

1           **SECTION 135.** 49.45 (39) (b) 1. of the statutes is amended to read:

2           49.45 **(39)** (b) 1. 'Payment for school medical services.' If a school district or a  
3 cooperative educational service agency elects to provide school medical services and  
4 meets all requirements under par. (c), the department shall reimburse the school  
5 district or the cooperative educational service agency for 60% of the federal share of  
6 allowable charges for the school medical services that it provides, unless otherwise  
7 provided by the department by rule promulgated under sub. (2m) (c), and, as  
8 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for  
9 the Blind and Visually Impaired or the Wisconsin Educational Services Program for  
10 the Deaf and Hard of Hearing elects to provide school medical services and meets all  
11 requirements under par. (c), the department shall reimburse the department of  
12 public instruction for 60% of the federal share of allowable charges for the school  
13 medical services that the Wisconsin Center for the Blind and Visually Impaired or  
14 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing  
15 provides, unless otherwise provided by the department by rule promulgated under  
16 sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school  
17 district, cooperative educational service agency, the Wisconsin Center for the Blind  
18 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf  
19 and Hard of Hearing may submit, and the department shall allow, claims for common  
20 carrier transportation costs as a school medical service unless the department  
21 receives notice from the federal health care financing administration that, under a  
22 change in federal policy, the claims are not allowed. If the department receives the  
23 notice, a school district, cooperative educational service agency, the Wisconsin  
24 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services  
25 Program for the Deaf and Hard of Hearing may submit, and the department shall

1 allow, unreimbursed claims for common carrier transportation costs incurred before  
2 the date of the change in federal policy. The department shall promulgate rules  
3 establishing a methodology for making reimbursements under this paragraph. All  
4 other expenses for the school medical services provided by a school district or a  
5 cooperative educational service agency shall be paid for by the school district or the  
6 cooperative educational service agency with funds received from state or local taxes.  
7 The school district, the Wisconsin Center for the Blind and Visually Impaired, the  
8 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the  
9 cooperative educational service agency shall comply with all requirements of the  
10 federal department of health and human services for receiving federal financial  
11 participation.

12 **SECTION 136.** 49.45 (39) (b) 1. of the statutes, as affected by 2011 Wisconsin Act  
13 .... (this act), is amended to read:

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

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

24 **SECTION 137.** 49.46 (1) (n) of the statutes is created to read:

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

3           **SECTION 138.** 49.46 (1) (n) of the statutes, as created by 2011 Wisconsin Act ....  
4           (this act), is repealed.

5           **SECTION 139.** 49.46 (2) (a) (intro.) of the statutes is amended to read:

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

10          **SECTION 140.** 49.46 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin  
11          Act .... (this act), is amended to read:

12          49.46 (2) (a) (intro.) Except as provided in par. (be) ~~and unless otherwise~~  
13          ~~provided by the department by rule promulgated under s. 49.45 (2m) (c)~~, the  
14          department shall audit and pay allowable charges to certified providers for medical  
15          assistance on behalf of recipients for the following federally mandated benefits:

16          **SECTION 141.** 49.46 (2) (b) (intro.) of the statutes is amended to read:

17          49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and unless  
18          otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),  
19          the department shall audit and pay allowable charges to certified providers for  
20          medical assistance on behalf of recipients for the following services:

21          **SECTION 142.** 49.46 (2) (b) (intro.) of the statutes, as affected by 2011 Wisconsin  
22          Act .... (this act), is amended to read:

23          49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) ~~and unless~~  
24          ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c)~~,

1 the department shall audit and pay allowable charges to certified providers for  
2 medical assistance on behalf of recipients for the following services:

3 **SECTION 143.** 49.465 (2) (intro.) of the statutes is amended to read:

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

11 **SECTION 144.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin  
12 Act .... (this act), is amended to read:

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

20 **SECTION 145.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

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

1           **SECTION 146.** 49.47 (4) (a) (intro.) of the statutes, as affected by 2011 Wisconsin  
2 Act .... (this act), is amended to read:

3           49.47 (4) (a) (intro.) ~~Unless otherwise provided by the department by rule~~  
4 ~~under s. 49.45 (2m) (c), any~~ Any individual who meets the limitations on income and  
5 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be  
6 eligible for medical assistance under this section if such individual is:

7           **SECTION 147.** 49.47 (5) (intro.) of the statutes is amended to read:

8           49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make  
9 additional investigation of eligibility at any of the following times:

10          **SECTION 148.** 49.47 (5) (a) of the statutes is amended to read:

11          49.47 (5) (a) When there is reasonable ground for belief that an applicant may  
12 not be eligible or that the beneficiary may have received benefits to which the  
13 beneficiary is not entitled; ~~or.~~

14          **SECTION 149.** 49.47 (5) (c) of the statutes is created to read:

15          49.47 (5) (c) Any time determined by the department by rule promulgated  
16 under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility,  
17 except that if federal law allows a reevaluation of eligibility more frequently than  
18 every 12 months and if there is no conflicting provision of state law, the department  
19 is not required to promulgate a rule to reevaluate eligibility under this section.

20          **SECTION 150.** 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act ....  
21 (this act), is repealed.

22          **SECTION 151.** 49.47 (6) (a) (intro.) of the statutes is amended to read:

23          49.47 (6) (a) (intro.) ~~The~~ Unless otherwise provided by the department by rule  
24 promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to  
25 certified providers for medical assistance on behalf of the following:

1           **SECTION 152.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011 Wisconsin  
2 Act .... (this act), is amended to read:

3           49.47 (6) (a) (intro.) ~~Unless otherwise provided by the department by rule~~  
4 ~~promulgated under s. 49.45 (2m) (c), the~~ The department shall audit and pay charges  
5 to certified providers for medical assistance on behalf of the following:

6           **SECTION 153.** 49.471 (13) of the statutes is created to read:

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

10          **SECTION 154.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act ....  
11 (this act), is repealed.

12          **SECTION 155.** 49.472 (3) (intro.) of the statutes is amended to read:

13          49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless  
14 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),  
15 an individual is eligible for and shall receive medical assistance under this section  
16 if all of the following conditions are met:

17          **SECTION 156.** 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin  
18 Act .... (this act), is amended to read:

19          49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) ~~and unless~~  
20 ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~  
21 an individual is eligible for and shall receive medical assistance under this section  
22 if all of the following conditions are met:

23          **SECTION 157.** 49.472 (4) (b) (intro.) of the statutes is amended to read:

24          49.472 (4) (b) (intro.) The department may waive monthly premiums that are  
25 calculated to be below \$10 per month. ~~The~~ Unless otherwise provided by the

1 department by rule promulgated under s. 49.45 (2m) (c), the department may not  
2 assess a monthly premium for any individual whose income level, after adding the  
3 individual's earned income and unearned income, is below 150% of the poverty line.

4 **SECTION 158.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011  
5 Wisconsin Act .... (this act), is amended to read:

6 49.472 (4) (b) (intro.) The department may waive monthly premiums that are  
7 calculated to be below \$10 per month. ~~Unless otherwise provided by the department~~  
8 ~~by rule promulgated under s. 49.45 (2m) (c), the~~ The department may not assess a  
9 monthly premium for any individual whose income level, after adding the  
10 individual's earned income and unearned income, is below 150% of the poverty line.

11 **SECTION 159.** 49.473 (2) (intro.) of the statutes is amended to read:

12 49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule  
13 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as  
14 provided under sub. (5) if, after applying to the department or a county department,  
15 the department or a county department determines that she meets all of the  
16 following requirements:

17 **SECTION 160.** 49.473 (2) (intro.) of the statutes, as affected by 2011 Wisconsin  
18 Act .... (this act), is amended to read:

19 49.473 (2) (intro.) ~~Unless otherwise provided by the department by rule~~  
20 ~~promulgated under s. 49.45 (2m) (c), a~~ A woman is eligible for medical assistance as  
21 provided under sub. (5) if, after applying to the department or a county department,  
22 the department or a county department determines that she meets all of the  
23 following requirements:

24 **SECTION 161.** 49.473 (5) of the statutes is amended to read:



1           49.473 (5) The department shall audit and pay, from the appropriation  
2 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is  
3 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
4 meets the requirements under sub. (2) for all benefits and services specified under  
5 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under  
6 s. 49.45 (2m) (c).

7           **SECTION 162.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act ....  
8 (this act), is amended to read:

9           49.473 (5) The department shall audit and pay, from the appropriation  
10 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is  
11 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
12 meets the requirements under sub. (2) for all benefits and services specified under  
13 s. 49.46 (2), ~~unless otherwise provided by the department by rule promulgated under~~  
14 ~~s. 49.45 (2m) (c).~~

15           **SECTION 163.** 49.825 (3) (b) 4. of the statutes is repealed.

16           **SECTION 164.** 49.826 (3) (b) 4. of the statutes is repealed.

17           **SECTION 165.** Chapter 52 of the statutes is repealed.

18           **SECTION 166.** 59.875 of the statutes is created to read:

19           **59.875 Payment of contributions in an employee retirement system of**  
20 **populous counties.** (1) In this section, "county" means any county having a  
21 population of 500,000 or more.

22           (2) Beginning on the effective date of this subsection .... [LRB inserts date], in  
23 any employee retirement system of a county, except as otherwise provided in a  
24 collective bargaining agreement entered into under subch. IV of ch. 111, employees  
25 shall pay half of all actuarially required contributions for funding benefits under the

1 retirement system. The employer may not pay on behalf of an employee any of the  
2 employee's share of the actuarially required contributions.

3 **SECTION 167.** 62.623 of the statutes is created to read:

4 **62.623 Payment of contributions in an employee retirement system of**  
5 **a 1st class city.** Beginning on the effective date of this section .... [LRB inserts date],  
6 in any employee retirement system of a 1st class city, except as otherwise provided  
7 in a collective bargaining agreement entered into under subch. IV of ch. 111,  
8 employees shall pay all employee required contributions for funding benefits under  
9 the retirement system. The employer may not pay on behalf of an employee any of  
10 the employee's share of the required contributions.

11 **SECTION 168.** 66.0506 of the statutes is created to read:

12 **66.0506 Referendum; increase in employee wages.** (1) In this section,  
13 "local governmental unit" means any city, village, town, county, metropolitan  
14 sewerage district, long-term care district, transit authority under s. 59.58 (7) or  
15 66.1039, local cultural arts district under subch. V of ch. 229, or any other political  
16 subdivision of the state, or instrumentality of one or more political subdivisions of  
17 the state.

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

1 of a referendum apply to the total base wages only in the next collective bargaining  
2 agreement.

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

9 **SECTION 169.** 66.0508 of the statutes is created to read:

10 **66.0508 Collective bargaining.** (1) In this section, "local governmental  
11 unit" has the meaning given in s. 66.0506 (1).

12 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit  
13 may collectively bargain with its employees.

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

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

22 **SECTION 170.** 66.0509 (1m) of the statutes is created to read:

23 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that  
24 does not have a civil service system on the effective date of this subsection .... [LRB

1 inserts date], shall establish a grievance system not later than the first day of the 4th  
2 month beginning after the effective date of this subsection .... [LRB inserts date].

3 (b) To comply with the grievance system that is required under par. (a), a local  
4 governmental unit may establish either a civil service system under any provision  
5 authorized by law, to the greatest extent practicable, if no specific provision for the  
6 creation of a civil service system applies to that local governmental unit, or establish  
7 a grievance procedure as described under par. (d).

8 (c) Any civil service system that is established under any provision of law, and  
9 any grievance procedure that is created under this subsection, shall contain at least  
10 all of the following provisions:

- 11 1. A grievance procedure that addresses employee terminations.
- 12 2. Employee discipline.
- 13 3. Workplace safety.

14 (d) If a local governmental unit creates a grievance procedure under this  
15 subsection, the procedure shall contain at least all of the following elements:

- 16 1. A written document specifying the process that a grievant and an employer  
17 must follow.
- 18 2. A hearing before an impartial hearing officer.
- 19 3. An appeal process in which the highest level of appeal is the governing body  
20 of the local governmental unit.

21 (e) If an employee of a local governmental unit is covered by a civil service  
22 system on the effective date of this subsection .... [LRB inserts date], and if that  
23 system contains provisions that address the provisions specified in par. (c), the  
24 provisions that apply to the employee under his or her existing civil service system  
25 continue to apply to that employee.

1           **SECTION 171.** 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 172.** 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 173.** 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k) 1. and  
13 amended to read:

14           66.1105 (2) (k) 1. "Tax incremental district" means a contiguous geographic  
15 area within a city defined and created by resolution of the local legislative body,  
16 consisting solely of whole units of property as are assessed for general property tax  
17 purposes, other than railroad rights-of-way, rivers or highways. Railroad  
18 rights-of-way, rivers or highways may be included in a tax incremental district only  
19 if they are continuously bounded on either side, or on both sides, by whole units of  
20 property as are assessed for general property tax purposes which are in the tax  
21 incremental district. "Tax incremental district" does not include any area identified  
22 as a wetland on a map under s. 23.32, except for an area identified on such a map that  
23 has been converted in compliance with state law so that it is no longer a wetland and  
24 except as provided in subd. 2.

25           **SECTION 174.** 66.1105 (2) (k) 2. of the statutes is created to read:

1           66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under  
2 s. 23.32 and that is within the boundaries of a tax incremental district or is part of  
3 a tax incremental district parcel, the area shall be considered part of the tax  
4 incremental district for determining the applicability of exemptions from or  
5 compliance with water quality standards that are applicable to wetlands.

6           **SECTION 175.** 70.11 (41s) of the statutes is repealed.

7           **SECTION 176.** 71.05 (6) (b) 47. of the statutes, as created by 2011 Wisconsin Act  
8 5, is amended to read:

9           71.05 (6) (b) 47. An amount equal to the increase in the number of full-time  
10 equivalent employees employed by the taxpayer in this state during the taxable year,  
11 multiplied by \$4,000 for a business with gross receipts of no greater than \$5,000,000  
12 in the taxable year or \$2,000 for a business with gross receipts greater than  
13 \$5,000,000 in the taxable year. For purposes of this subdivision, the increase in the  
14 number of full-time equivalent employees employed by the taxpayer in this state  
15 during the taxable year is determined by subtracting from the number of full-time  
16 equivalent employees employed by the taxpayer in this state during the taxable year,  
17 as determined by computing the average employee count from the taxpayer's  
18 quarterly unemployment insurance reports or other information as required by the  
19 department for the taxable year, the number of full-time equivalent employees  
20 employed by the taxpayer in this state during the immediately preceding taxable  
21 year, as determined by computing the average employee count from the taxpayer's  
22 quarterly unemployment insurance reports or other information as required by the  
23 department for the immediately preceding taxable year. No person may claim a  
24 deduction under this subdivision if the person may claim a credit deduction under  
25 this subchapter based on the person relocating the person's business from another

1 state to this state and in an amount equal to the person's tax liability. The  
2 department shall promulgate rules to administer this subdivision.

3 **SECTION 177.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act  
4 7, is amended to read:

5 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
6 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
7 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River  
8 Navigational System Authority, of the Wisconsin Economic Development  
9 Corporation, and of the Wisconsin Aerospace Authority.

10 **SECTION 178.** 73.03 (68) of the statutes is created to read:

11 73.03 (68) At the request of the Wisconsin Employment Relations Commission,  
12 as provided under s. 111.91 (3q), to determine the average annual percentage change  
13 in the U.S. consumer price index for all urban consumers, U.S. city average, as  
14 determined by the federal department of labor, for the 12 months immediately  
15 preceding the request from the Wisconsin Employment Relations Commission.

16 **SECTION 179.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act  
17 7, is amended to read:

18 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
20 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~  
21 ~~Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River  
22 Navigational System Authority.

23 **SECTION 180.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act  
24 7, is amended to read:

1           100.45 (1) (dm) “State agency” means any office, department, agency,  
2 institution of higher education, association, society or other body in state  
3 government created or authorized to be created by the constitution or any law which  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
6 Center Sports and Entertainment Corporation, the University of Wisconsin  
7 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
8 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~  
9 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River  
10 Navigational System Authority.

11           **SECTION 181.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act  
12 7, is amended to read:

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

24           **SECTION 182.** 109.03 (1) (b) of the statutes is amended to read:



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

6           **SECTION 183.** 111.02 (1) of the statutes is amended to read:

7           111.02 (1) ~~The term “all-union~~ “All-union agreement” shall mean means an  
8 agreement between an employer ~~other than the University of Wisconsin Hospitals~~  
9 ~~and Clinics Authority~~ and the representative of the employer’s employees in a  
10 collective bargaining unit whereby all or any of the employees in such unit are  
11 required to be members of a single labor organization.

12           **SECTION 184.** 111.02 (2) of the statutes is amended to read:

13           111.02 (2) ~~“Collective bargaining” is the negotiating~~ means the negotiation by  
14 an employer and a majority of the employer’s employees in a collective bargaining  
15 unit, or their representatives, concerning representation or terms and conditions of  
16 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~  
17 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject  
18 under negotiation.

19           **SECTION 185.** 111.02 (3) of the statutes is amended to read:

20           111.02 (3) ~~“Collective bargaining unit” means all of the employees of one~~  
21 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~  
22 ~~except that where a majority of the employees engaged in a single craft, division,~~  
23 department or plant have voted by secret ballot as provided in s. 111.05 (2) to  
24 constitute such group a separate bargaining unit they shall be so considered, but, in  
25 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to

1 111.19, the commission may find, where agreeable to all parties affected in any way  
2 thereby, an industry, trade or business comprising more than one employer in an  
3 association in any geographical area to be a “collective bargaining unit”. A collective  
4 bargaining unit thus established by the commission shall be subject to all rights by  
5 termination or modification given by ss. 111.01 to 111.19 in reference to collective  
6 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more  
7 collective bargaining units may bargain collectively through the same  
8 representative where a majority of the employees in each separate unit have voted  
9 by secret ballot as provided in s. 111.05 (2) so to do.

10 **SECTION 186.** 111.02 (6) (am) of the statutes is repealed.

11 **SECTION 187.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,  
12 renumbered 111.02 (7) (a) and amended to read:

13 111.02 (7) (a) “Employer” means a person who engages the services of an  
14 employee, and includes all of the following: 1. ~~A~~ a person acting on behalf of an  
15 employer within the scope of his or her authority, express or implied.

16 **SECTION 188.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

17 **SECTION 189.** 111.02 (7) (b) 1. of the statutes is amended to read:

18 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political  
19 subdivision thereof.

20 **SECTION 190.** 111.02 (7m) of the statutes is repealed.

21 **SECTION 191.** 111.02 (9m) of the statutes is repealed.

22 **SECTION 192.** 111.02 (10m) of the statutes is repealed.

23 **SECTION 193.** 111.05 (2) of the statutes is amended to read:

24 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a  
25 question arises concerning the determination of a collective bargaining unit as

1 ~~defined in s. 111.02 (3)~~, it shall be determined by secret ballot, and the commission,  
2 upon request, shall cause the ballot to be taken in such manner as to show separately  
3 the wishes of the employees in any craft, division, department or plant as to the  
4 determination of the collective bargaining unit.

5 **SECTION 194.** 111.05 (3g) of the statutes is repealed.

6 **SECTION 195.** 111.05 (5) of the statutes is repealed.

7 **SECTION 196.** 111.05 (6) of the statutes is repealed.

8 **SECTION 197.** 111.05 (7) of the statutes is repealed.

9 **SECTION 198.** 111.06 (1) (c) 1. of the statutes is amended to read:

10 111.06 (1) (c) 1. To encourage or discourage membership in any labor  
11 organization, employee agency, committee, association or representation plan by  
12 discrimination in regard to hiring, tenure or other terms or conditions of employment  
13 except in a collective bargaining unit where an all-union, ~~fair-share or maintenance~~  
14 ~~of membership agreement is in effect. An employer is not prohibited from entering~~  
15 ~~into an all-union agreement with the voluntarily recognized representative of the~~  
16 ~~employees in a collective bargaining unit, where at least a majority of such employees~~  
17 ~~voting have voted affirmatively, by secret ballot, in favor of such all-union agreement~~  
18 ~~in a referendum conducted by the commission, except that where the bargaining~~  
19 ~~representative has been certified by either the commission or the national labor~~  
20 ~~relations board as the result of a representation election, no referendum is required~~  
21 ~~to authorize the entry into such an all-union agreement. Such authorization of an~~  
22 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~  
23 ~~either party to the all-union agreement to petition the commission to conduct a new~~  
24 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~  
25 ~~determine whether there is reasonable ground to believe that the employees~~

1 ~~concerned have changed their attitude toward the all-union agreement and upon so~~  
2 ~~finding the commission shall conduct a referendum. If the continuance of the~~  
3 ~~all-union agreement is supported on any such referendum by a vote at least equal~~  
4 ~~to that provided in this subdivision for its initial authorization, it may be continued~~  
5 ~~in force thereafter, subject to the right to petition for a further vote by the procedure~~  
6 ~~set forth in this subdivision. If the continuance of the all-union agreement is not~~  
7 ~~thus supported on any such referendum, it is deemed terminated at the termination~~  
8 ~~of the contract of which it is then a part or at the end of one year from the date of the~~  
9 ~~announcement by the commission of the result of the referendum, whichever is~~  
10 ~~earlier. The commission shall declare any all-union agreement terminated~~  
11 ~~whenever it finds that the labor organization involved has unreasonably refused to~~  
12 ~~receive as a member any employee of such employer, and each such all-union~~  
13 ~~agreement shall be made subject to this duty of the commission. Any person~~  
14 ~~interested may come before the commission as provided in s. 111.07 and ask the~~  
15 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~  
16 ~~made in accordance with the law in effect at the time it is made is valid.~~

17 **SECTION 199.** 111.06 (1) (d) of the statutes is amended to read:

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

1           **SECTION 200.** 111.06 (1) (i) of the statutes is amended to read:

2           111.06 (1) (i) To deduct labor organization dues or assessments from an  
3 employee's earnings, unless the employer has been presented with an individual  
4 order therefor, signed by the employee personally, and terminable at the end of any  
5 year of its life by the employee giving at least thirty days' written notice of such  
6 termination unless there is an all-union, fair-share or maintenance of membership  
7 agreement in effect. The employer shall give notice to the labor organization of  
8 receipt of such notice of termination.

9           **SECTION 201.** 111.06 (1) (m) of the statutes is repealed.

10          **SECTION 202.** 111.06 (2) (i) of the statutes is amended to read:

11          111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided  
12 in s. 111.115 ~~(2) or (3)~~.

13          **SECTION 203.** 111.075 of the statutes is repealed.

14          **SECTION 204.** 111.115 (title) of the statutes is amended to read:

15          **111.115 (title) Notice of certain proposed lockouts or strikes.**

16          **SECTION 205.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,  
17 renumbered 111.115 (1) and amended to read:

18          111.115 (1) In this subsection: ~~(b) "Strike" section,~~ "strike" includes any  
19 concerted stoppage of work by employees, and any concerted slowdown or other  
20 concerted interruption of operations or services by employees, or any concerted  
21 refusal of employees to work or perform their usual duties as employees, for the  
22 purpose of enforcing demands upon an employer.

23          **SECTION 206.** 111.115 (1) (a) of the statutes is repealed.

24          **SECTION 207.** 111.115 (2) of the statutes is repealed.

1           **SECTION 208.** 111.17 (intro.) and (1) of the statutes are consolidated,  
2 renumbered 111.17 and amended to read:

3           **111.17 Conflict of provisions; effect.** Wherever the application of the  
4 provisions of other statutes or laws conflict with the application of the provisions of  
5 this subchapter, this subchapter shall prevail, except that: ~~(1) In~~ in any situation  
6 where the provisions of this subchapter cannot be validly enforced the provisions of  
7 such other statutes or laws shall apply.

8           **SECTION 209.** 111.17 (2) of the statutes is repealed.

9           **SECTION 210.** 111.70 (1) (a) of the statutes is amended to read:

10           111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
11 obligation of a municipal employer, through its officers and agents, and the  
12 representative of its municipal employees in a collective bargaining unit, to meet and  
13 confer at reasonable times, in good faith, with the intention of reaching an  
14 agreement, or to resolve questions arising under such an agreement, with respect to  
15 wages, hours, and conditions of employment for public safety employees and with  
16 respect to wages for general municipal employees, and with respect to a requirement  
17 of the municipal employer for a municipal employee to perform law enforcement and  
18 fire fighting services under s. 61.66 ~~and for a school district with respect to any~~  
19 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~  
20 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~  
21 s. 40.81 (3) and except that a municipal employer shall not meet and confer with  
22 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~  
23 any public safety employees under ch. 164. Collective bargaining includes the  
24 reduction of any agreement reached to a written and signed document.

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

4           (4) (p) Permissive subjects of collective bargaining; public safety employees. A  
5 municipal employer ~~shall~~ is not be required to bargain with public safety employees  
6 on subjects reserved to management and direction of the governmental unit except  
7 insofar as the manner of exercise of such functions affects the wages, hours, and  
8 conditions of employment of the ~~municipal~~ public safety employees in a collective  
9 bargaining unit. ~~In creating this subchapter the legislature recognizes that the~~  
10 ~~municipal employer must exercise its powers and responsibilities to act for the~~  
11 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~  
12 ~~and the health, safety, and welfare of the public to assure orderly operations and~~  
13 ~~functions within its jurisdiction, subject to those rights secured to municipal~~  
14 ~~employees by the constitutions of this state and of the United States and by this~~  
15 ~~subchapter.~~

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

17           111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal  
18 employees ~~who are school district employees or of municipal employees who are not~~  
19 ~~school district employees that is determined by the commission~~ under sub. (4) (d) 2.  
20 a. to be appropriate for the purpose of collective bargaining.

21           **SECTION 212.** 111.70 (1) (cm) of the statutes is created to read:

22           111.70 (1) (cm) "Consumer price index change" means the average annual  
23 percentage change in the consumer price index for all urban consumers, U.S. city  
24 average, as determined by the federal department of labor, for the 12 months  
25 immediately preceding the current date.

1           **SECTION 213.** 111.70 (1) (f) of the statutes is amended to read:

2           111.70 (1) (f) "Fair-share agreement" means an agreement between a  
3 municipal employer and a labor organization that represents public safety  
4 employees under which all or any of the public safety employees in the collective  
5 bargaining unit are required to pay their proportionate share of the cost of the  
6 collective bargaining process and contract administration measured by the amount  
7 of dues uniformly required of all members. ~~Such an agreement shall contain a~~  
8 ~~provision requiring the employer to deduct the amount of dues as certified by the~~  
9 ~~labor organization from the earnings of the employees affected by said agreement~~  
10 ~~and to pay the amount so deducted to the labor organization.~~

11           **SECTION 214.** 111.70 (1) (fm) of the statutes is created to read:

12           111.70 (1) (fm) "General municipal employee" means a municipal employee  
13 who is not a public safety employee.

14           **SECTION 215.** 111.70 (1) (j) of the statutes is amended to read:

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

23           **SECTION 216.** 111.70 (1) (mm) of the statutes is created to read:



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

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

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

7           **SECTION 217.** 111.70 (1) (n) of the statutes is amended to read:

8           111.70 (1) (n) "Referendum" means a proceeding conducted by the commission  
9 in which public safety employees in a collective bargaining unit may cast a secret  
10 ballot on the question of authorizing a labor organization and the employer to  
11 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~  
12 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~  
13 ~~of the collective bargaining agreement deemed null and void~~ that covers public safety  
14 employees.

15           **SECTION 218.** 111.70 (1) (nm) of the statutes is amended to read:

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

1           **SECTION 219.** 111.70 (2) of the statutes is amended to read:

2           111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the  
3 right of self-organization, and the right to form, join, or assist labor organizations,  
4 to bargain collectively through representatives of their own choosing, and to engage  
5 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
6 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to  
7 refrain from any and all such activities ~~except that employees.~~ A general municipal  
8 employee has the right to refrain from paying dues while remaining a member of a  
9 collective bargaining unit. A public safety employee, however, may be required to  
10 pay dues in the manner provided in a fair-share agreement. ~~Such; a fair-share~~  
11 agreement covering a public safety employee must contain a provision requiring the  
12 municipal employer to deduct the amount of dues as certified by the labor  
13 organization from the earnings of the public safety employee affected by the  
14 fair-share agreement and to pay the amount deducted to the labor organization. A  
15 fair-share agreement shall be covering a public safety employee is subject to the  
16 right of the municipal employer or a labor organization to petition the commission  
17 to conduct a referendum. Such petition must be supported by proof that at least 30%  
18 of the public safety employees in the collective bargaining unit desire that the  
19 fair-share agreement be terminated. Upon so finding, the commission shall conduct  
20 a referendum. If the continuation of the agreement is not supported by at least the  
21 majority of the eligible public safety employees, it shall ~~be deemed terminated~~  
22 terminate. The commission shall declare any fair-share agreement suspended upon  
23 such conditions and for such time as the commission decides whenever it finds that  
24 the labor organization involved has refused on the basis of race, color, sexual  
25 orientation, creed, or sex to receive as a member any public safety employee of the

1 municipal employer in the bargaining unit involved, and such agreement ~~shall be~~  
2 ~~made~~ is subject to this duty of the commission. Any of the parties to such agreement  
3 or any ~~municipal~~ public safety employee covered ~~thereby~~ by the agreement may come  
4 before the commission, as provided in s. 111.07, and ask the performance of this duty.

5 **SECTION 220.** 111.70 (3) (a) 3. of the statutes is amended to read:

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

10 **SECTION 221.** 111.70 (3) (a) 4. of the statutes is amended to read:

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

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

4 **SECTION 222.** 111.70 (3) (a) 5. of the statutes is amended to read:

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

14 **SECTION 223.** 111.70 (3) (a) 6. of the statutes is amended to read:

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

22 **SECTION 224.** 111.70 (3) (a) 7. of the statutes is repealed.

23 **SECTION 225.** 111.70 (3) (a) 9. of the statutes is amended to read:

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

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

3 **SECTION 226.** 111.70 (3) (b) 6. of the statutes is repealed.

4 **SECTION 227.** 111.70 (3g) of the statutes is created to read:

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

8 **SECTION 228.** 111.70 (3m) of the statutes is repealed.

9 **SECTION 229.** 111.70 (3p) of the statutes is repealed.

10 **SECTION 230.** 111.70 (4) (intro.) of the statutes is amended to read:

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

15 **SECTION 231.** 111.70 (4) (c) (title) of the statutes is amended to read:

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

18 **SECTION 232.** 111.70 (4) (c) 1. of the statutes is amended to read:

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

25 **SECTION 233.** 111.70 (4) (c) 2. of the statutes is amended to read:

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

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

13           **SECTION 234.** 111.70 (4) (c) 3. of the statutes is amended to read:

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

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

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

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

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

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

22 **SECTION 235.** 111.70 (4) (c) 4. of the statutes is repealed.

23 **SECTION 236.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended  
24 to read:

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

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

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



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

7           **SECTION 237.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

8           **SECTION 238.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

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

1           **SECTION 239.** 111.70 (4) (cm) 9. of the statutes is repealed.

2           **SECTION 240.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

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

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

12 **SECTION 241.** 111.70 (4) (d) 3. of the statutes is amended to read:

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

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

22 **SECTION 242.** 111.70 (4) (d) 3. b. of the statutes is created to read:

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

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

13 **SECTION 243.** 111.70 (4) (L) of the statutes is amended to read:

14 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~  
15 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right  
16 to strike by any municipal employee or labor organization, and such strikes are  
17 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~  
18 ~~injunction has been issued against such strike under sub. (7m).~~

19 **SECTION 244.** 111.70 (4) (m) of the statutes is repealed.

20 **SECTION 245.** 111.70 (4) (mb) of the statutes is created to read:

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

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

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

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

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

18           **SECTION 246.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

19           111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*  
20 (intro.) The municipal employer is prohibited from bargaining collectively with a  
21 collective bargaining unit containing a public safety employee with respect to any of  
22 the following:

23           **SECTION 247.** 111.70 (4) (mc) 4. of the statutes is repealed.

24           **SECTION 248.** 111.70 (4) (n) and (o) of the statutes are repealed.

25           **SECTION 249.** 111.70 (6) of the statutes is repealed.

1           **SECTION 250.** 111.70 (7) of the statutes is repealed.

2           **SECTION 251.** 111.70 (7m) (b) of the statutes is repealed.

3           **SECTION 252.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

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

13           **SECTION 253.** 111.70 (7m) (c) 3. of the statutes is repealed.

14           **SECTION 254.** 111.70 (7m) (e) and (f) of the statutes are repealed.

15           **SECTION 255.** 111.70 (8) (a) of the statutes is amended to read:

16           111.70 (8) (a) This section, except ~~subs. (1) (nm),~~ sub. (4) (cm) and (7m), applies  
17 to law enforcement supervisors employed by a 1st class city. This section, except  
18 ~~subs. (1) (nm),~~ sub. (4) (cm) and (jm) and (7m), applies to law enforcement supervisors  
19 employed by a county having a population of 500,000 or more. For purposes of such  
20 application, the ~~term~~ terms "municipal employee" ~~includes~~ and "public safety  
21 employee" ~~include~~ such a supervisor.

22           **SECTION 256.** 111.71 (2) of the statutes is amended to read:

23           111.71 (2) The commission shall assess and collect a filing fee for filing a  
24 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
25 The commission shall assess and collect a filing fee for filing a request that the

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

1 the filing fee for having the commission initiate compulsory, final and binding  
2 arbitration under s. 111.70 (4) ~~(em) 6. or (jm)~~ or 111.77 (3) shall may not prohibit the  
3 commission from initiating such arbitration. The commission may initiate collection  
4 proceedings against the respondent party for the payment of the filing fee. Fees  
5 collected under this subsection shall be credited to the appropriation account under  
6 s. 20.425 (1) (i).

7 **SECTION 257.** 111.71 (4) of the statutes is repealed.

8 **SECTION 258.** 111.71 (5) of the statutes is repealed.

9 **SECTION 259.** 111.77 (intro.) of the statutes is amended to read:

10 **111.77 Settlement of disputes in ~~collective bargaining units composed~~**  
11 **~~of law enforcement personnel and fire fighters.~~** (intro.) In fire departments  
12 ~~and city and county law enforcement agencies municipal~~ Municipal employers and  
13 ~~employees public safety employees, as provided in sub. (8),~~ have the duty to bargain  
14 collectively in good faith including the duty to refrain from strikes or lockouts and  
15 to comply with the ~~procedures set forth below~~ following:

16 **SECTION 260.** 111.77 (8) (a) of the statutes is amended to read:

17 111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees  
18 who are supervisors employed by a county having a population of 500,000 or more.  
19 For purposes of such application, the term “municipal employee” includes such a  
20 supervisor.

21 **SECTION 261.** 111.80 of the statutes is repealed.

22 **SECTION 262.** 111.81 (1) of the statutes is amended to read:

23 111.81 (1) “Collective bargaining” means the performance of the mutual  
24 obligation of the state as an employer, by its officers and agents, and the  
25 representatives of its employees, to meet and confer at reasonable times, in good



1 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect  
2 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),  
3 with respect to general employees, with the intention of reaching an agreement, or  
4 to resolve questions arising under such an agreement. The duty to bargain, however,  
5 does not compel either party to agree to a proposal or require the making of a  
6 concession. Collective bargaining includes the reduction of any agreement reached  
7 to a written and signed document.

8 **SECTION 263.** 111.81 (3h) of the statutes is repealed.

9 **SECTION 264.** 111.81 (3n) of the statutes is created to read:

10 111.81 (3n) "Consumer price index change" means the average annual  
11 percentage change in the consumer price index for all urban consumers, U.S. city  
12 average, as determined by the federal department of labor, for the 12 months  
13 immediately preceding the current date.

14 **SECTION 265.** 111.81 (7) (g) of the statutes is repealed.

15 **SECTION 266.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

16 111.81 (7) (gm) Research assistants of the University of Wisconsin-Madison  
17 and University of Wisconsin-Extension.

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

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

22 **SECTION 267.** 111.81 (9) of the statutes is amended to read:

23 111.81 (9) "Fair-share agreement" means an agreement between the employer  
24 and a labor organization representing public safety employees ~~or supervisors~~  
25 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~

1 supervisors in a collective bargaining unit are required to pay their proportionate  
2 share of the cost of the collective bargaining process and contract administration  
3 measured by the amount of dues uniformly required of all members.

4 **SECTION 268.** 111.81 (9g) of the statutes is created to read:

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

7 **SECTION 269.** 111.81 (9k) of the statutes is repealed.

8 **SECTION 270.** 111.81 (12) (intro.) of the statutes is amended to read:

9 111.81 (12) (intro.) "Labor organization" means any employee organization  
10 whose purpose is to represent employees in collective bargaining with the employer,  
11 or its agents, on matters pertaining to terms and conditions of employment that are  
12 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but  
13 the term shall not include any organization:

14 **SECTION 271.** 111.81 (12m) of the statutes is amended to read:

15 111.81 (12m) "Maintenance of membership agreement" means an agreement  
16 between the employer and a labor organization representing public safety employees  
17 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety  
18 ~~employees or supervisors~~ whose dues are being deducted from earnings under s.  
19 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to  
20 have dues deducted for the duration of the agreement, and that dues shall be  
21 deducted from the earnings of all public safety employees ~~or supervisors~~ who are  
22 hired on or after the effective date of the agreement.

23 **SECTION 272.** 111.81 (15r) of the statutes is created to read:

24 111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)  
25 (am) 7. or 8.

1           **SECTION 273.** 111.81 (16) of the statutes is amended to read:

2           111.81 (16) "Referendum" means a proceeding conducted by the commission in  
3           which public safety employees, ~~or supervisors specified in s. 111.825 (5)~~, in a  
4           collective bargaining unit may cast a secret ballot on the question of directing the  
5           labor organization and the employer to enter into a fair-share or maintenance of  
6           membership agreement or to terminate such an agreement.

7           **SECTION 274.** 111.815 (1) of the statutes is amended to read:

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

1 legislative action. ~~With respect to the collective bargaining units specified in s.~~  
2 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~  
3 ~~for the employer functions under this subchapter.~~ With respect to the collective  
4 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter  
5 school established by contract under s. 118.40 (2r) (cm) is responsible for the  
6 employer functions under this subchapter. ~~With respect to the collective bargaining~~  
7 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~  
8 ~~the employer functions of the executive branch under this subchapter.~~

9 **SECTION 275.** 111.815 (2) of the statutes is amended to read:

10 111.815 (2) ~~In the furtherance of the policy under s. 111.80 (4), the~~ The director  
11 of the office shall, together with the appointing authorities or their representatives,  
12 represent the state in its responsibility as an employer under this subchapter except  
13 with respect to negotiations in the collective bargaining units unit specified in s.  
14 111.825 (1m), (2) (f), and (2g). The director of the office shall establish and maintain,  
15 wherever practicable, consistent employment relations policies and practices  
16 throughout the state service.

17 **SECTION 276.** 111.82 of the statutes is amended to read:

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

25 **SECTION 277.** 111.825 (1) (intro.) of the statutes is amended to read:

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

8           **SECTION 278.** 111.825 (1) (g) of the statutes is created to read:

9           111.825 (1) (g) Public safety employees.

10          **SECTION 279.** 111.825 (1m) of the statutes is repealed.

11          **SECTION 280.** 111.825 (2g) of the statutes is repealed.

12          **SECTION 281.** 111.825 (3) of the statutes is amended to read:

13          111.825 (3) The commission shall assign employees to the appropriate  
14 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ ~~(2g)~~.

15          **SECTION 282.** 111.825 (4) of the statutes is amended to read:

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

24          **SECTION 283.** 111.825 (4m) of the statutes is repealed.

25          **SECTION 284.** 111.825 (5) of the statutes is amended to read:

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

13           **SECTION 285.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

14           **SECTION 286.** 111.825 (6) (b) of the statutes is created to read:

15           111.825 (6) (b) The commission may assign only a public safety employee to the  
16 collective bargaining unit under sub. (1) (g).

17           **SECTION 287.** 111.83 (1) of the statutes is amended to read:

18           111.83 (1) Except as provided in subs. sub. (5) and ~~(5m)~~, a representative  
19 chosen for the purposes of collective bargaining by a majority of the employees voting  
20 in a collective bargaining unit shall be the exclusive representative of all of the  
21 employees in such unit for the purposes of collective bargaining. Any individual  
22 employee, or any minority group of employees in any collective bargaining unit, may  
23 present grievances to the employer in person, or through representatives of their own  
24 choosing, and the employer shall confer with said employee or group of employees in  
25 relation thereto if the majority representative has been afforded the opportunity to

1 be present at the conference. Any adjustment resulting from such a conference may  
2 not be inconsistent with the conditions of employment established by the majority  
3 representative and the employer.

4 **SECTION 288.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

5 **SECTION 289.** 111.83 (3) (b) of the statutes is created to read:

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

23 **SECTION 290.** 111.83 (4) of the statutes is amended to read:

24 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
25 the name of more than one proposed representative appears on the ballot and results

1 in no conclusion, the commission may, if requested by any party to the proceeding  
2 within 30 days from the date of the certification of the results of the election, conduct  
3 a runoff election. In that runoff election, the commission shall drop from the ballot  
4 the name of the representative who received the least number of votes at the original  
5 election. The commission shall drop from the ballot the privilege of voting against  
6 any representative if the least number of votes cast at the first election was against  
7 representation by any named representative.

8 **SECTION 291.** 111.83 (5m) of the statutes is repealed.

9 **SECTION 292.** 111.83 (7) of the statutes is repealed.

10 **SECTION 293.** 111.84 (1) (b) of the statutes is amended to read:

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



1 maintain membership in professional or craft organizations; however, as members  
2 of such organizations they shall be prohibited from those activities related to  
3 collective bargaining in which the organizations may engage.

4 **SECTION 294.** 111.84 (1) (d) of the statutes is amended to read:

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

15 **SECTION 295.** 111.84 (1) (f) of the statutes is amended to read:

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

25 **SECTION 296.** 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 297.** 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.~~ sub. (1) ~~and or~~ (2).

14           **SECTION 298.** 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 299.** 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.

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 300.** 111.85 (5) of the statutes is repealed.

11 **SECTION 301.** 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 302.** 111.905 of the statutes is repealed.

16 **SECTION 303.** 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.