges to certified providers for
9 medical assistance on behalf of recipients for the following services:

10 **SECTION 134.** 49.465 (2) (intro.) of the statutes is amended to read:

11 49.465 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
12 promulgated under s. 49.45 (2m) (c), a pregnant woman is eligible for medical
13 assistance benefits, as provided under sub. (3), during the period beginning on the
14 day on which a qualified provider determines, on the basis of preliminary
15 information, that the woman's family income does not exceed the highest level for
16 eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as
17 follows:

18 **SECTION 135.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

19 49.47 (4) (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule
20 under s. 49.45 (2m) (c), any individual who meets the limitations on income and
21 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be
22 eligible for medical assistance under this section if such individual is:

23 **SECTION 136.** 49.47 (5) (intro.) of the statutes is amended to read:

24 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make
25 additional investigation of eligibility at any of the following times:

1 **SECTION 137.** 49.47 (5) (a) of the statutes is amended to read:

2 49.47 (5) (a) When there is reasonable ground for belief that an applicant may
3 not be eligible or that the beneficiary may have received benefits to which the
4 beneficiary is not entitled; ~~or,~~

5 **SECTION 138.** 49.47 (5) (c) of the statutes is created to read:

6 49.47 (5) (c) Any time determined by the department by rule promulgated
7 under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility,
8 except that if federal law allows a reevaluation of eligibility more frequently than
9 every 12 months and if there is no conflicting provision of state law, the department
10 is not required to promulgate a rule to reevaluate eligibility under this section.

11 **SECTION 139.** 49.47 (6) (a) (intro.) of the statutes is amended to read:

12 49.47 (6) (a) (intro.) The Unless otherwise provided by the department by rule
13 promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to
14 certified providers for medical assistance on behalf of the following:

15 **SECTION 140.** 49.471 (13) of the statutes is created to read:

16 49.471 (13) APPLICABILITY. If the department promulgates a rule under s. 49.45
17 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those
18 subsections conflict with the rule.

19 **SECTION 141.** 49.472 (3) (intro.) of the statutes is amended to read:

20 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless
21 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
22 an individual is eligible for and shall receive medical assistance under this section
23 if all of the following conditions are met:

24 **SECTION 142.** 49.472 (4) (b) (intro.) of the statutes is amended to read:

1 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
2 calculated to be below \$10 per month. The Unless otherwise provided by the
3 department by rule promulgated under s. 49.45 (2m) (c), the department may not
4 assess a monthly premium for any individual whose income level, after adding the
5 individual's earned income and unearned income, is below 150% of the poverty line.

6 **SECTION 143.** 49.473 (2) (intro.) of the statutes is amended to read:

7 49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
8 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as
9 provided under sub. (5) if, after applying to the department or a county department,
10 the department or a county department determines that she meets all of the
11 following requirements:

12 **SECTION 144.** 49.473 (5) of the statutes is amended to read:

13 49.473 (5) The department shall audit and pay, from the appropriation
14 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
15 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
16 meets the requirements under sub. (2) for all benefits and services specified under
17 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under
18 s. 49.45 (2m) (c).

19 **SECTION 145.** 49.825 (3) (b) 4. of the statutes is repealed.

20 **SECTION 146.** 49.826 (3) (b) 4. of the statutes is repealed.

21 **SECTION 147.** Chapter 52 of the statutes is repealed.

22 **SECTION 148.** 59.875 of the statutes is created to read:

23 **59.875 Payment of contributions in an employee retirement system of**
24 **populous counties.** (1) In this section, "county" means any county having a
25 population of 500,000 or more.

1 (2) Beginning on the effective date of this subsection [LRB inserts date], in
2 any employee retirement system of a county, except as otherwise provided in a
3 collective bargaining agreement entered into under subch. IV of ch. 111, employees
4 shall pay half of all actuarially required contributions for funding benefits under the
5 retirement system. The employer may not pay on behalf of an employee any of the
6 employee's share of the actuarially required contributions.

7 **SECTION 149.** 62.623 of the statutes is created to read:

8 **62.623 Payment of contributions in an employee retirement system of**
9 **a 1st class city.** Beginning on the effective date of this section [LRB inserts date],
10 in any employee retirement system of a 1st class city, except as otherwise provided
11 in a collective bargaining agreement entered into under subch. IV of ch. 111,
12 employees shall pay half of all actuarially required contributions for funding benefits
13 under the retirement system. The employer may not pay on behalf of an employee
14 any of the employee's share of the actuarially required contributions.

15 **SECTION 150.** 66.0506 of the statutes is created to read:

16 **66.0506 Referendum; increase in employee wages.** (1) In this section,
17 "local governmental unit" means any city, village, town, county, metropolitan
18 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
19 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
20 subdivision of the state, or instrumentality of one or more political subdivisions of
21 the state.

22 (2) If any local governmental unit wishes to increase the total base wages of
23 its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that
24 exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local
25 governmental unit shall adopt a resolution to that effect. The resolution shall specify

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

7 (3) The referendum question shall be substantially as follows: "Shall the
8 [general municipal employees] in the [local governmental unit] receive a total
9 increase in wages from \$....[current total base wages] to \$....[proposed total base
10 wages], which is a percentage wage increase that is [x] percent higher than the
11 percent of the consumer price index increase, for a total percentage increase in wages
12 of [x]?"

13 **SECTION 151.** 66.0508 of the statutes is created to read:

14 **66.0508 Collective bargaining.** (1) In this section, "local governmental
15 unit" has the meaning given in s. 66.0506 (1).

16 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit
17 may collectively bargain with its employees.

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

21 (3) Each local governmental unit that is collectively bargaining with its
22 employees shall determine the maximum total base wages expenditure that is
23 subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer
24 price index change using the same method the department of revenue uses under s.
25 73.03 (68).

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1 **SECTION 152.** 66.0518 of the statutes is created to read:

2 **66.0518 Defined benefit pension plans.** A local governmental unit, as
3 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its
4 employees unless the plan requires the employees to pay half of all actuarially
5 required contributions for funding benefits under the plan and prohibits the local
6 governmental unit from paying on behalf of an employee any of the employee's share
7 of the actuarially required contributions.

8 **SECTION 153.** 66.1104 (1) (a) of the statutes is amended to read:

9 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
10 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
11 233, 234, 235, 237, or 279.

12 **SECTION 154.** 70.11 (41s) of the statutes is repealed.

13 **SECTION 155.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
14 (January 2011 Special Session Senate Bill 6), is amended to read:

15 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
16 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
17 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River
18 Navigational System Authority, of the Wisconsin Economic Development
19 Corporation, and of the Wisconsin Aerospace Authority.

20 **SECTION 156.** 73.03 (68) of the statutes is created to read:

21 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
22 as provided under s. 111.91 (3q), to determine the average annual percentage change
23 in the U.S. consumer price index for all urban consumers, U.S. city average, as
24 determined by the federal department of labor, for the 12 months immediately
25 preceding the request from the Wisconsin Employment Relations Commission.

1 **SECTION 157.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin
4 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
5 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
6 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
7 Navigational System Authority.

8 **SECTION 158.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
9 (January 2011 Special Session Senate Bill 6), is amended to read:

10 100.45 **(1)** (dm) “State agency” means any office, department, agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
17 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
18 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
19 Navigational System Authority.

20 **SECTION 159.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
21 (January 2011 Special Session Senate Bill 6), is amended to read:

22 101.177 **(1)** (d) “State agency” means any office, department, agency,
23 institution of higher education, association, society, or other body in state
24 government created or authorized to be created by the constitution or any law, that
25 is entitled to expend moneys appropriated by law, including the legislature and the

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1 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
2 Center Sports and Entertainment Corporation, the University of Wisconsin
3 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
4 ~~Quality Home Care Authority~~, the Wisconsin Economic Development Corporation,
5 and the Wisconsin Health and Educational Facilities Authority, but excluding the
6 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
7 Remediation Authority.

8 **SECTION 160.** 109.03 (1) (b) of the statutes is amended to read:

9 109.03 (1) (b) School district and private school employees who voluntarily
10 request payment over a 12-month period for personal services performed during the
11 school year, unless ~~such~~, with respect to private school employees, the employees are
12 covered under a valid collective bargaining agreement which precludes this method
13 of payment.

14 **SECTION 161.** 111.02 (1) of the statutes is amended to read:

15 111.02 (1) ~~The term “all-union~~ “All-union agreement” shall mean means an
16 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
17 ~~and Clinics Authority~~ and the representative of the employer's employees in a
18 collective bargaining unit whereby all or any of the employees in such unit are
19 required to be members of a single labor organization.

20 **SECTION 162.** 111.02 (2) of the statutes is amended to read:

21 111.02 (2) ~~“Collective bargaining” is the negotiating~~ means the negotiation by
22 an employer and a majority of the employer's employees in a collective bargaining
23 unit, or their representatives, concerning representation or terms and conditions of
24 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~

1 (2), in a mutually genuine effort to reach an agreement with reference to the subject
2 under negotiation.

3 **SECTION 163.** 111.02 (3) of the statutes is amended to read:

4 111.02 (3) "Collective bargaining unit" means all of the employees of one
5 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
6 except that where a majority of the employees engaged in a single craft, division,
7 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
8 constitute such group a separate bargaining unit they shall be so considered, but, in
9 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
10 111.19, the commission may find, where agreeable to all parties affected in any way
11 thereby, an industry, trade or business comprising more than one employer in an
12 association in any geographical area to be a "collective bargaining unit". A collective
13 bargaining unit thus established by the commission shall be subject to all rights by
14 termination or modification given by ss. 111.01 to 111.19 in reference to collective
15 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
16 collective bargaining units may bargain collectively through the same
17 representative where a majority of the employees in each separate unit have voted
18 by secret ballot as provided in s. 111.05 (2) so to do.

19 **SECTION 164.** 111.02 (6) (am) of the statutes is repealed.

20 **SECTION 165.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
21 renumbered 111.02 (7) (a) and amended to read:

22 111.02 (7) (a) "Employer" means a person who engages the services of an
23 employee, and includes ~~all of the following:~~ 1. ~~A~~ a person acting on behalf of an
24 employer within the scope of his or her authority, express or implied.

25 **SECTION 166.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

1 **SECTION 167.** 111.02 (7) (b) 1. of the statutes is amended to read:

2 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
3 subdivision thereof.

4 **SECTION 168.** 111.02 (7m) of the statutes is repealed.

5 **SECTION 169.** 111.02 (9m) of the statutes is repealed.

6 **SECTION 170.** 111.02 (10m) of the statutes is repealed.

7 **SECTION 171.** 111.05 (2) of the statutes is amended to read:

8 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
9 question arises concerning the determination of a collective bargaining unit as
10 ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,
11 upon request, shall cause the ballot to be taken in such manner as to show separately
12 the wishes of the employees in any craft, division, department or plant as to the
13 determination of the collective bargaining unit.

14 **SECTION 172.** 111.05 (3g) of the statutes is repealed.

15 **SECTION 173.** 111.05 (5) of the statutes is repealed.

16 **SECTION 174.** 111.05 (6) of the statutes is repealed.

17 **SECTION 175.** 111.05 (7) of the statutes is repealed.

18 **SECTION 176.** 111.06 (1) (c) 1. of the statutes is amended to read:

19 111.06 (1) (c) 1. To encourage or discourage membership in any labor
20 organization, employee agency, committee, association or representation plan by
21 discrimination in regard to hiring, tenure or other terms or conditions of employment
22 except in a collective bargaining unit where an all-union, ~~fair-share or maintenance~~
23 ~~of membership agreement~~ is in effect. ~~An employer is not prohibited from entering~~
24 ~~into an all-union agreement with the voluntarily recognized representative of the~~
25 ~~employees in a collective bargaining unit, where at least a majority of such employees~~

1 ~~voting have voted affirmatively, by secret ballot, in favor of such all-union agreement~~
2 ~~in a referendum conducted by the commission, except that where the bargaining~~
3 ~~representative has been certified by either the commission or the national labor~~
4 ~~relations board as the result of a representation election, no referendum is required~~
5 ~~to authorize the entry into such an all-union agreement. Such authorization of an~~
6 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~
7 ~~either party to the all-union agreement to petition the commission to conduct a new~~
8 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~
9 ~~determine whether there is reasonable ground to believe that the employees~~
10 ~~concerned have changed their attitude toward the all-union agreement and upon so~~
11 ~~finding the commission shall conduct a referendum. If the continuance of the~~
12 ~~all-union agreement is supported on any such referendum by a vote at least equal~~
13 ~~to that provided in this subdivision for its initial authorization, it may be continued~~
14 ~~in force thereafter, subject to the right to petition for a further vote by the procedure~~
15 ~~set forth in this subdivision. If the continuance of the all-union agreement is not~~
16 ~~thus supported on any such referendum, it is deemed terminated at the termination~~
17 ~~of the contract of which it is then a part or at the end of one year from the date of the~~
18 ~~announcement by the commission of the result of the referendum, whichever is~~
19 ~~earlier. The commission shall declare any all-union agreement terminated~~
20 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
21 ~~receive as a member any employee of such employer, and each such all-union~~
22 ~~agreement shall be made subject to this duty of the commission. Any person~~
23 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
24 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~
25 ~~made in accordance with the law in effect at the time it is made is valid.~~

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1 **SECTION 177.** 111.06 (1) (d) of the statutes is amended to read:

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

10 **SECTION 178.** 111.06 (1) (i) of the statutes is amended to read:

11 111.06 (1) (i) To deduct labor organization dues or assessments from an
12 employee's earnings, unless the employer has been presented with an individual
13 order therefor, signed by the employee personally, and terminable at the end of any
14 year of its life by the employee giving at least thirty days' written notice of such
15 termination unless there is an all-union, ~~fair-share or maintenance of membership~~
16 agreement in effect. The employer shall give notice to the labor organization of
17 receipt of such notice of termination.

18 **SECTION 179.** 111.06 (1) (m) of the statutes is repealed.

19 **SECTION 180.** 111.06 (2) (i) of the statutes is amended to read:

20 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
21 in s. 111.115 ~~(2) or~~ (3).

22 **SECTION 181.** 111.075 of the statutes is repealed.

23 **SECTION 182.** 111.115 (title) of the statutes is amended to read:

24 **111.115 (title) Notice of certain proposed lockouts or strikes.**

1 **SECTION 183.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
2 renumbered 111.115 (1) and amended to read:

3 111.115 (1) In this subsection: ~~(b)~~ “Strike” section, “strike” includes any
4 concerted stoppage of work by employees, and any concerted slowdown or other
5 concerted interruption of operations or services by employees, or any concerted
6 refusal of employees to work or perform their usual duties as employees, for the
7 purpose of enforcing demands upon an employer.

8 **SECTION 184.** 111.115 (1) (a) of the statutes is repealed.

9 **SECTION 185.** 111.115 (2) of the statutes is repealed.

10 **SECTION 186.** 111.17 (intro.) and (1) of the statutes are consolidated,
11 renumbered 111.17 and amended to read:

12 **111.17 Conflict of provisions; effect.** Wherever the application of the
13 provisions of other statutes or laws conflict with the application of the provisions of
14 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ In in any situation
15 where the provisions of this subchapter cannot be validly enforced the provisions of
16 such other statutes or laws shall apply.

17 **SECTION 187.** 111.17 (2) of the statutes is repealed.

18 **SECTION 188.** 111.70 (1) (a) of the statutes is amended to read:

19 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
20 obligation of a municipal employer, through its officers and agents, and the
21 representative of its municipal employees in a collective bargaining unit, to meet and
22 confer at reasonable times, in good faith, with the intention of reaching an
23 agreement, or to resolve questions arising under such an agreement, with respect to
24 wages, hours, and conditions of employment for public safety employees and with
25 respect to wages for general municipal employees, and with respect to a requirement

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1 of the municipal employer for a municipal employee to perform law enforcement and
 2 fire fighting services under s. 61.66 and for a school district with respect to any
 3 matter under sub. (4) (o), and for a school district with respect to any matter under
 4 sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and
 5 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
 6 respect to any proposal to diminish or abridge the rights guaranteed to municipal
 7 any public safety employees under ch. 164. Collective bargaining includes the
 8 reduction of any agreement reached to a written and signed document.

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

12 (4) (p) Permissive subjects of collective bargaining: public safety employees. A
 13 municipal employer shall is not be required to bargain with public safety employees
 14 on subjects reserved to management and direction of the governmental unit except
 15 insofar as the manner of exercise of such functions affects the wages, hours, and
 16 conditions of employment of the municipal public safety employees in a collective
 17 bargaining unit. (no 11)

STRIKE

18 (1b) (b) In creating this subchapter the legislature recognizes that the
 19 ~~municipal employer must exercise its powers and responsibilities to act for the~~
 20 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~
 21 ~~and the health, safety, and welfare of the public to assure orderly operations and~~
 22 ~~functions within its jurisdiction, subject to those rights secured to municipal~~
 23 ~~employees by the constitutions of this state and of the United States and by this~~
 24 ~~subchapter.~~

25 SECTION 189. 111.70 (1) (b) of the statutes is amended to read:

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

5 **SECTION 190.** 111.70 (1) (cm) of the statutes is created to read:

6 111.70 (1) (cm) "Consumer price index change" means the average annual
7 percentage change in the consumer price index for all urban consumers, U.S. city
8 average, as determined by the federal department of labor, for the 12 months
9 immediately preceding the current date.

10 **SECTION 191.** 111.70 (1) (f) of the statutes is amended to read:

11 111.70 (1) (f) "Fair-share agreement" means an agreement between a
12 municipal employer and a labor organization that represents public safety
13 employees under which all or any of the public safety employees in the collective
14 bargaining unit are required to pay their proportionate share of the cost of the
15 collective bargaining process and contract administration measured by the amount
16 of dues uniformly required of all members. ~~Such an agreement shall contain a~~
17 ~~provision requiring the employer to deduct the amount of dues as certified by the~~
18 ~~labor organization from the earnings of the employees affected by said agreement~~
19 ~~and to pay the amount so deducted to the labor organization.~~

20 **SECTION 192.** 111.70 (1) (fm) of the statutes is created to read:

21 111.70 (1) (fm) "General municipal employee" means a municipal employee
22 who is not a public safety employee.

23 **SECTION 193.** 111.70 (1) (j) of the statutes is amended to read:

24 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
25 metropolitan sewerage district, school district, long-term care district, transit

SECTION 193

1 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under
2 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
3 of one or more political subdivisions of the state, that engages the services of an
4 employee and includes any person acting on behalf of a municipal employer within
5 the scope of the person's authority, express or implied, ~~but specifically does not~~
6 ~~include a local cultural arts district created under subch. V of ch. 229.~~

7 **SECTION 194.** 111.70 (1) (mm) of the statutes is created to read:

8 111.70 (1) (mm) "Public safety employee" means any municipal employee who
9 is employed in a position that, on the effective date of this paragraph [LRB inserts
10 date], is classified as a protective occupation participant under any of the following:

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

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

14 **SECTION 195.** 111.70 (1) (n) of the statutes is amended to read:

15 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
16 in which public safety employees in a collective bargaining unit may cast a secret
17 ballot on the question of authorizing a labor organization and the employer to
18 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~
19 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~
20 ~~of the collective bargaining agreement deemed null and void~~ that covers public safety
21 employees.

22 **SECTION 196.** 111.70 (1) (nm) of the statutes is amended to read:

23 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
24 by municipal employees, and any concerted slowdown or other concerted
25 interruption of operations or services by municipal employees, or any concerted

1 refusal to work or perform their usual duties as municipal employees, for the purpose
2 of enforcing demands upon a municipal employer. Such conduct by municipal
3 employees which is not authorized or condoned by a labor organization constitutes
4 a "strike", but does not subject such labor organization to the penalties under this
5 subchapter. ~~This paragraph does not apply to collective bargaining units composed~~
6 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
7 ~~functions.~~

8 **SECTION 197.** 111.70 (1b) (c) of the statutes is created to read:

9 111.70 (1b) (c) This subchapter shall be construed as an enactment of statewide
10 concern for the purpose of providing a uniform operation of the collective bargaining
11 laws.

12 **SECTION 198.** 111.70 (2) of the statutes is amended to read:

13 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
14 right of self-organization, and the right to form, join, or assist labor organizations,
15 to bargain collectively through representatives of their own choosing, and to engage
16 in lawful, concerted activities for the purpose of collective bargaining or other mutual
17 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to
18 refrain from any and all such activities except that employees. A general municipal
19 employee has the right to refrain from paying dues while remaining a member of a
20 collective bargaining unit. A public safety employee, however, maybe required to pay
21 dues in the manner provided in a fair-share agreement.— Such; a fair-share
22 agreement covering a public safety employee must contain a provision requiring the
23 municipal employer to deduct the amount of dues as certified by the labor
24 organization from the earnings of the public safety employee affected by the
25 fair-share agreement and to pay the amount deducted to the labor organization. A

1 fair-share agreement ~~shall be~~ covering a public safety employee is subject to the
2 right of the municipal employer or a labor organization to petition the commission
3 to conduct a referendum. Such petition must be supported by proof that at least 30%
4 of the public safety employees in the collective bargaining unit desire that the
5 fair-share agreement be terminated. Upon so finding, the commission shall conduct
6 a referendum. If the continuation of the agreement is not supported by at least the
7 majority of the eligible public safety employees, it shall ~~be deemed terminated~~
8 terminate. The commission shall declare any fair-share agreement suspended upon
9 such conditions and for such time as the commission decides whenever it finds that
10 the labor organization involved has refused on the basis of race, color, sexual
11 orientation, creed, or sex to receive as a member any public safety employee of the
12 municipal employer in the bargaining unit involved, and such agreement ~~shall be~~
13 made is subject to this duty of the commission. Any of the parties to such agreement
14 or any municipal public safety employee covered ~~thereby~~ by the agreement may come
15 before the commission, as provided in s. 111.07, and ask the performance of this duty.

16 **SECTION 199.** 111.70 (3) (a) 3. of the statutes is amended to read:

17 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
18 organization by discrimination in regard to hiring, tenure, or other terms or
19 conditions of employment; but the prohibition shall not apply to a fair-share
20 agreement that covers public safety employees.

21 **SECTION 200.** 111.70 (3) (a) 4. of the statutes is amended to read:

22 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
23 majority of its employees in an appropriate collective bargaining unit. Such refusal
24 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
25 including those provided for by statute, with individuals in the collective bargaining

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

15 **SECTION 201.** 111.70 (3) (a) 5. of the statutes is amended to read:

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

25 **SECTION 202.** 111.70 (3) (a) 6. of the statutes is amended to read:

SECTION 202

1 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~
2 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer
3 has been presented with an individual order therefor, signed by the ~~municipal public~~
4 ~~safety~~ employee personally, and terminable by at least the end of any year of its life
5 or earlier by the ~~municipal public safety~~ employee giving at least 30 days' written
6 notice of such termination to the municipal employer and to the representative
7 organization, except ~~where there is~~ when a fair-share agreement is in effect.

8 **SECTION 203.** 111.70 (3) (a) 7. of the statutes is repealed.

9 **SECTION 204.** 111.70 (3) (a) 9. of the statutes is amended to read:

10 111.70 (3) (a) 9. ~~After~~ If the collective bargaining unit contains a public safety
11 employee, after a collective bargaining agreement expires and before another
12 collective bargaining agreement takes effect, to fail to follow any fair-share
13 agreement in the expired collective bargaining agreement.

14 **SECTION 205.** 111.70 (3) (b) 6. of the statutes is repealed.

15 **SECTION 206.** 111.70 (3g) of the statutes is created to read:

16 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not
17 deduct labor organization dues from the earnings of a general municipal employee
18 or supervisor.

19 **SECTION 207.** 111.70 (3m) of the statutes is repealed.

20 **SECTION 208.** 111.70 (3p) of the statutes is repealed.

21 **SECTION 209.** 111.70 (4) (intro.) of the statutes is amended to read:

22 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
23 any election under this subsection by secret ballot and shall be governed by adhere
24 to the following provisions relating to bargaining in municipal employment in
25 addition to other powers and duties provided in this subchapter:

1 **SECTION 210.** 111.70 (4) (c) (title) of the statutes is amended to read:

2 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~law enforcement~~*
3 *~~and fire fighting personnel~~ public safety employees.*

4 **SECTION 211.** 111.70 (4) (c) 1. of the statutes is amended to read:

5 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
6 labor disputes involving a collective bargaining unit containing a public safety
7 employee. Such mediation may be carried on by a person designated to act by the
8 commission upon request of one or both of the parties or upon initiation of the
9 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
10 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

11 **SECTION 212.** 111.70 (4) (c) 2. of the statutes is amended to read:

12 111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning
13 or application of the terms of a written collective bargaining agreement involving a
14 collective bargaining unit containing a public safety employee may agree in writing
15 to have the commission or any other appropriate agency serve as arbitrator or may
16 designate any other competent, impartial and disinterested person to so serve.

17 b. A collective bargaining agreement involving a collective bargaining unit
18 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
19 dispute resolution procedures, including arbitration, that address the suspension,
20 reduction in rank, suspension and reduction in rank, or removal of such personnel.
21 If the procedures include arbitration, the arbitration hearing shall be public and the
22 decision of the arbitrator shall be issued within 180 days of the conclusion of the
23 hearing.

24 **SECTION 213.** 111.70 (4) (c) 3. of the statutes is amended to read:

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1 111.70 (4) (c) 3. 'Fact-finding.' ~~If Unless s. 111.77 applies, if a dispute involving~~
2 ~~a collective bargaining unit containing a public safety employee~~ has not been settled
3 after a reasonable period of negotiation and after the settlement procedures, if any,
4 established by the parties have been exhausted, and the parties are deadlocked with
5 respect to any dispute between them arising in the collective bargaining process,
6 either party, or the parties jointly, may petition the commission, in writing, to initiate
7 fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the
8 deadlock, ~~as follows:~~

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

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

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

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

10 **SECTION 214.** 111.70 (4) (c) 4. of the statutes is repealed.

11 **SECTION 215.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
12 to read:

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

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

9 3. 'Mediation.' The commission or its designee shall function as mediator in
10 labor disputes involving general municipal employees upon request of one or both of
11 the parties, or upon initiation of the commission. The function of the mediator shall
12 be to encourage voluntary settlement by the parties. No mediator has the power of
13 compulsion.

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

20 **SECTION 216.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

21 **SECTION 217.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

22 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
23 the initial collective bargaining agreement between the parties and except as the
24 parties otherwise agree, every collective bargaining agreement covering general
25 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, but in

1 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
2 ~~consisting of municipal employees subject to this paragraph other than school~~
3 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
4 ~~agreement for any collective bargaining unit consisting of school district employees~~
5 ~~subject to this paragraph be for a term exceeding 4 years one year and may not be~~
6 ~~extended. No arbitration award may contain a provision for reopening of~~
7 ~~negotiations during the term of a collective bargaining agreement, covering general~~
8 ~~municipal employees may be reopened for negotiations unless both parties agree to~~
9 ~~such a provision reopen the collective bargaining agreement. The requirement for~~
10 ~~agreement by both parties does not apply to a provision for reopening of negotiations~~
11 ~~with respect to any portion of an agreement that is declared invalid by a court or~~
12 ~~administrative agency or rendered invalid by the enactment of a law or promulgation~~
13 ~~of a federal regulation.~~

14 **SECTION 218.** 111.70 (4) (cm) 9. of the statutes is repealed.

15 **SECTION 219.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

16 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
17 bargaining unit for the purpose of collective bargaining and shall whenever possible,
18 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
19 maintaining as few collective bargaining units as practicable in keeping with the size
20 of the total municipal workforce. ~~In making such a determination, the The~~
21 ~~commission may decide whether, in a particular case, the municipal employees in the~~
22 ~~same or several departments, divisions, institutions, crafts, professions, or other~~
23 ~~occupational groupings constitute a collective bargaining unit. Before making its~~
24 ~~determination, the commission may provide an opportunity for the municipal~~
25 ~~employees concerned to determine, by secret ballot, whether they desire to be~~

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

25 **SECTION 220.** 111.70 (4) (d) 3. of the statutes is amended to read:

1 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
2 representation or appropriate unit, calling for a vote, the commission shall certify the
3 results in writing to the municipal employer and the labor organization involved and
4 to any other interested parties.

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

10 **SECTION 221.** 111.70 (4) (d) 3. b. of the statutes is created to read:

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

1 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
2 be credited to the appropriation account under s. 20.425 (1) (i).

3 **SECTION 222.** 111.70 (4) (L) of the statutes is amended to read:

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

9 **SECTION 223.** 111.70 (4) (m) of the statutes is repealed.

10 **SECTION 224.** 111.70 (4) (mb) of the statutes is created to read:

11 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

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

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

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

21 a. If there is an increase in the consumer price index change, provides for total
22 base wages for authorized positions in the proposed collective bargaining agreement
23 that exceeds the total base wages for authorized positions 180 days before the
24 expiration of the previous collective bargaining agreement by a greater percentage
25 than the consumer price index change.

1 b. If there is a decrease 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 decreased by a
5 percentage of that expenditure that is equal to the decrease in the consumer price
6 index change.

7 **SECTION 225.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

8 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*

9 (intro.) The municipal employer is prohibited from bargaining collectively with a
10 collective bargaining unit containing a public safety employee with respect to any of
11 the following:

12 **SECTION 226.** 111.70 (4) (mc) 4. of the statutes is repealed.

13 **SECTION 227.** 111.70 (4) (n) and (o) of the statutes are repealed.

14 **SECTION 228.** 111.70 (6) (title) of the statutes is renumbered 111.70 (1b) (title).

15 **SECTION 229.** 111.70 (6) of the statutes is ~~renumbered 111.70 (1b) (a).~~

16 **SECTION 230.** 111.70 (7) of the statutes is repealed.

17 **SECTION 231.** 111.70 (7m) (b) of the statutes is repealed.

18 **SECTION 232.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

19 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
20 employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not
21 collect any dues check-off under a collective bargaining agreement and or under a
22 fair-share agreement between the municipal employer and such labor organization
23 from any public safety employee covered by either agreement for a period of one year.
24 At the end of the period of suspension, any such agreement shall be reinstated unless
25 the labor organization is no longer authorized to represent the municipal public

Fix
comment

repealed

1 ~~safety~~ employees covered by ~~such dues check-off~~ the collective bargaining
2 agreement or fair-share agreement or the agreement is no longer in effect.

3 **SECTION 233.** 111.70 (7m) (c) 3. of the statutes is repealed.

4 **SECTION 234.** 111.70 (7m) (e) and (f) of the statutes are repealed.

5 **SECTION 235.** 111.70 (8) (a) of the statutes is amended to read:

6 111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cm) and (7m)~~, applies
7 to law enforcement supervisors employed by a 1st class city. This section, except
8 ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m)~~, applies to law enforcement supervisors
9 employed by a county having a population of 500,000 or more. For purposes of such
10 application, the ~~term~~ terms "municipal employee" ~~includes~~ and "public safety
11 employee" ~~include~~ such a supervisor.

12 **SECTION 236.** 111.71 (2) of the statutes is amended to read:

13 111.71 (2) The commission shall assess and collect a filing fee for filing a
14 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
15 The commission shall assess and collect a filing fee for filing a request that the
16 commission act as an arbitrator to resolve a dispute involving the interpretation or
17 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
18 The commission shall assess and collect a filing fee for filing a request that the
19 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
20 assess and collect a filing fee for filing a request that the commission act as a
21 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
22 a filing fee for filing a request that the commission initiate compulsory, final and
23 binding arbitration under s. 111.70 (4) ~~(cm) 6. or (jm)~~ or 111.77 (3). For the
24 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
25 4. ~~and 6.~~, and (jm) and 111.77 (3), the commission shall require that the parties to the

1 dispute equally share in the payment of the fee and, for the performance of
2 commission actions involving a complaint alleging that a prohibited practice has
3 been committed under s. 111.70 (3), the commission shall require that the party filing
4 the complaint pay the entire fee. If any party has paid a filing fee requesting the
5 commission to act as a mediator for a labor dispute and the parties do not enter into
6 a voluntary settlement of the dispute, the commission may not subsequently assess
7 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
8 dispute. If any request for the performance of commission actions concerns issues
9 arising as a result of more than one unrelated event or occurrence, each such
10 separate event or occurrence shall be treated as a separate request. The commission
11 shall promulgate rules establishing a schedule of filing fees to be paid under this
12 subsection. Fees required to be paid under this subsection shall be paid at the time
13 of filing the complaint or the request for fact-finding, mediation or arbitration. A
14 complaint or request for fact-finding, mediation or arbitration is not filed until the
15 date such fee or fees are paid, except that the failure of the respondent party to pay
16 the filing fee for having the commission initiate compulsory, final and binding
17 arbitration under s. 111.70 (4) ~~(em) 6. or (jm)~~ or 111.77 (3) ~~shall~~ may not prohibit the
18 commission from initiating such arbitration. The commission may initiate collection
19 proceedings against the respondent party for the payment of the filing fee. Fees
20 collected under this subsection shall be credited to the appropriation account under
21 s. 20.425 (1) (i).

22 **SECTION 237.** 111.71 (4) of the statutes is repealed.

23 **SECTION 238.** 111.71 (5) of the statutes is repealed.

24 **SECTION 239.** 111.77 (intro.) of the statutes is amended to read:

1 **111.77 Settlement of disputes in collective bargaining units composed**
 2 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
 3 and city and county law enforcement agencies ~~municipal~~ Municipal employers and
 4 ~~employees~~ public safety employees, as provided in sub. (8), have the duty to bargain
 5 collectively in good faith including the duty to refrain from strikes or lockouts and
 6 to comply with the ~~procedures set forth below~~ following:

7 **SECTION 240.** 111.77 (8) (a) of the statutes is amended to read:

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

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12 **SECTION 241.** 111.81 (1) of the statutes is amended to read:

13 111.81 (1) "Collective bargaining" means the performance of the mutual
 14 obligation of the state as an employer, by its officers and agents, and the
 15 representatives of its employees, to meet and confer at reasonable times, in good
 16 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
 17 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),
 18 with respect to general employees, with the intention of reaching an agreement, or
 19 to resolve questions arising under such an agreement. The duty to bargain, however,
 20 does not compel either party to agree to a proposal or require the making of a
 21 concession. Collective bargaining includes the reduction of any agreement reached
 22 to a written and signed document.

23 **SECTION 242.** 111.81 (3h) of the statutes is repealed.

24 **SECTION 243.** 111.81 (3n) of the statutes is created to read:

1 111.81 (3n) "Consumer price index change" means the average annual
2 percentage change in the consumer price index for all urban consumers, U.S. city
3 average, as determined by the federal department of labor, for the 12 months
4 immediately preceding the current date.

5 **SECTION 244.** 111.81 (7) (g) of the statutes is repealed.

6 **SECTION 245.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

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

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

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

13 **SECTION 246.** 111.81 (9) of the statutes is amended to read:

14 111.81 (9) "Fair-share agreement" means an agreement between the employer
15 and a labor organization representing public safety employees ~~or supervisors~~
16 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~
17 ~~supervisors~~ in a collective bargaining unit are required to pay their proportionate
18 share of the cost of the collective bargaining process and contract administration
19 measured by the amount of dues uniformly required of all members.

20 **SECTION 247.** 111.81 (9g) of the statutes is created to read:

21 111.81 (9g) "General employee" means an employee who is not a public safety
22 employee.

23 **SECTION 248.** 111.81 (9k) of the statutes is repealed.

24 **SECTION 249.** 111.81 (12) (intro.) of the statutes is amended to read:

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

6 **SECTION 250.** 111.81 (12m) of the statutes is amended to read:

7 111.81 (12m) “Maintenance of membership agreement” means an agreement
8 between the employer and a labor organization representing public safety employees
9 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
10 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.
11 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
12 have dues deducted for the duration of the agreement, and that dues shall be
13 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
14 hired on or after the effective date of the agreement.

15 **SECTION 251.** 111.81 (15r) of the statutes is created to read:

16 111.81 (15r) “Public safety employee” means any individual under s. 40.02 (48)
17 (am) 7. or 8.

18 **SECTION 252.** 111.81 (16) of the statutes is amended to read:

19 111.81 (16) “Referendum” means a proceeding conducted by the commission in
20 which public safety employees, ~~or supervisors specified in s. 111.825 (5)~~, in a
21 collective bargaining unit may cast a secret ballot on the question of directing the
22 labor organization and the employer to enter into a fair-share or maintenance of
23 membership agreement or to terminate such an agreement.

24 **SECTION 253.** 111.815 (1) of the statutes is amended to read:

1 111.815 (1) In the furtherance of this subchapter, the state shall be considered
2 as a single employer and employment relations policies and practices throughout the
3 state service shall be as consistent as practicable. The office shall negotiate and
4 administer collective bargaining agreements ~~except that the department of health~~
5 ~~services, subject to the approval of the federal centers for medicare and medicaid~~
6 ~~services to use collective bargaining as the method of setting rates for~~
7 ~~reimbursement of home care providers, shall negotiate and administer collective~~
8 ~~bargaining agreements entered into with the collective bargaining unit specified in~~
9 ~~s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,~~
10 ~~the office, or the department of health services with regard to collective bargaining~~
11 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~
12 ~~(2g), shall maintain close liaison with the legislature relative to the negotiation of~~
13 ~~agreements and the fiscal ramifications of those agreements. Except with respect~~
14 ~~to the collective bargaining units unit specified in s. 111.825 (1m), (2) (f), and (2g),~~
15 ~~the office is responsible for the employer functions of the executive branch under this~~
16 ~~subchapter, and shall coordinate its collective bargaining activities with operating~~
17 ~~state agencies on matters of agency concern. The legislative branch shall act upon~~
18 ~~those portions of tentative agreements negotiated by the office that require~~
19 ~~legislative action. With respect to the collective bargaining units specified in s.~~
20 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~
21 ~~for the employer functions under this subchapter. With respect to the collective~~
22 ~~bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter~~
23 ~~school established by contract under s. 118.40 (2r) (cm) is responsible for the~~
24 ~~employer functions under this subchapter. With respect to the collective bargaining~~

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1 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~
2 ~~the employer functions of the executive branch under this subchapter.~~

3 **SECTION 254.** 111.815 (2) of the statutes is amended to read:

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

11 **SECTION 255.** 111.82 of the statutes is amended to read:

12 **111.82 Rights of employees.** Employees shall have the right of
13 self-organization and the right to form, join, or assist labor organizations, to bargain
14 collectively through representatives of their own choosing under this subchapter,
15 and to engage in lawful, concerted activities for the purpose of collective bargaining
16 or other mutual aid or protection. Employees shall also have the right to refrain from
17 any or all of such activities. A general employee has the right to refrain from paying
18 dues while remaining a member of a collective bargaining unit.

19 **SECTION 256.** 111.825 (1) (intro.) of the statutes is amended to read:

20 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
21 collective bargaining, units must be structured in such a way as to avoid excessive
22 fragmentation whenever possible. In accordance with this policy, collective
23 bargaining units for employees in the classified service of the state, ~~except employees~~
24 ~~in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide

1 basis with one collective bargaining unit for each of the following occupational
2 groups:

3 **SECTION 257.** 111.825 (1) (g) of the statutes is created to read:

4 111.825 (1) (g) Public safety employees.

5 **SECTION 258.** 111.825 (1m) of the statutes is repealed.

6 **SECTION 259.** 111.825 (2g) of the statutes is repealed.

7 **SECTION 260.** 111.825 (3) of the statutes is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

10 **SECTION 261.** 111.825 (4) of the statutes is amended to read:

11 111.825 (4) Any labor organization may petition for recognition as the exclusive
12 representative of a collective bargaining unit specified in sub. (1), ~~(1m)~~, or (2), ~~or~~ (2g)
13 in accordance with the election procedures set forth in s. 111.83, provided the petition
14 is accompanied by a 30% showing of interest in the form of signed authorization
15 cards. Each additional labor organization seeking to appear on the ballot shall file
16 petitions within 60 days of the date of filing of the original petition and prove,
17 through signed authorization cards, that at least 10% of the employees in the
18 collective bargaining unit want it to be their representative.

19 **SECTION 262.** 111.825 (4m) of the statutes is repealed.

20 **SECTION 263.** 111.825 (5) of the statutes is amended to read:

21 111.825 (5) Although supervisors are not considered employees for purposes
22 of this subchapter, the commission may consider a petition for a statewide collective
23 bargaining unit of professional supervisors or a statewide unit of nonprofessional
24 supervisors in the classified service, but the representative of supervisors may not
25 be affiliated with any labor organization representing employees. For purposes of

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

8 **SECTION 264.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

9 **SECTION 265.** 111.825 (6) (b) of the statutes is created to read:

10 111.825 (6) (b) The commission may assign only a public safety employee to the
11 collective bargaining unit under sub. (1) (g).

12 **SECTION 266.** 111.83 (1) of the statutes is amended to read:

13 111.83 (1) Except as provided in ~~subs. sub. (5) and (5m)~~, a representative
14 chosen for the purposes of collective bargaining by a majority of the employees voting
15 in a collective bargaining unit shall be the exclusive representative of all of the
16 employees in such unit for the purposes of collective bargaining. Any individual
17 employee, or any minority group of employees in any collective bargaining unit, may
18 present grievances to the employer in person, or through representatives of their own
19 choosing, and the employer shall confer with said employee or group of employees in
20 relation thereto if the majority representative has been afforded the opportunity to
21 be present at the conference. Any adjustment resulting from such a conference may
22 not be inconsistent with the conditions of employment established by the majority
23 representative and the employer.

24 **SECTION 267.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

25 **SECTION 268.** 111.83 (3) (b) of the statutes is created to read:

1 111.83 (3) (b) Annually, no later than December 1, the commission shall
2 conduct an election to certify the representative of a collective bargaining unit that
3 contains a general employee. There shall be included on the ballot the names of all
4 labor organizations having an interest in representing the general employees
5 participating in the election. The commission may exclude from the ballot one who,
6 at the time of the election, stands deprived of his or her rights under this subchapter
7 by reason of a prior adjudication of his or her having engaged in an unfair labor
8 practice. The commission shall certify any representative that receives at least 51
9 percent of the votes of all of the general employees in the collective bargaining unit.
10 If no representative receives at least 51 percent of the votes of all of the general
11 employees in the collective bargaining unit, at the expiration of the collective
12 bargaining agreement, the commission shall decertify the current representative
13 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
14 a representative is decertified under this paragraph, the affected general employees
15 may not be included in a substantially similar collective bargaining unit for 12
16 months from the date of decertification. The commission's certification of the results
17 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
18 commission shall assess and collect a certification fee for each election conducted
19 under this paragraph. Fees collected under this paragraph shall be credited to the
20 appropriation account under s. 20.425 (1) (i).

21 **SECTION 269.** 111.83 (4) of the statutes is amended to read:

22 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
23 the name of more than one proposed representative appears on the ballot and results
24 in no conclusion, the commission may, if requested by any party to the proceeding
25 within 30 days from the date of the certification of the results of the election, conduct

1 a runoff election. In that runoff election, the commission shall drop from the ballot
2 the name of the representative who received the least number of votes at the original
3 election. The commission shall drop from the ballot the privilege of voting against
4 any representative if the least number of votes cast at the first election was against
5 representation by any named representative.

6 **SECTION 270.** 111.83 (5m) of the statutes is repealed.

7 **SECTION 271.** 111.83 (7) of the statutes is repealed.

8 **SECTION 272.** 111.84 (1) (b) of the statutes is amended to read:

9 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
10 create, dominate or interfere with the formation or administration of any labor or
11 employee organization or contribute financial support to it. Except as provided in
12 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
13 retirement system under ch. 40 and no action by the employer that is authorized by
14 such a law constitutes a violation of this paragraph unless an applicable collective
15 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
16 specifically prohibits the change or action. No such change or action affects the
17 continuing duty to bargain collectively with a collective bargaining unit under s.
18 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
19 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
20 reimburse an employee at his or her prevailing wage rate for the time spent during
21 the employee's regularly scheduled hours conferring with the employer's officers or
22 agents and for attendance at commission or court hearings necessary for the
23 administration of this subchapter. Professional supervisory or craft personnel may
24 maintain membership in professional or craft organizations; however, as members

1 of such organizations they shall be prohibited from those activities related to
2 collective bargaining in which the organizations may engage.

3 **SECTION 273.** 111.84 (1) (d) of the statutes is amended to read:

4 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
5 (1) or (3), whichever is appropriate, with a representative of a majority of its
6 employees in an appropriate collective bargaining unit. Where the employer has a
7 good faith doubt as to whether a labor organization claiming the support of a majority
8 of its employees in appropriate collective bargaining unit does in fact have that
9 support, it may file with the commission a petition requesting an election as to that
10 claim. It is not deemed to have refused to bargain until an election has been held and
11 the results thereof certified to it by the commission. A violation of this paragraph
12 includes, but is not limited to, the refusal to execute a collective bargaining
13 agreement previously orally agreed upon.

14 **SECTION 274.** 111.84 (1) (f) of the statutes is amended to read:

15 111.84 (1) (f) To deduct labor organization dues from ~~an employee's~~ the
16 earnings of a public safety employee, unless the employer has been presented with
17 an individual order therefor, signed by the public safety employee personally, and
18 terminable by at least the end of any year of its life or earlier by the public safety
19 employee giving at least 30 but not more than 120 days' written notice of such
20 termination to the employer and to the representative labor organization, except if
21 there is a fair-share or maintenance of membership agreement in effect. The
22 employer shall give notice to the labor organization of receipt of such notice of
23 termination.

24 **SECTION 275.** 111.84 (2) (c) of the statutes is amended to read:

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

9 **SECTION 276.** 111.84 (3) of the statutes is amended to read:

10 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
11 on behalf of or in the interest of employers or employees, or in connection with or to
12 influence the outcome of any controversy as to employment relations, any act
13 prohibited by ~~subs.~~ sub. (1) and or (2).

14 **SECTION 277.** 111.845 of the statutes is created to read:

15 **111.845 Wage deduction prohibition.** The employer may not deduct labor
16 organization dues from a general employee's earnings.

17 **SECTION 278.** 111.85 (1), (2) and (4) of the statutes are amended to read:

18 111.85 (1) (a) No fair-share or maintenance of membership agreement
19 covering public safety employees may become effective unless authorized by a
20 referendum. The commission shall order a referendum whenever it receives a
21 petition supported by proof that at least 30% of the public safety employees ~~or~~
22 ~~supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a
23 fair-share or maintenance of membership agreement be entered into between the
24 employer and a labor organization. A petition may specify that a referendum is

1 requested on a maintenance of membership agreement only, in which case the ballot
2 shall be limited to that question.

3 (b) For a fair-share agreement to be authorized, at least two-thirds of the
4 eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in
5 favor of the agreement. For a maintenance of membership agreement to be
6 authorized, at least a majority of the eligible public safety employees ~~or supervisors~~
7 voting in a referendum shall vote in favor of the agreement. In a referendum on a
8 fair-share agreement, if less than two-thirds but more than one-half of the eligible
9 public safety employees ~~or supervisors~~ vote in favor of the agreement, a maintenance
10 of membership agreement is authorized.

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

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

8 (2) (a) Once authorized, a fair-share or maintenance of membership
9 agreement covering public safety employees shall continue in effect, subject to the
10 right of the employer or labor organization concerned to petition the commission to
11 conduct a new referendum. Such petition must be supported by proof that at least
12 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit
13 desire that the fair-share or maintenance of membership agreement be
14 discontinued. Upon so finding, the commission shall conduct a new referendum. If
15 the continuance of the fair-share or maintenance of membership agreement is
16 approved in the referendum by at least the percentage of eligible voting public safety
17 employees ~~or supervisors~~ required for its initial authorization, it shall be continued
18 in effect, subject to the right of the employer or labor organization to later initiate a
19 further vote following the procedure prescribed in this subsection. If the
20 continuation of the agreement is not supported in any referendum, it is deemed
21 terminated at the termination of the collective bargaining agreement, or one year
22 from the date of the certification of the result of the referendum, whichever is earlier.

23 (b) The commission shall declare any fair-share or maintenance of
24 membership agreement suspended upon such conditions and for such time as the
25 commission decides whenever it finds that the labor organization involved has

1 refused on the basis of race, color, sexual orientation or creed to receive as a member
2 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,
3 and the agreement shall be made subject to the findings and orders of the
4 commission. Any of the parties to the agreement, or any public safety employee ~~or~~
5 ~~supervisor~~ covered thereby, may come before the commission, as provided in s.
6 111.07, and petition the commission to make such a finding.

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

10 **SECTION 279.** 111.85 (5) of the statutes is repealed.

11 **SECTION 280.** 111.90 (2) of the statutes is amended to read:

12 111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state
13 agency; hire, promote, transfer, assign or retain employees in positions within the
14 agency; and in that regard establish reasonable work rules.

15 **SECTION 281.** 111.905 of the statutes is repealed.

16 **SECTION 282.** 111.91 (1) (a) of the statutes is amended to read:

17 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective
18 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to
19 the point of impasse are wage rates, consistent with sub. (2), the assignment and
20 reassignment of classifications to pay ranges, determination of an incumbent's pay
21 status resulting from position reallocation or reclassification, and pay adjustments
22 upon temporary assignment of classified public safety employees to duties of a higher
23 classification or downward reallocations of a classified public safety employee's
24 position; fringe benefits consistent with sub. (2); hours and conditions of
25 employment.

1 **SECTION 283.** 111.91 (1) (am) of the statutes is repealed.

2 **SECTION 284.** 111.91 (1) (b) of the statutes is amended to read:

3 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a
4 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.
5 111.90, except that procedures for the adjustment or settlement of grievances or
6 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall
7 be a subject of bargaining.

8 **SECTION 285.** 111.91 (1) (c) of the statutes is amended to read:

9 111.91 (1) (c) The employer is prohibited from bargaining with a collective
10 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

11 **SECTION 286.** 111.91 (1) (cg) of the statutes is repealed.

12 **SECTION 287.** 111.91 (1) (cm) of the statutes is amended to read:

13 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)
14 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
15 and all actions of the employer that are authorized under any such law which apply
16 to nonrepresented individuals employed by the state shall apply to similarly situated
17 public safety employees, unless otherwise specifically provided in a collective
18 bargaining agreement that applies to ~~those~~ the public safety employees.

19 **SECTION 288.** 111.91 (1) (d) of the statutes is amended to read:

20 111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.
21 111.825 (1) (g), demands relating to retirement and group insurance shall be
22 submitted to the employer at least one year prior to commencement of negotiations.

23 **SECTION 289.** 111.91 (1) (e) of the statutes is repealed.

24 **SECTION 290.** 111.91 (2) (intro.) of the statutes is amended to read:

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

3 **SECTION 291.** 111.91 (2) (gu) of the statutes is amended to read:

4 111.91 (2) (gu) The right of ~~an~~ a public safety employee, who is an employee,
5 as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,
6 first responder, or ambulance driver for a volunteer fire department or fire company,
7 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
8 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

9 **SECTION 292.** 111.91 (2c) of the statutes is repealed.

10 **SECTION 293.** 111.91 (3) of the statutes is created to read:

11 111.91 (3) The employer is prohibited from bargaining with a collective
12 bargaining unit containing a general employee with respect to any of the following:

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

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

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

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1 2. If there is a decrease 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 decreased by a
5 percentage of that expenditure that is equal to the decrease in the consumer price
6 index change.

7 **SECTION 294.** 111.91 (3q) of the statutes is created to read:

8 111.91 (3q) For purposes of determining compliance with sub. (3), the
9 commission shall provide, upon request, to the employer or to any representative of
10 a collective bargaining unit containing a general employee, the consumer price index
11 change during any 12-month period. The commission may get the information from
12 the department of revenue.

13 **SECTION 295.** 111.92 (1) (a) of the statutes is amended to read:

14 111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as~~
15 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~
16 any labor organization representing a collective bargaining unit specified in s.
17 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor
18 organization, be submitted by the office ~~or department of health services~~ to the joint
19 committee on employment relations, which shall hold a public hearing before
20 determining its approval or disapproval. If the committee approves the tentative
21 agreement, it shall introduce in a bill or companion bills, to be put on the calendar
22 or referred to the appropriate scheduling committee of each house, that portion of the
23 tentative agreement which requires legislative action for implementation, such as
24 salary and wage adjustments, changes in fringe benefits, and any proposed
25 amendments, deletions or additions to existing law. Such bill or companion bills are

1 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,
2 however, submit suitable portions of the tentative agreement to appropriate
3 legislative committees for advisory recommendations on the proposed terms. The
4 committee shall accompany the introduction of such proposed legislation with a
5 message that informs the legislature of the committee's concurrence with the
6 matters under consideration and which recommends the passage of such legislation
7 without change. If the joint committee on employment relations does not approve
8 the tentative agreement, it shall be returned to the parties for renegotiation. If the
9 legislature does not adopt without change that portion of the tentative agreement
10 introduced by the joint committee on employment relations, the tentative agreement
11 shall be returned to the parties for renegotiation.

12 **SECTION 296.** 111.92 (1) (b) of the statutes is repealed.

13 **SECTION 297.** 111.92 (2m) of the statutes is repealed.

14 **SECTION 298.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and
15 amended to read:

16 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
17 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

18 **SECTION 299.** 111.92 (3) (b) of the statutes is created to read:

19 111.92 (3) (b) No agreements covering a collective bargaining unit containing
20 a general employee may be for a period that exceeds one year, and each agreement
21 must coincide with the fiscal year. Agreements covering a collective bargaining unit
22 containing a general employee may not be extended.

23 **SECTION 300.** 111.93 (2) of the statutes is renumbered 111.93 (2) (a) and
24 amended to read:

SECTION 300

1 111.93 (2) (a) All civil service and other applicable statutes concerning wages,
2 fringe benefits, hours and conditions of employment apply to ~~employees specified in~~
3 ~~s. 111.81 (7) (a) who are not included in collective bargaining units for which a~~
4 ~~representative is recognized or certified and to employees specified in s. 111.81 (7)~~
5 ~~(b) to (f) public safety employees~~ who are not included in a collective bargaining unit
6 for which a representative is certified.

7 **SECTION 301.** 111.93 (2) (b) of the statutes is created to read:

8 111.93 (2) (b) 1. All civil service and other applicable statutes concerning wages
9 apply to general employees who are not included in a collective bargaining units for
10 which a representative is recognized or certified.

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

14 **SECTION 302.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and
15 amended to read:

16 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)
17 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

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

25 **SECTION 303.** 111.93 (3) (b) of the statutes is created to read:

1 111.93 (3) (b) If a collective bargaining agreement exists between the employer
2 and a labor organization representing general employees in a collective bargaining
3 unit, the provisions of that agreement shall supersede the provisions of civil service
4 and other applicable statutes, as well as rules and policies of the board of regents of
5 the University of Wisconsin System, related to wages, whether or not the matters
6 contained in those statutes, rules, and policies are set forth in the collective
7 bargaining agreement.

8 **SECTION 304.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
9 repealed.

10 **SECTION 305.** 118.22 (4) of the statutes is repealed.

11 **SECTION 306.** 118.223 of the statutes is created to read:

12 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.
13 111, no school board may collectively bargain with its employees.

14 **SECTION 307.** 118.23 (5) of the statutes is repealed.

15 **SECTION 308.** 118.245 of the statutes is created to read:

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

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

6 **SECTION 309.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

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

14 **SECTION 310.** 118.42 (3) (a) 4. of the statutes is amended to read:

15 118.42 (3) (a) 4. Implement changes in administrative and personnel
16 structures that are consistent with applicable collective bargaining agreements.

17 **SECTION 311.** 118.42 (5) of the statutes is amended to read:

18 118.42 (5) Nothing in this section alters or otherwise affects the rights or
19 remedies afforded school districts and school district employees under federal or
20 state law or under the terms of any applicable collective bargaining agreement.

21 **SECTION 312.** 119.04 (1) of the statutes is amended to read:

22 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
23 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
24 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
25 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),

1 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,
2 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,
3 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),
4 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and
5 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
6 and board.

7 **SECTION 313.** 120.12 (4m) of the statutes is created to read:

8 120.12 (**4m**) CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE
9 BARGAINING. If collectively bargaining with employees of the school district,
10 determine the maximum total base wages expenditure that is subject to collective
11 bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change
12 using the method the department of revenue uses under s. 73.03 (68).

13 **SECTION 314.** 120.12 (15) of the statutes is amended to read:

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

21 **SECTION 315.** 120.18 (1) (gm) of the statutes is amended to read:

22 120.18 (**1**) (gm) Payroll and related benefit costs for all school district
23 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees
24 shall be based upon the costs of wages of any collective bargaining agreements
25 covering such employees for the previous school year. If, as of the time specified by

SECTION 315

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

14 **SECTION 316.** 146.59 of the statutes is repealed.

15 **SECTION 317.** 196.025 (7) of the statutes is created to read:

16 196.025 (7) REGULATION OF CERTAIN PLANTS. If the department of administration
17 sells or contracts for the operation of any plant under s. 16.896 (1), and the purchaser
18 or contractor is not a public utility because the purchaser or contractor does not use
19 the plant to provide service directly or indirectly to or for the public, the commission
20 shall, upon petition at any time by the department of administration, regulate the
21 purchaser or contractor as a public utility under this chapter if the commission
22 determines that such regulation is in the public interest.

23 **SECTION 318.** 230.01 (3) of the statutes is amended to read:

24 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
25 or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.