

1 “**SECTION 1156ym.** 40.51 (7) of the statutes, as affected by 2011 Wisconsin Act
2 10, is repealed and recreated to read:

3 40.51 (7) (a) Any employer, other than the state, may offer to all of its employees
4 a health care coverage plan through a program offered by the group insurance board.
5 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule
6 establish different eligibility standards or contribution requirements for such
7 employees and employers and may by rule limit the categories of employers, other
8 than the state, which may be included as participating employers under this
9 subchapter. Beginning on January 1, 2012, except as otherwise provided in a
10 collective bargaining agreement under subch. IV of ch. 111 and except as provided
11 in par. (b), an employer may not offer a health care coverage plan to its employees
12 under this subsection if the employer pays more than 88 percent of the average
13 premium cost of plans offered in any tier with the lowest employee premium cost
14 under this subsection.

15 (b) 1. A municipal employer shall pay, on behalf of a nonrepresented law
16 enforcement or fire fighting managerial employee, who was initially employed by the
17 municipal employer before the effective date of this subdivision [LRB inserts
18 date], the same percentage under par. (a) that is paid by the municipal employer for
19 represented law enforcement or fire fighting personnel who were initially employed
20 by the municipal employer before the effective date of this subdivision [LRB
21 inserts date].

22 2. A municipal employer shall pay, on behalf of a represented law enforcement
23 or fire fighting employee, who was initially employed by the municipal employer
24 before the effective date of this subdivision [LRB inserts date], and who on or after
25 the effective date of this subdivision [LRB inserts date], became employed in a

1 nonrepresented law enforcement or fire fighting managerial position with the same
2 municipal employer, or a successor municipal employer in the event of a combined
3 department that is created on or after the effective date of this subdivision [LRB
4 inserts date], the same percentage under par. (a) that is paid by the municipal
5 employer for represented law enforcement or fire fighting personnel who were
6 initially employed by the municipal employer before the effective date of this
7 subdivision [LRB inserts date].”.

8 **60.** Page 491, line 2: after that line insert:

9 “**SECTION 1158m.** 40.52 (3) of the statutes, as affected by 2011 Wisconsin Act
10 10, is repealed and recreated to read:

11 40.52 (3) The group insurance board, after consulting with the board of regents
12 of the University of Wisconsin System, shall establish the terms of a health insurance
13 plan for graduate assistants or teaching assistants, and for employees-in-training
14 designated by the board of regents, who are employed on at least a one-third
15 full-time basis and for teachers who are employed on at least a one-third full-time
16 basis by the University of Wisconsin System with an expected duration of
17 employment of at least 6 months but less than one year. Annually, the director of the
18 office of state employment relations shall establish the amount that the employer
19 and employees are required to pay in premium costs under this subsection.”.

20 **61.** Page 491, line 12: delete lines 12 to 16 and substitute:

21 “**SECTION 1161m.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Act
22 10, is repealed and recreated to read:

23 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
24 of the department, any collective bargaining agreement under subch. V of ch. 111,

1 and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2), 233.10,
2 238.04 (8), 757.02 (5) and 978.12 (3).”.

3 **62.** Page 491, line 16: after that line insert:

4 “**SECTION 1162g.** 40.80 (3) of the statutes is amended to read:

5 40.80 (3) Any action taken under this section shall apply to employees covered
6 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

7 **SECTION 1162p.** 40.81 (3) of the statutes is amended to read:

8 40.81 (3) Any action taken under this section shall apply to employees covered
9 by a collective bargaining agreement under subch. ~~IV, or V, or VI~~ of ch. 111.”.

10 **63.** Page 491, line 19: after that line insert:

11 “**SECTION 1163d.** 40.95 (1) (a) 2. of the statutes is amended to read:

12 40.95 (1) (a) 2. The employee has his or her compensation established in a
13 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.”.

14 **64.** Page 512, line 19: after that line insert:

15 “**SECTION 1304p.** 46.284 (4) (m) of the statutes is repealed.”.

16 **65.** Page 513, line 2: after that line insert:

17 “**SECTION 1305g.** 46.2895 (8) (a) 1. of the statutes is amended to read:

18 46.2895 (8) (a) 1. If the long-term care district offers employment to any
19 individual who was previously employed by a county, which participated in creating
20 the district and at the time of the offer had not withdrawn or been removed from the
21 district under sub. (14), and who while employed by the county performed duties
22 relating to the same or a substantially similar function for which the individual is
23 offered employment by the district and whose wages, ~~hours and conditions of~~
24 ~~employment~~ were established in a collective bargaining agreement with the county

1 under subch. IV of ch. 111 that is in effect on the date that the individual commences
2 employment with the district, with respect to that individual, abide by the terms of
3 the collective bargaining agreement concerning the individual's wages and, if
4 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
5 allowance, funeral leave allowance, personal day allowance, or paid time off
6 allowance until the time of the expiration of that collective bargaining agreement or
7 adoption of a collective bargaining agreement with the district under subch. IV of ch.
8 111 covering the individual as an employee of the district, whichever occurs first.

9 **SECTION 1305p.** 46.2898 of the statutes is repealed.”.

10 **66.** Page 513, line 17: after that line insert:

11 “**SECTION 1309p.** 46.48 (9m) of the statutes is repealed.”.

12 **67.** Page 624, line 7: after that line insert:

13 “**SECTION 1545nd.** 49.825 (3) (b) 4. of the statutes is repealed.”.

14 **68.** Page 626, line 8: after that line insert:

15 “**SECTION 1546n.** 49.826 (3) (b) 4. of the statutes is repealed.”.

16 **69.** Page 637, line 20: after that line insert:

17 “**SECTION 1667m.** Chapter 52 of the statutes is repealed.”.

18 **70.** Page 658, line 17: after that line insert:

19 “**SECTION 1721g.** 66.0506 of the statutes is created to read:

20 **66.0506 Referendum; increase in employee wages. (1)** In this section,
21 “local governmental unit” means any city, village, town, county, metropolitan
22 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
23 66.1039, local cultural arts district under subch. V of ch. 229, or any other political

1 subdivision of the state, or instrumentality of one or more political subdivisions of
2 the state.

3 (2) If any local governmental unit wishes to increase the total base wages of
4 its general municipal employees, as defined in s. 111.70 (1) (fm), who are part of a
5 collective bargaining unit under subch. IV of ch. 111, in an amount that exceeds the
6 limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit
7 shall adopt a resolution to that effect. The resolution shall specify the amount by
8 which the proposed total base wages increase will exceed the limit under s. 111.70
9 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum
10 called for that purpose. The referendum shall occur in November for collective
11 bargaining agreements that begin the following January 1. The results of a
12 referendum apply to the total base wages only in the next collective bargaining
13 agreement.

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

20 **SECTION 1721j.** 66.0508 of the statutes is created to read:

21 **66.0508 Collective bargaining.** (1) In this section, "local governmental
22 unit" has the meaning given in s. 66.0506 (1).

23 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit
24 may collectively bargain with its employees.

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

4 **SECTION 1721n.** 66.0509 (1m) of the statutes is created to read:

5 66.0509 **(1m)** (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that
6 does not have a civil service system on the effective date of this paragraph [LRB
7 inserts date], shall establish a grievance system not later than the first day of the 4th
8 month beginning after the effective date of this paragraph [LRB inserts date].

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

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

- 17 1. A grievance procedure that addresses employee terminations.
- 18 2. Employee discipline.
- 19 3. Workplace safety.

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

- 22 1. A written document specifying the process that a grievant and an employer
23 must follow.
- 24 2. A hearing before an impartial hearing officer.

1 3. An appeal process in which the highest level of appeal is the governing body
2 of the local governmental unit.

3 (e) If an employee of a local governmental unit is covered by a civil service
4 system on the effective date of this paragraph [LRB inserts date], and if that
5 system contains provisions that address the provisions specified in par. (c), the
6 provisions that apply to the employee under his or her existing civil service system
7 continue to apply to that employee.

8 **SECTION 1721p.** 66.0518 of the statutes is created to read:

9 **66.0518 Defined benefit pension plans.** A local governmental unit, as
10 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its
11 employees unless the plan requires the employees to pay half of all actuarially
12 required contributions for funding benefits under the plan and prohibits the local
13 governmental unit from paying on behalf of an employee any of the employee's share
14 of the actuarially required contributions.”.

15 **71.** Page 675, line 15: after that line insert:

16 **SECTION 1740b.** 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k)
17 1. and amended to read:

18 66.1105 (2) (k) 1. “Tax incremental district” means a contiguous geographic
19 area within a city defined and created by resolution of the local legislative body,
20 consisting solely of whole units of property as are assessed for general property tax
21 purposes, other than railroad rights-of-way, rivers or highways. Railroad
22 rights-of-way, rivers or highways may be included in a tax incremental district only
23 if they are continuously bounded on either side, or on both sides, by whole units of
24 property as are assessed for general property tax purposes which are in the tax

1 incremental district. “Tax incremental district” does not include any area identified
2 as a wetland on a map under s. 23.32, except for an area identified on such a map that
3 has been converted in compliance with state law so that it is no longer a wetland and
4 except as provided in subd. 2.

5 **SECTION 1740d.** 66.1105 (2) (k) 2. of the statutes is created to read:

6 66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under
7 s. 23.32 and that is within the boundaries of a tax incremental district or is part of
8 a tax incremental district parcel, the area shall be considered part of the tax
9 incremental district for determining the applicability of exemptions from or
10 compliance with water quality standards that are applicable to wetlands.”.

11 **72.** Page 682, line 3: after that line insert:

12 “**SECTION 1748dc.** 70.11 (41s) of the statutes is repealed.”.

13 **73.** Page 753, line 11: after that line insert:

14 “**SECTION 1894x.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin
15 Act 7, is amended to read:

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

21 **74.** Page 864, line 6: after that line insert:

22 “**SECTION 2135p.** 73.03 (68) of the statutes is created to read:

23 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
24 as provided under s. 111.70 (4) (mbb) or 111.91 (3q), to determine the average annual

1 percentage change in the U.S. consumer price index for all urban consumers, U.S.
2 city average, as determined by the federal department of labor, for the 12 months
3 immediately preceding the request from the Wisconsin Employment Relations
4 Commission.”.

5 **75.** Page 875, line 19: after that line insert:

6 “SECTION 2179m. 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin
7 Act 7, is amended to read:

8 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
11 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
12 Navigational System Authority.”.

13 **76.** Page 934, line 10: after that line insert:

14 “SECTION 2311p. 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin
15 Act 7, is amended to read:

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

1 Authority, the Wisconsin Economic Development Corporation, and the Fox River
2 Navigational System Authority.”.

3 **77.** Page 951, line 22: after that line insert:

4 “SECTION 2378d. 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin
5 Act 7, is amended to read:

6 101.177 (1) (d) “State agency” means any office, department, agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
11 Center Sports and Entertainment Corporation, the University of Wisconsin
12 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
13 ~~Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation,
14 and the Wisconsin Health and Educational Facilities Authority, but excluding the
15 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
16 Remediation Authority.”.

17 **78.** Page 956, line 1: before that line insert:

18 “SECTION 2407bg. 111.70 (3p) of the statutes is repealed.

19 SECTION 2407br. 111.70 (4) (intro.) of the statutes is amended to read:

20 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
21 any election under this subsection by secret ballot and shall be governed by adhere
22 to the following provisions relating to bargaining in municipal employment in
23 addition to other powers and duties provided in this subchapter:

24 SECTION 2407bt. 111.70 (4) (bm) of the statutes is created to read:

1 111.70 (4) (bm) *Transit employee determination.* The commission shall
2 determine that any municipal employee is a transit employee if the commission
3 determines that the municipal employer who employs the municipal employee would
4 lose federal funding under 49 USC 5333 (b) if the municipal employee is not a transit
5 employee.

6 **SECTION 2407cg.** 111.70 (4) (c) (title) of the statutes is amended to read:

7 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~law enforcement~~*
8 *~~and fire fighting personnel public safety employees.~~*

9 **SECTION 2407cr.** 111.70 (4) (c) 1. of the statutes is amended to read:

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

16 **SECTION 2407dg.** 111.70 (4) (c) 2. a. of the statutes is renumbered 111.70 (4) (c)
17 2. and amended to read:

18 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning
19 or application of the terms of a written collective bargaining agreement involving a
20 collective bargaining unit containing a public safety employee may agree in writing
21 to have the commission or any other appropriate agency serve as arbitrator or may
22 designate any other competent, impartial and disinterested person to so serve.

23 **SECTION 2407dgm.** 111.70 (4) (c) 2. b. of the statutes is repealed.

24 **SECTION 2407dr.** 111.70 (4) (c) 3. of the statutes is amended to read:

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

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

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

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

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

10 **SECTION 2407eg.** 111.70 (4) (c) 4. of the statutes is repealed.

11 **SECTION 2407ep.** 111.70 (4) (cg) of the statutes is created to read:

12 111.70 (4) (cg) *Methods for peaceful settlement of disputes; transit employees.*

13 1. 'Notice of commencement of contract negotiations.' To advise the commission of
14 the commencement of contract negotiations involving a collective bargaining unit
15 containing transit employees, whenever either party requests the other to reopen
16 negotiations under a binding collective bargaining agreement, or the parties
17 otherwise commence negotiations if no collective bargaining agreement exists, the
18 party requesting negotiations shall immediately notify the commission in writing.
19 Upon failure of the requesting party to provide notice, the other party may provide
20 notice to the commission. The notice shall specify the expiration date of the existing
21 collective bargaining agreement, if any, and shall provide any additional information
22 the commission may require on a form provided by the commission.

23 2. 'Presentation of initial proposals; open meetings.' The meetings between
24 parties to a collective bargaining agreement or proposed collective bargaining
25 agreement under this subchapter that involve a collective bargaining unit

1 containing a transit employee and that are held to present initial bargaining
2 proposals, along with supporting rationale, are open to the public. Each party shall
3 submit its initial bargaining proposals to the other party in writing. Failure to
4 comply with this subdivision does not invalidate a collective bargaining agreement
5 under this subchapter.

6 3. 'Mediation.' The commission or its designee shall function as mediator in
7 labor disputes involving transit employees upon request of one or both of the parties,
8 or upon initiation of the commission. The function of the mediator is to encourage
9 voluntary settlement by the parties. No mediator has the power of compulsion.

10 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
11 application of the terms of a written collective bargaining agreement involving a
12 collective bargaining unit containing a transit employee may agree in writing to have
13 the commission or any other appropriate agency serve as arbitrator or may designate
14 any other competent, impartial, and disinterested person to serve as an arbitrator.

15 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse
16 resolution procedures provided in this paragraph, a municipal employer that
17 employs a transit employee and labor organization may at any time, as a permissive
18 subject of bargaining, agree in writing to a dispute settlement procedure, including
19 binding interest arbitration, which is acceptable to the parties for resolving an
20 impasse over terms of any collective bargaining agreement under this subchapter.
21 The parties shall file a copy of the agreement with the commission. If the parties
22 agree to any form of binding interest arbitration, the arbitrator shall give weight to
23 the factors enumerated under subds. 7. and 7g.

24 6. 'Interest arbitration.' a. If in any collective bargaining unit containing
25 transit employees a dispute has not been settled after a reasonable period of

1 negotiation and after mediation by the commission under subd. 3. and other
2 settlement procedures, if any, established by the parties have been exhausted, and
3 the parties are deadlocked with respect to any dispute between them over wages,
4 hours, or conditions of employment to be included in a new collective bargaining
5 agreement, either party, or the parties jointly, may petition the commission, in
6 writing, to initiate compulsory, final, and binding arbitration, as provided in this
7 paragraph. At the time the petition is filed, the petitioning party shall submit in
8 writing to the other party and the commission its preliminary final offer containing
9 its latest proposals on all issues in dispute. Within 14 calendar days after the date
10 of that submission, the other party shall submit in writing its preliminary final offer
11 on all disputed issues to the petitioning party and the commission. If a petition is
12 filed jointly, both parties shall exchange their preliminary final offers in writing and
13 submit copies to the commission when the petition is filed.

14 am. Upon receipt of a petition under subd. 6. a. to initiate arbitration, the
15 commission shall determine, with or without a formal hearing, whether arbitration
16 should be commenced. If in determining whether an impasse exists the commission
17 finds that the procedures under this paragraph have not been complied with and
18 compliance would tend to result in a settlement, it may order compliance before
19 ordering arbitration. The validity of any arbitration award or collective bargaining
20 agreement is not affected by failure to comply with the procedures. Prior to the close
21 of the investigation each party shall submit in writing to the commission its single
22 final offer containing its final proposals on all issues in dispute that are subject to
23 interest arbitration under this subdivision. If a party fails to submit a single,
24 ultimate final offer, the commission shall use the last written position of the party.
25 Such final offers may include only mandatory subjects of bargaining, except that a

1 permissive subject of bargaining may be included by a party if the other party does
2 not object and is then treated as a mandatory subject. At that time, the parties shall
3 submit to the commission a stipulation, in writing, with respect to all matters that
4 they agree to include in the new or amended collective bargaining agreement. The
5 commission, after determining that arbitration should be commenced, shall issue an
6 order requiring arbitration and immediately submit to the parties a list of 7
7 arbitrators. The parties shall alternately strike names from the list until one name
8 is left that person shall be appointed arbitrator. The petitioning party shall notify
9 the commission in writing of the identity of the arbitrator. The commission shall then
10 formally appoint the arbitrator and submit to him or her the final offers of the
11 parties. The final offers are public documents and the commission shall make them
12 available. In lieu of a single arbitrator and upon request of both parties, the
13 commission shall appoint a tripartite arbitration panel consisting of one member
14 selected by each of the parties and a neutral person designated by the commission
15 who shall serve as a chairperson. An arbitration panel has the same powers and
16 duties provided in this section as any other appointed arbitrator, and all arbitration
17 decisions by a panel shall be determined by majority vote. In lieu of selection of the
18 arbitrator by the parties and upon request of both parties, the commission shall
19 establish a procedure for randomly selecting names of arbitrators. Under the
20 procedure, the commission shall submit a list of 7 arbitrators to the parties. Each
21 party shall strike one name from the list. From the remaining 5 names, the
22 commission shall randomly appoint an arbitrator. Unless both parties to an
23 arbitration proceeding otherwise agree in writing, every individual whose name is
24 submitted by the commission for appointment as an arbitrator must be a resident of
25 this state at the time of submission and every individual who is designated as an

1 arbitration panel chairperson must be a resident of this state at the time of
2 designation.

3 b. The arbitrator shall, within 10 days of his or her appointment under subd.
4 6. am., establish a date and place for the arbitration hearing. Upon petition of at least
5 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days
6 after the date on which the arbitrator is appointed, the arbitrator shall hold a public
7 hearing in the jurisdiction to provide both parties the opportunity to present
8 supporting arguments for their positions and to provide to members of the public the
9 opportunity to offer their comments. The final offers of the parties, as transmitted
10 by the commission to the arbitrator, are the basis for continued negotiations, if any,
11 between the parties with respect to the issues in dispute. At any time prior to the
12 arbitration hearing, either party, with the consent of the other party, may modify its
13 final offer in writing.

14 c. Before issuing his or her arbitration decision, the arbitrator shall, on his or
15 her own motion or at the request of either party, conduct a meeting open to the public
16 to provide the opportunity to both parties to present supporting arguments for their
17 complete offer on all matters to be covered by the proposed agreement. The
18 arbitrator shall adopt without further modification the final offer of one of the parties
19 on all disputed issues submitted under subd. 6. am., except those items that the
20 commission determines not to be mandatory subjects of bargaining and those items
21 that have not been treated as mandatory subjects by the parties, and including any
22 prior modifications of the offer mutually agreed upon by the parties under subd. 6.

23 b. The decision shall be final and binding on both parties and shall be incorporated
24 into a written collective bargaining agreement. The arbitrator shall serve a copy of
25 his or her decision on both parties and the commission.

1 e. Arbitration proceedings may not be interrupted or terminated by reason of
2 any prohibited practice complaint filed by either party at any time.

3 f. The parties shall divide the costs of arbitration equally. The arbitrator shall
4 submit a statement of his or her costs to both parties and to the commission.

5 g. If a question arises as to whether any proposal made in negotiations by either
6 party is a mandatory, permissive, or prohibited subject of bargaining, the
7 commission shall determine the issue under par. (b). If either party to the dispute
8 petitions the commission for a declaratory ruling under par. (b), the proceedings
9 under subd. 6. c. shall be delayed until the commission renders a decision in the
10 matter, but not during any appeal of the commission order. The arbitrator's award
11 shall be made in accordance with the commission's ruling, subject to automatic
12 amendment by any subsequent court reversal.

13 7. 'Factor given greatest weight.' In making any decision under the arbitration
14 procedures under this paragraph, the arbitrator or arbitration panel shall consider
15 and shall give the greatest weight to the economic conditions in the jurisdiction of
16 the municipal employer. The arbitrator or arbitration panel shall give an accounting
17 of the consideration of this factor in the arbitrator's or panel's decision.

18 7g. 'Factor given greater weight.' In making any decision under the arbitration
19 procedures under this paragraph, the arbitrator or arbitration panel shall consider
20 and shall give greater weight to any state law or directive lawfully issued by a state
21 legislative or administrative officer, body, or agency that places limitations on
22 expenditures that may be made or revenues that may be collected by a municipal
23 employer than to any of the factors specified in subd. 7r.

1 7r. 'Other factors considered.' In making any decision under the arbitration
2 procedures under by this paragraph, the arbitrator or arbitration panel shall give
3 weight to the following factors:

4 a. The lawful authority of the municipal employer.

5 b. Stipulations of the parties.

6 c. The interests and welfare of the public and the financial ability of the unit
7 of government to meet the costs of any proposed settlement.

8 d. Comparison of wages, hours and conditions of employment of the transit
9 employees involved in the arbitration proceedings with the wages, hours, and
10 conditions of employment of other employees performing similar services.

11 e. Comparison of the wages, hours and conditions of employment of the transit
12 employees involved in the arbitration proceedings with the wages, hours, and
13 conditions of employment of other employees generally in public employment in the
14 same community and in comparable communities.

15 f. Comparison of the wages, hours and conditions of employment of the transit
16 employees involved in the arbitration proceedings with the wages, hours, and
17 conditions of employment of other employees in private employment in the same
18 community and in comparable communities.

19 g. The average consumer prices for goods and services, commonly known as the
20 cost of living.

21 h. The overall compensation presently received by the transit employees,
22 including direct wage compensation, vacation, holidays, and excused time,
23 insurance and pensions, medical and hospitalization benefits, the continuity and
24 stability of employment, and all other benefits received.

1 i. Changes in any of the foregoing circumstances during the pendency of the
2 arbitration proceedings.

3 j. Such other factors, not confined to the foregoing, which are normally or
4 traditionally taken into consideration in the determination of wages, hours and
5 conditions of employment through voluntary collective bargaining, mediation,
6 fact-finding, arbitration or otherwise between the parties, in the public service or in
7 private employment.

8 8. 'Rule making.' The commission shall adopt rules for the conduct of all
9 arbitration proceedings under subd. 6., including, but not limited to, rules for:

10 a. The appointment of tripartite arbitration panels when requested by the
11 parties.

12 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
13 and transcripts.

14 c. The removal of individuals who have repeatedly failed to issue timely
15 decisions from the commission's list of qualified arbitrators.

16 d. Proceedings for the enforcement of arbitration decisions.

17 8m. 'Term of agreement; reopening of negotiations.' Except for the initial
18 collective bargaining agreement between the parties and except as the parties
19 otherwise agree, every collective bargaining agreement covering transit employees
20 shall be for a term of 2 years, but in no case may a collective bargaining agreement
21 for any collective bargaining unit consisting of transit employees subject to this
22 paragraph be for a term exceeding 3 years. No arbitration award involving transit
23 employees may contain a provision for reopening of negotiations during the term of
24 a collective bargaining agreement, unless both parties agree to such a provision. The
25 requirement for agreement by both parties does not apply to a provision for

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

4 9. 'Application.' Chapter 788 does not apply to arbitration proceedings under
5 this paragraph.

6 **SECTION 2407er.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are
7 amended to read:

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

20 2. 'Presentation of initial proposals; open meetings.' The meetings between
21 parties to a collective bargaining agreement or proposed collective bargaining
22 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
23 containing a general municipal employee and that are held for the purpose of
24 presenting initial bargaining proposals, along with supporting rationale, shall be
25 open to the public. Each party shall submit its initial bargaining proposals to the

1 other party in writing. Failure to comply with this subdivision is not cause to
2 invalidate a collective bargaining agreement under this subchapter.

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

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

14 **SECTION 2407fg.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are
15 repealed.

16 **SECTION 2407fr.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

17 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
18 the initial collective bargaining agreement between the parties and ~~except as the~~
19 ~~parties otherwise agree~~, every collective bargaining agreement covering general
20 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, but in
21 no case may a collective bargaining agreement for any collective bargaining unit
22 consisting of municipal employees subject to this paragraph other than school
23 district employees be for a term exceeding 3 years nor may a collective bargaining
24 agreement for any collective bargaining unit consisting of school district employees
25 subject to this paragraph be for a term exceeding 4 years one year and may not be

1 ~~extended.~~ No arbitration award may contain a provision for reopening of
2 ~~negotiations during the term of a collective bargaining agreement, covering general~~
3 ~~municipal employees may be reopened for negotiations unless both parties agree to~~
4 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
5 agreement by both parties does not apply to a provision for reopening of negotiations
6 with respect to any portion of an agreement that is declared invalid by a court or
7 administrative agency or rendered invalid by the enactment of a law or promulgation
8 of a federal regulation.

9 **SECTION 2407hg.** 111.70 (4) (cm) 9. of the statutes is repealed.

10 **SECTION 2408b.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

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

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

22 **SECTION 2408cg.** 111.70 (4) (d) 3. of the statutes is amended to read:

23 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
24 representation or appropriate unit, calling for a vote, the commission shall certify the

1 results in writing to the municipal employer and the labor organization involved and
2 to any other interested parties.

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

8 **SECTION 2408ch.** 111.70 (4) (d) 3. b. of the statutes is created to read:

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

1 **79.** Page 971, line 14: after that line insert:

2 “**SECTION 2403y.** 109.03 (1) (b) of the statutes is amended to read:

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

8 **80.** Page 973, line 10: after that line insert:

9 “**SECTION 2404s.** 111.02 (1) of the statutes is amended to read:

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

15 **SECTION 2404sb.** 111.02 (2) of the statutes is amended to read:

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

22 **SECTION 2404sc.** 111.02 (3) of the statutes is amended to read:

23 111.02 **(3)** “Collective bargaining unit” means all of the employees of one
24 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~

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

14 **SECTION 2404sd.** 111.02 (6) (am) of the statutes is repealed.

15 **SECTION 2404se.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
16 renumbered 111.02 (7) (a) and amended to read:

17 111.02 (7) (a) “Employer” means a person who engages the services of an
18 employee, and includes all of the following: 1. ~~A~~ a person acting on behalf of an
19 employer within the scope of his or her authority, express or implied.

20 **SECTION 2404sf.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

21 **SECTION 2404sg.** 111.02 (7) (b) 1. of the statutes is amended to read:

22 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
23 subdivision thereof.

24 **SECTION 2404sh.** 111.02 (7m) of the statutes is repealed.

25 **SECTION 2404sk.** 111.02 (9m) of the statutes is repealed.

1 **SECTION 2404skb.** 111.02 (10m) of the statutes is repealed.

2 **SECTION 2404skd.** 111.05 (2) of the statutes is amended to read:

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

9 **SECTION 2404sL.** 111.05 (3g) of the statutes is repealed.

10 **SECTION 2404sLg.** 111.05 (5) of the statutes is repealed.

11 **SECTION 2404sLm.** 111.05 (6) of the statutes is repealed.

12 **SECTION 2404sLr.** 111.05 (7) of the statutes is repealed.

13 **SECTION 2404sm.** 111.06 (1) (c) 1. of the statutes is amended to read:

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

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

21 **SECTION 2404sn.** 111.06 (1) (d) of the statutes is amended to read:

22 111.06 (1) (d) To refuse to bargain collectively with the representative of a
23 majority of the employer's employees in any collective bargaining unit with respect
24 to representation or terms and conditions of employment, ~~except as provided under~~
25 ~~ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with

1 the commission a petition requesting a determination as to majority representation,
2 the employer shall not be deemed to have refused to bargain until an election has
3 been held and the result thereof has been certified to the employer by the
4 commission.

5 **SECTION 2404sp.** 111.06 (1) (i) of the statutes is amended to read:

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

13 **SECTION 2404sq.** 111.06 (1) (m) of the statutes is repealed.

14 **SECTION 2404sr.** 111.06 (2) (i) of the statutes is amended to read:

15 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
16 in s. 111.115 (2) or (3).

17 **SECTION 2404srm.** 111.075 of the statutes is repealed.

18 **SECTION 2404st.** 111.115 (title) of the statutes is amended to read:

19 **111.115 (title) Notice of certain proposed lockouts or strikes.**

20 **SECTION 2401su.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
21 renumbered 111.115 (1) and amended to read:

22 111.115 (1) In this subsection: (b) "Strike" section, "strike" includes any
23 concerted stoppage of work by employees, and any concerted slowdown or other
24 concerted interruption of operations or services by employees, or any concerted

1 refusal of employees to work or perform their usual duties as employees, for the
2 purpose of enforcing demands upon an employer.

3 **SECTION 2404sv.** 111.115 (1) (a) of the statutes is repealed.

4 **SECTION 2404sw.** 111.115 (2) of the statutes is repealed.

5 **SECTION 2404sx.** 111.17 (intro.) and (1) of the statutes are consolidated,
6 renumbered 111.17 and amended to read:

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

12 **SECTION 2404sy.** 111.17 (2) of the statutes is repealed.”.

13 **81.** Page 973, line 21: delete the material beginning with that line and ending
14 on page 975, line 8, and substitute:

15 **SECTION 2405p.** 111.70 (1) (a) of the statutes is amended to read:

16 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
17 obligation of a municipal employer, through its officers and agents, and the
18 representative of its municipal employees in a collective bargaining unit, to meet and
19 confer at reasonable times, in good faith, with the intention of reaching an
20 agreement, or to resolve questions arising under such an agreement, with respect to
21 wages, hours, and conditions of employment for public safety employees or transit
22 employees and with respect to wages for general municipal employees, and with
23 respect to a requirement of the municipal employer for a municipal employee to
24 perform law enforcement and fire fighting services under s. 60.553, 61.66 and for a

1 school district with respect to any matter under sub. (4) (o), and for a school district
2 with respect to any matter under sub. (4) (n), or 62.13 (2e), except as provided in subs.
3 (3m), (3p), and sub. (4) (m) (mb) and (mc) and s. 40.81 (3) and except that a municipal
4 employer shall not meet and confer with respect to any proposal to diminish or
5 abridge the rights guaranteed to ~~municipal~~ any public safety employees under ch.
6 164. Collective bargaining includes the reduction of any agreement reached to a
7 written and signed document.

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

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

23 **SECTION 2406bg.** 111.70 (1) (b) of the statutes is amended to read:

24 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
25 employees ~~who are school district employees or of municipal employees who are not~~

1 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
2 a. to be appropriate for the purpose of collective bargaining.

3 **SECTION 2406br.** 111.70 (1) (cm) of the statutes is created to read:

4 111.70 (1) (cm) “Consumer price index change” means the average annual
5 percentage change in the consumer price index for all urban consumers, U.S. city
6 average, as determined by the federal department of labor, for the 12 months
7 immediately preceding the current date.

8 **SECTION 2406cg.** 111.70 (1) (f) of the statutes is amended to read:

9 111.70 (1) (f) “Fair-share agreement” means an agreement between a
10 municipal employer and a labor organization that represents public safety
11 employees or transit employees under which all or any of the public safety employees
12 or transit employees in the collective bargaining unit are required to pay their
13 proportionate share of the cost of the collective bargaining process and contract
14 administration measured by the amount of dues uniformly required of all members.
15 ~~Such an agreement shall contain a provision requiring the employer to deduct the~~
16 ~~amount of dues as certified by the labor organization from the earnings of the~~
17 ~~employees affected by said agreement and to pay the amount so deducted to the labor~~
18 ~~organization.~~

19 **SECTION 2406cr.** 111.70 (1) (fm) of the statutes is created to read:

20 111.70 (1) (fm) “General municipal employee” means a municipal employee
21 who is not a public safety employee or a transit employee.

22 **SECTION 2406dg.** 111.70 (1) (j) of the statutes is amended to read:

23 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
24 metropolitan sewerage district, school district, long-term care district, ~~transit~~
25 ~~authority under s. 59.58 (7) or 66.1039,~~ local cultural arts district created under

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

6 **SECTION 2406dr.** 111.70 (1) (mm) of the statutes is created to read:

7 111.70 (1) (mm) "Public safety employee" means any municipal employee who
8 is employed in a position that, on the effective date of this paragraph [LRB inserts
9 date], is classified as a protective occupation participant under any of the following:

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

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

13 **SECTION 2406fg.** 111.70 (1) (n) of the statutes is amended to read:

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

20 **SECTION 2406fr.** 111.70 (1) (nm) of the statutes is amended to read:

21 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
22 by municipal employees, and any concerted slowdown or other concerted
23 interruption of operations or services by municipal employees, or any concerted
24 refusal to work or perform their usual duties as municipal employees, for the purpose
25 of enforcing demands upon a municipal employer. ~~Such conduct by municipal~~

1 employees which is not authorized or condoned by a labor organization constitutes
2 a “strike”, but does not subject such labor organization to the penalties under this
3 subchapter. This paragraph does not apply to collective bargaining units composed
4 of municipal employees who are engaged in law enforcement or fire fighting
5 functions.

6 **SECTION 2406gh.** 111.70 (1) (p) of the statutes is created to read:

7 111.70 (1) (p) “Transit employee” means a municipal employee who is
8 determined to be a transit employee under sub. (4) (bm).

9 **SECTION 2406hg.** 111.70 (2) of the statutes is amended to read:

10 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
11 right of self-organization, and the right to form, join, or assist labor organizations,
12 to bargain collectively through representatives of their own choosing, and to engage
13 in lawful, concerted activities for the purpose of collective bargaining or other mutual
14 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to
15 refrain from any and all such activities except that employees. A general municipal
16 employee has the right to refrain from paying dues while remaining a member of a
17 collective bargaining unit. A public safety employee or a transit employee, however,
18 may be required to pay dues in the manner provided in a fair-share agreement.
19 Such; a fair-share agreement covering a public safety employee or a transit
20 employee must contain a provision requiring the municipal employer to deduct the
21 amount of dues as certified by the labor organization from the earnings of the
22 employee affected by the fair-share agreement and to pay the amount deducted to
23 the labor organization. A fair-share agreement shall be covering a public safety
24 employee or transit employee is subject to the right of the municipal employer or a
25 labor organization to petition the commission to conduct a referendum. Such

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

14 **SECTION 2406hr.** 111.70 (3) (a) 3. of the statutes is amended to read:

15 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
16 organization by discrimination in regard to hiring, tenure, or other terms or
17 conditions of employment; but the prohibition shall not apply to a fair-share
18 agreement that covers public safety employees or transit employees.

19 **SECTION 2406ig.** 111.70 (3) (a) 4. of the statutes is amended to read:

20 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
21 majority of its employees in an appropriate collective bargaining unit. Such refusal
22 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
23 including those provided for by statute, with individuals in the collective bargaining
24 unit while collective bargaining, mediation, or fact-finding concerning the terms and
25 conditions of a new collective bargaining agreement is in progress, unless such

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

13 **SECTION 2406ir.** 111.70 (3) (a) 5. of the statutes is amended to read:

14 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
15 agreed upon by the parties with respect to wages, hours and conditions of
16 employment affecting municipal public safety employees or transit employees,
17 including an agreement to arbitrate questions arising as to the meaning or
18 application of the terms of a collective bargaining agreement or to accept the terms
19 of such arbitration award, where previously the parties have agreed to accept such
20 award as final and binding upon them or to violate any collective bargaining
21 agreement affecting general municipal employees, that was previously agreed upon
22 by the parties with respect to wages.

23 **SECTION 2406pg.** 111.70 (3) (a) 6. of the statutes is amended to read:

24 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~
25 ~~supervisor's~~ the earnings of a public safety employee or a transit employees, unless

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

7 **SECTION 2406pr.** 111.70 (3) (a) 7. of the statutes is repealed.

8 **SECTION 2406prm.** 111.70 (3) (a) 7m. of the statutes is created to read:

9 111.70 (3) (a) 7m. To refuse or otherwise fail to implement an arbitration
10 decision lawfully made under sub. (4) (cg).

11 **SECTION 2406rg.** 111.70 (3) (a) 9. of the statutes is amended to read:

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

16 **SECTION 2406rr.** 111.70 (3) (b) 6. of the statutes is repealed.

17 **SECTION 2406rrm.** 111.70 (3) (b) 6m. of the statutes is created to read:

18 111.70 (3) (b) 6m. To refuse or otherwise fail to implement an arbitration
19 decision lawfully made under sub. (4) (cg).

20 **SECTION 2406tg.** 111.70 (3g) of the statutes is created to read:

21 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not
22 deduct labor organization dues from the earnings of a general municipal employee
23 or supervisor.”.

24 **82.** Page 975, line 18: after that line insert:

1 “SECTION 2408db. 111.70 (4) (L) of the statutes is amended to read:

2 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~
3 ~~6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right
4 to strike by any municipal employee or labor organization, and such strikes are
5 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~
6 ~~injunction has been issued against such strike under sub. (7m).~~

7 SECTION 2408dg. 111.70 (4) (m) of the statutes is repealed.

8 SECTION 2409bg. 111.70 (4) (mb) of the statutes is created to read:

9 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*

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

13 1. 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 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any
18 proposal that does any of the following:

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

24 b. If there is a decrease or no change in the consumer price index change,
25 provides for any change in total base wages for authorized positions in the proposed

1 collective bargaining agreement from the total base wages for authorized positions
2 180 days before the expiration of the previous collective bargaining agreement.

3 **SECTION 2409br.** 111.70 (4) (mbb) of the statutes is created to read:

4 111.70 (4) (mbb) For purposes of determining compliance with par. (mb), the
5 commission shall provide, upon request, to a municipal employer or to any
6 representative of a collective bargaining unit containing a general municipal
7 employee, the consumer price index change during any 12-month period. The
8 commission may get the information from the department of revenue.

9 **SECTION 2409cg.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

10 111.70 (4) (mc) *Prohibited subjects of bargaining: public safety employees.*
11 (intro.) The municipal employer is prohibited from bargaining collectively with a
12 collective bargaining unit containing a public safety employee with respect to any of
13 the following:".

14 **83.** Page 975, line 19: after that line insert:

15 "SECTION 2409cr. 111.70 (4) (mc) 4. of the statutes is repealed."

16 **84.** Page 976, line 11: after that line insert:

17 "SECTION 2409dg. 111.70 (4) (n) and (o) of the statutes are repealed.

18 SECTION 2409dr. 111.70 (6) of the statutes is repealed.

19 SECTION 2409eg. 111.70 (7) of the statutes is repealed.

20 SECTION 2409er. 111.70 (7m) (b) of the statutes is repealed.

21 SECTION 2409fg. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

22 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
23 employees or transit employees which violates sub. (4) (L) ~~shall be penalized by the~~
24 ~~suspension of~~ may not collect any dues check-off under a collective bargaining

1 agreement ~~and or under a fair-share agreement between the municipal employer~~
2 ~~and such labor organization from any employee covered by either agreement~~ for a
3 period of one year. At the end of the period of suspension, any such agreement shall
4 be reinstated unless the labor organization is no longer authorized to represent the
5 ~~municipal public safety employees or transit employees covered by such dues~~
6 ~~check-off the collective bargaining agreement or fair-share agreement or the~~
7 agreement is no longer in effect.

8 **SECTION 2409fr.** 111.70 (7m) (c) 3. of the statutes is repealed.

9 **SECTION 2409gg.** 111.70 (7m) (e) and (f) of the statutes are repealed.

10 **SECTION 2409gr.** 111.70 (8) (a) of the statutes is amended to read:

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

17 **SECTION 2409hg.** 111.71 (2) of the statutes is amended to read:

18 111.71 **(2)** The commission shall assess and collect a filing fee for filing a
19 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
20 The commission shall assess and collect a filing fee for filing a request that the
21 commission act as an arbitrator to resolve a dispute involving the interpretation or
22 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., (cg) 4., or
23 (cm) 4. The commission shall assess and collect a filing fee for filing a request that
24 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
25 assess and collect a filing fee for filing a request that the commission act as a

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

1 the filing fee. Fees collected under this subsection shall be credited to the
2 appropriation account under s. 20.425 (1) (i).

3 **SECTION 2409hr.** 111.71 (4) of the statutes is repealed.

4 **SECTION 2409hrm.** 111.71 (4m) of the statutes is created to read:

5 111.71 **(4m)** The commission shall collect on a systematic basis information on
6 the operation of the arbitration law under s. 111.70 (4) (cg). The commission shall
7 report on the operation of the law to the legislature on an annual basis. The report
8 shall be submitted to the chief clerk of each house of the legislature for distribution
9 to the legislature under s. 13.172 (2).

10 **SECTION 2409ig.** 111.71 (5) of the statutes is repealed.

11 **SECTION 2409igm.** 111.71 (5m) of the statutes is created to read:

12 111.71 **(5m)** The commission shall, on a regular basis, provide training
13 programs to prepare individuals for service as arbitrators or arbitration panel
14 members under s. 111.70 (4) (cg). The commission shall engage in appropriate
15 promotional and recruitment efforts to encourage participation in the training
16 programs by individuals throughout the state, including at least 10 residents of each
17 congressional district. The commission may also provide training programs to
18 individuals and organizations on other aspects of collective bargaining, including on
19 areas of management and labor cooperation directly or indirectly affecting collective
20 bargaining. The commission may charge a reasonable fee for participation in the
21 programs.

22 **SECTION 2409ir.** 111.77 (intro.) of the statutes is amended to read:

23 **111.77 Settlement of disputes in collective bargaining units composed**
24 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
25 and city and county law enforcement agencies municipal Municipal employers and

1 ~~employees~~ public safety employees, as provided in sub. (8), have the duty to bargain
2 collectively in good faith including the duty to refrain from strikes or lockouts and
3 to comply with the ~~procedures set forth below~~ following.”.

4 **85.** Page 976, line 20: after that line insert:

5 “**SECTION 2409jg.** 111.77 (8) (a) of the statutes is amended to read:

6 111.77 **(8)** (a) This section applies to ~~law enforcement~~ public safety employees
7 who are supervisors employed by a county having a population of 500,000 or more.
8 For purposes of such application, the term “municipal employee” includes such a
9 supervisor.

10 **SECTION 2409jn.** 111.77 (9) of the statutes is amended to read:

11 111.77 **(9)** Section 111.70 (4) (c) 3., ~~(cg)~~ and (cm) ~~shall~~ does not apply to
12 employments covered by this section.

13 **SECTION 2409jr.** 111.80 of the statutes is repealed.

14 **SECTION 2409kg.** 111.81 (1) of the statutes is amended to read:

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

1 **SECTION 2409kr.** 111.81 (3h) of the statutes is repealed.

2 **SECTION 2409Lg.** 111.81 (3n) of the statutes is created to read:

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

7 **86.** Page 977, line 4: after that line insert:

8 "**SECTION 2410bc.** 111.81 (7) (g) of the statutes is repealed.

9 "**SECTION 2410bcm.** 111.81 (9) of the statutes is amended to read:

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

16 **SECTION 2410bd.** 111.81 (9g) of the statutes is created to read:

17 111.81 **(9g)** "General employee" means an employee who is not a public safety
18 employee.

19 **SECTION 2410be.** 111.81 (9k) of the statutes is repealed.

20 **SECTION 2410bf.** 111.81 (12) (intro.) of the statutes is amended to read:

21 111.81 **(12)** (intro.) "Labor organization" means any employee organization
22 whose purpose is to represent employees in collective bargaining with the employer,
23 or its agents, on matters ~~pertaining to terms and conditions of employment~~ that are

1 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but
2 the term shall not include any organization:

3 **SECTION 2410bg.** 111.81 (12m) of the statutes is amended to read:

4 111.81 (12m) “Maintenance of membership agreement” means an agreement
5 between the employer and a labor organization representing public safety employees
6 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
7 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.
8 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
9 have dues deducted for the duration of the agreement, and that dues shall be
10 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
11 hired on or after the effective date of the agreement.

12 **SECTION 2410bh.** 111.81 (15r) of the statutes is created to read:

13 111.81 (15r) “Public safety employee” means any individual under s. 40.02 (48)
14 (am) 7. or 8.

15 **SECTION 2410bj.** 111.81 (16) of the statutes is amended to read:

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

21 **87.** Page 977, line 5: delete the material beginning with that line and ending
22 with page 978, line 19, and substitute:

23 **SECTION 2410cb.** 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 specified in s. 111.825 (1m), (2) (f), and (2g), the~~
15 ~~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) (em) (b) 1. e. 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 2410cc.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act
4 10, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

5 111.815 (1) In the furtherance of this subchapter, the state shall be considered
6 as a single employer and employment relations policies and practices throughout the
7 state service shall be as consistent as practicable. The office shall negotiate and
8 administer collective bargaining agreements. To coordinate the employer position
9 in the negotiation of agreements, the office shall maintain close liaison with the
10 legislature relative to the negotiation of agreements and the fiscal ramifications of
11 those agreements. Except with respect to the collective bargaining units specified
12 in s. 111.825 (2) (f), the office is responsible for the employer functions of the executive
13 branch under this subchapter, and shall coordinate its collective bargaining
14 activities with operating state agencies on matters of agency concern. The legislative
15 branch shall act upon those portions of tentative agreements negotiated by the office
16 that require legislative action. With respect to the collective bargaining units
17 specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin
18 System is responsible for the employer functions under this subchapter. With
19 respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor
20 of the University of Wisconsin–Madison is responsible for the employer functions
21 under this subchapter. With respect to the collective bargaining unit specified in s.
22 111.825 (1r) (ef), the governing board of the charter school established by contract
23 under s. 118.40 (2r) (b) 1. e. is responsible for the employer functions under this
24 subchapter. ~~With respect to the collective bargaining unit specified in s. 111.825 (2g),~~

1 ~~the department of health services is responsible for the employer functions of the~~
2 ~~executive branch under this subchapter.~~

3 **SECTION 2410dc.** 111.815 (2) of the statutes is amended to read:

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

10 **SECTION 2410dd.** 111.82 of the statutes is amended to read:

11 **111.82 Rights of employees.** Employees shall have the right of
12 self-organization and the right to form, join, or assist labor organizations, to bargain
13 collectively through representatives of their own choosing under this subchapter,
14 and to engage in lawful, concerted activities for the purpose of collective bargaining
15 or other mutual aid or protection. Employees shall also have the right to refrain from
16 any or all of such activities. A general employee has the right to refrain from paying
17 dues while remaining a member of a collective bargaining unit.

18 **SECTION 2410de.** 111.825 (1) (intro.) of the statutes is amended to read:

19 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
20 collective bargaining, units must be structured in such a way as to avoid excessive
21 fragmentation whenever possible. In accordance with this policy, collective
22 bargaining units for employees in the classified service of the state, ~~except employees~~
23 ~~in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide
24 basis with one collective bargaining unit for each of the following occupational
25 groups: