

1           **SECTION 242.** 111.81 (3n) of the statutes is created to read:

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

6           **SECTION 243.** 111.81 (7) (g) of the statutes is repealed.

7           **SECTION 244.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

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

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

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

14          **SECTION 245.** 111.81 (9) of the statutes is amended to read:

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

21          **SECTION 246.** 111.81 (9g) of the statutes is created to read:

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

24          **SECTION 247.** 111.81 (9k) of the statutes is repealed.

25          **SECTION 248.** 111.81 (12) (intro.) of the statutes is amended to read:

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

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

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

15           **SECTION 250.** 111.81 (15r) of the statutes is created to read:

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

18           **SECTION 251.** 111.81 (16) of the statutes is amended to read:

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

24           **SECTION 252.** 111.815 (1) of the statutes is amended to read:

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

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

3 **SECTION 253.** 111.815 (2) of the statutes is amended to read:

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

11 **SECTION 254.** 111.82 of the statutes is amended to read:

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

19 **SECTION 255.** 111.825 (1) (intro.) of the statutes is amended to read:

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

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

3 **SECTION 256.** 111.825 (1) (g) of the statutes is created to read:

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

5 **SECTION 257.** 111.825 (1m) of the statutes is repealed.

6 **SECTION 258.** 111.825 (2g) of the statutes is repealed.

7 **SECTION 259.** 111.825 (3) of the statutes is amended to read:

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

10 **SECTION 260.** 111.825 (4) of the statutes is amended to read:

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

19 **SECTION 261.** 111.825 (4m) of the statutes is repealed.

20 **SECTION 262.** 111.825 (5) of the statutes is amended to read:

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

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

8 **SECTION 263.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

9 **SECTION 264.** 111.825 (6) (b) of the statutes is created to read:

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

12 **SECTION 265.** 111.83 (1) of the statutes is amended to read:

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

24 **SECTION 266.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

25 **SECTION 267.** 111.83 (3) (b) of the statutes is created to read:

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

21           **SECTION 268.** 111.83 (4) of the statutes is amended to read:

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

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

6 **SECTION 269.** 111.83 (5m) of the statutes is repealed.

7 **SECTION 270.** 111.83 (7) of the statutes is repealed.

8 **SECTION 271.** 111.84 (1) (b) of the statutes is amended to read:

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



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

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

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

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

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

24 **SECTION 274.** 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 275.** 111.84 (3) of the statutes is amended to read:

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

14           **SECTION 276.** 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 277.** 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 278. 111.85 (5) of the statutes is repealed.

11 SECTION 279. 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 280. 111.905 of the statutes is repealed.

16 SECTION 281. 111.91 (1) (a) of the statutes is amended to read:

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

1           **SECTION 282.** 111.91 (1) (am) of the statutes is repealed.

2           **SECTION 283.** 111.91 (1) (b) of the statutes is amended to read:

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

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

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

11           **SECTION 285.** 111.91 (1) (cg) of the statutes is repealed.

12           **SECTION 286.** 111.91 (1) (cm) of the statutes is amended to read:

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

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

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

23           **SECTION 288.** 111.91 (1) (e) of the statutes is repealed.

24           **SECTION 289.** 111.91 (2) (intro.) of the statutes is amended to read:

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

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

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

9           **SECTION 291.** 111.91 (2c) of the statutes is repealed.

10          **SECTION 292.** 111.91 (3) of the statutes is created to read:

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

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

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

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

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

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

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

13           **SECTION 294.** 111.92 (1) (a) of the statutes is amended to read:

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



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

12 **SECTION 295.** 111.92 (1) (b) of the statutes is repealed.

13 **SECTION 296.** 111.92 (2m) of the statutes is repealed.

14 **SECTION 297.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
15 amended to read:

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

18 **SECTION 298.** 111.92 (3) (b) of the statutes is created to read:

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

23 **SECTION 299.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
24 amended to read:

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

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

10           **SECTION 300.** 111.93 (3) (b) of the statutes is created to read:

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

18           **SECTION 301.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
19 repealed.

20           **SECTION 302.** 118.22 (4) of the statutes is repealed.

21           **SECTION 303.** 118.223 of the statutes is created to read:

22           **118.223 Collective bargaining.** Except as provided under subch. IV of ch.  
23 111, no school board may collectively bargain with its employees.

24           **SECTION 304.** 118.23 (5) of the statutes is repealed.

25           **SECTION 305.** 118.245 of the statutes is created to read:

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

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

15           **SECTION 306.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

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

23           **SECTION 307.** 118.42 (3) (a) 4. of the statutes is amended to read:

24           118.42 (3) (a) 4. Implement changes in administrative and personnel  
25 structures ~~that are consistent with applicable collective bargaining agreements.~~

1           **SECTION 308.** 118.42 (5) of the statutes is amended to read:

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

5           **SECTION 309.** 119.04 (1) of the statutes is amended to read:

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

16           **SECTION 310.** 120.12 (4m) of the statutes is created to read:

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

22           **SECTION 311.** 120.12 (15) of the statutes is amended to read:

23           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
24 school day. The school board may differentiate between the various elementary and  
25 high school grades in scheduling the school day. The equivalent of 180 such days, as

1 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
2 ~~not be construed to eliminate a school district's duty to bargain with the employee's~~  
3 ~~collective bargaining representative over any calendaring proposal which is~~  
4 ~~primarily related to wages, hours and conditions of employment.~~

5 **SECTION 312.** 120.18 (1) (gm) of the statutes is amended to read:

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

23 **SECTION 313.** 146.59 of the statutes is repealed.

24 **SECTION 314.** 196.025 (7) of the statutes is ~~created to read:~~

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

8            **SECTION 315.** 230.01 (3) of the statutes is amended to read:

9            230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
10        or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

11            **SECTION 316.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act ...  
12        (~~January 2011 Special Session Senate Bill 6~~), is amended to read:

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

23            **SECTION 317.** 230.04 (16) of the statutes is amended to read:

24            230.04 (16) The director may appoint either a deputy director or an executive  
25        assistant outside the classified service.

1           **SECTION 318.** 230.046 (10) (a) of the statutes is amended to read:  
2           230.046 (10) (a) Conduct off-the-job employee development and training  
3 programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

4           **SECTION 319.** 230.08 (2) (e) 1. of the statutes is amended to read:  
5           230.08 (2) (e) 1. Administration — ~~14~~ 13.

6           **SECTION 320.** 230.08 (2) (e) 2. of the statutes is amended to read:  
7           230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 9.

8           **SECTION 321.** 230.08 (2) (e) 2m. of the statutes is amended to read:  
9           230.08 (2) (e) 2m. Children and families — ~~5~~ 8.

10          **SECTION 322.** 230.08 (2) (e) 3e. of the statutes is amended to read:  
11          230.08 (2) (e) 3e. Corrections — ~~4~~ 7.

12          **SECTION 323.** 230.08 (2) (e) 4f. of the statutes is amended to read:  
13          230.08 (2) (e) 4f. Financial institutions — ~~3~~ 5.

14          **SECTION 324.** 230.08 (2) (e) 5. of the statutes is amended to read:  
15          230.08 (2) (e) 5. Health services — ~~6~~ 9.

16          **SECTION 325.** 230.08 (2) (e) 6. of the statutes is amended to read:  
17          230.08 (2) (e) 6. Workforce development — ~~6~~ 8.

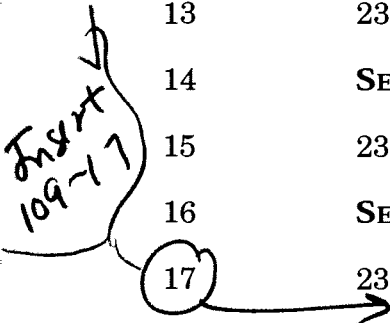
18          **SECTION 326.** 230.08 (2) (e) 8. of the statutes is amended to read:  
19          230.08 (2) (e) 8. Natural resources — ~~7~~ 10.

20          **SECTION 327.** 230.08 (2) (e) 8h. of the statutes is created to read:  
21          230.08 (2) (e) 8h. Office of the commissioner of insurance — 2.

22          **SECTION 328.** 230.08 (2) (e) 8j. of the statutes is created to read:  
23          230.08 (2) (e) 8j. Office of state employment relations — 3.

24          **SECTION 329.** 230.08 (2) (e) 9m. of the statutes is amended to read:  
25          230.08 (2) (e) 9m. Public service commission — ~~5~~ 8.

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1           **SECTION 330.** 230.08 (2) (e) 10. of the statutes is amended to read:

2           230.08 (2) (e) 10. Regulation and licensing — ~~4~~ 6.

3           **SECTION 331.** 230.08 (2) (e) 11. of the statutes is amended to read:

4           230.08 (2) (e) 11. Revenue — ~~4~~ 7.

5           **SECTION 332.** 230.08 (2) (e) 12. of the statutes is amended to read:

6           230.08 (2) (e) 12. Transportation — ~~6~~ 9.

7           **SECTION 333.** 230.08 (2) (e) 15. of the statutes is created to read:

8           230.08 (2) (e) 15. Tourism — 1.

9           **SECTION 334.** 230.08 (2) (ya) of the statutes is amended to read:

10          230.08 (2) (ya) The director, deputy director, and executive assistant to the  
11 director of the office of state employment relations ~~in the department of~~  
12 ~~administration.~~

13          **SECTION 335.** 230.08 (4) (a) of the statutes is amended to read:

14          230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
15 includes all administrator positions specifically authorized by law to be employed  
16 outside the classified service in each department, board or commission and the  
17 historical society, and any other managerial position determined by an appointing  
18 authority. In this paragraph, “department” has the meaning given under s. 15.01 (5),  
19 “board” means the educational communications board, government accountability  
20 board, investment board, public defender board and technical college system board  
21 and “commission” means the public service commission. Notwithstanding sub. (2)  
22 (z), no division administrator position exceeding the number authorized in sub. (2)  
23 (e) may be created in the unclassified service.

24          **SECTION 336.** 230.09 (2) (g) of the statutes is amended to read:



1           230.09 (2) (g) When filling a new or vacant position, if the director determines  
2 that the classification for a position is different than that provided for by the  
3 legislature as established by law or in budget determinations, or as authorized by the  
4 joint committee on finance under s. 13.10, or as specified by the governor creating  
5 positions under s. 16.505 (1) (c) or (2), ~~the University of Wisconsin Hospitals and~~  
6 ~~Clinics Board creating positions under s. 16.505 (2n)~~ or the board of regents of the  
7 University of Wisconsin System creating positions under s. 16.505 (2m), or is  
8 different than that of the previous incumbent, the director shall notify the  
9 administrator and the secretary of administration. The administrator shall  
10 withhold action on the selection and certification process for filling the position. The  
11 secretary of administration shall review the position to determine that sufficient  
12 funds exist for the position and that the duties and responsibilities of the proposed  
13 position reflect the intent of the legislature as established by law or in budget  
14 determinations, the intent of the joint committee on finance acting under s. 13.10,  
15 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), ~~the~~  
16 ~~University of Wisconsin Hospitals and Clinics Board creating positions under s.~~  
17 ~~16.505 (2n)~~ or the intent of the board of regents of the University of Wisconsin System  
18 creating positions under s. 16.505 (2m). The administrator may not proceed with the  
19 selection and certification process until the secretary of administration has  
20 authorized the position to be filled.

21           **SECTION 337.** 230.10 (1) of the statutes is amended to read:

22           230.10 (1) Except as provided under sub. (2), the compensation plan provisions  
23 of s. 230.12 apply to all employees of the classified service, ~~unless they are covered~~  
24 ~~by a collective bargaining agreement under subch. V of ch. 111.~~ If an employee is  
25 covered under a collective bargaining agreement under subch. V of ch. 111, the

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

4 **SECTION 338.** 230.12 (3) (e) 1. of the statutes is amended to read:

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

1 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
2 and adjustments other than across-the-board pay adjustments is available for  
3 discretionary use by the board of regents.

4 **SECTION 339.** 230.24 (4) of the statutes is created to read:

5 230.24 (4) An appointing authority may reassign an employee in a career  
6 executive position to a career executive position in any agency if the appointing  
7 authority in the agency to which the employee is to be reassigned approves of the  
8 reassignment.

9 **SECTION 340.** 230.26 (4) of the statutes is amended to read:

~~10 230.26 (4) Fringe benefits specifically authorized by statutes, with the  
11 exception of deferred compensation plan participation under subch. VII of ch. 40,  
12 worker's compensation, unemployment insurance, group insurance, retirement, and  
13 social security coverage, shall be denied employees hired under this section. Such  
14 employees may not be considered permanent employees and do not qualify for  
15 tenure, vacation, paid holidays, sick leave, performance awards, or the right to  
16 compete in promotional examinations.~~

17 **SECTION 341.** 230.29 (1) of the statutes is renumbered 230.29 and amended to  
18 read:

19 **230.29 Transfers.** ~~Subject to sub. (2), a~~ A transfer may be made from one  
20 position to another only if specifically authorized by the administrator.

21 **SECTION 342.** 230.29 (2) of the statutes is repealed.

22 **SECTION 343.** 230.34 (1) (ar) of the statutes is amended to read:

23 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
24 status in class in the classified service and all employees who have served with the  
25 state as an assistant district attorney for a continuous period of 12 months or more,

1 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~  
2 ~~for which a representative is recognized or certified, or for employees specified in s.~~  
3 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~  
4 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~  
5 ~~collective bargaining unit, the determination of just cause and all aspects of the~~  
6 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~  
7 ~~agreement.~~

8 **SECTION 344.** 230.34 (1) (ax) of the statutes is created to read:

9 230.34 (1) (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of  
10 emergency declared by the governor under s. 323.10, an appointing authority may  
11 discharge any employee who does any of the following:

12 a. Fails to report to work as scheduled for any 3 working days during the state  
13 of emergency and the employee's absences from work are not approved leaves of  
14 absence.

15 b. Participates in a strike, work stoppage, sit-down, stay-in, slowdown, or  
16 other concerted activities to interrupt the operations or services of state government,  
17 including specifically participation in purported mass resignations or sick calls.

18 2. Engaging in any action under subd. 1. constitutes just cause for discharge.

19 3. Before discharging an employee, the appointing authority shall provide the  
20 employee notice of the action and shall furnish to the employee in writing the reasons  
21 for the action. The appointing authority shall provide the employee an opportunity  
22 to respond to the reasons for the discharge.

23 **SECTION 345.** 230.35 (1s) of the statutes is amended to read:

24 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
25 by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
2 determined by the governing board of the charter school established by contract  
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
4 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement  
5 under subch. V of ch. 111 covering the instructional staff.

6 **SECTION 346.** 230.35 (2d) (e) of the statutes is amended to read:

7 230.35 (2d) (e) For employees who are included in a collective bargaining unit  
8 for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111,  
9 this subsection shall apply unless otherwise provided in a collective bargaining  
10 agreement.

11 **SECTION 347.** 230.35 (3) (e) 6. of the statutes is amended to read:

12 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit  
13 for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111,  
14 this paragraph shall apply unless otherwise provided in a collective bargaining  
15 agreement.

16 **SECTION 348.** 230.88 (2) (b) of the statutes is amended to read:

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