

1 The department may not charge a requester a fee for obtaining that information. The
2 department shall make available for public inspection certified records submitted to
3 the department under this paragraph.

4 **SECTION 2390v.** 103.50 (2g) of the statutes is created to read:

5 103.50 (2g) NONAPPLICABILITY. This section does not apply to a single-trade
6 project of public works, as defined in s. 103.49 (1) (em), for which the estimated
7 project cost of completion is less than \$48,000 or a multiple-trade project of public
8 works, as defined in s. 103.49 (1) (br), for which the estimated project cost of
9 completion is less than \$100,000.

10 **SECTION 2390w.** 103.50 (2m) (b) (intro.) of the statutes is amended to read:

11 103.50 (2m) (b) (intro.) ~~Notwithstanding par. (a) 1., a~~ A laborer, worker,
12 mechanic, or truck driver who is regularly employed to process, manufacture, pick
13 up, or deliver materials or products from a commercial establishment that has a fixed
14 place of business from which the establishment [✓]regularly supplies processed or
15 manufactured materials or products or from a facility that is not dedicated
16 exclusively, or nearly so, to a project that is subject to this section is not entitled to
17 receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5
18 times his or her hourly basic rate of pay for all hours worked in excess of the
19 prevailing hours of labor unless any of the following applies:

20 **SECTION 2390x.** 103.50 (2m) (b) 1. of the statutes is amended to read:

21 103.50 (2m) (b) 1. The laborer, worker, mechanic or truck driver is employed
22 to go to the source of mineral aggregate such as sand, gravel or stone ~~that is to be~~
23 ~~immediately incorporated into the work, and not stockpiled or further transported~~
24 ~~by truck, pick up that mineral aggregate and deliver that mineral aggregate to the~~
25 site of a project that is subject to this section by depositing the material substantially

1 ~~in place, directly in final place, from transporting the vehicle~~ or through spreaders
2 from the transporting vehicle.

3 **SECTION 2390z.** 103.50 (4) of the statutes is amended to read:

4 103.50 (4) CERTIFICATION OF PREVAILING WAGE RATES. The department of
5 workforce development shall, by May 1 of each year, certify to the department of
6 transportation the prevailing wage rates in each area for all trades or occupations
7 commonly employed in the highway construction industry. The certification shall,
8 in addition to the current prevailing wage rates, include future prevailing wage rates
9 when such prevailing wage rates can be determined for any such trade or occupation
10 in any area and shall specify the effective date of those future prevailing wage rates.
11 The certification shall also include wage rates for work performed on Sundays or the
12 holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day
13 or night when work is performed. If a construction project extends into more than
14 one area there shall be but one standard of prevailing wage rates for the entire
15 project.

16 **SECTION 2390zb.** 103.50 (4m) of the statutes is amended to read:

17 103.50 (4m) WAGE RATE DATA. In determining prevailing wage rates for projects
18 that are subject to this section, the department shall use data from projects that are
19 subject to this section, s. 66.0903, ~~66.0904~~, or 103.49, or 40 USC 3142. In determining
20 prevailing wage rates for those projects, the department may not use data from any
21 construction work that is performed by a state agency or a local governmental unit,
22 as defined in s. 66.0903 (1) (d).

23 **SECTION 2390zc.** 103.503 (title) of the statutes is amended to read:

24 **103.503 (title) Substance abuse prevention on public works and**
25 **publicly funded projects.**

1 **SECTION 2390zd.** 103.503 (1) (a) of the statutes is amended to read:

2 103.503 (1) (a) “Accident” means an incident caused, contributed to, or
3 otherwise involving an employee that resulted or could have resulted in death,
4 personal injury, or property damage and that occurred while the employee was
5 performing the work described in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a
6 project.

7 **SECTION 2390ze.** 103.503 (1) (c) of the statutes is amended to read:

8 103.503 (1) (c) “Contracting agency” means a local governmental unit, as
9 defined in s. 66.0903 (1) (d), or a state agency, as defined in s. 103.49 (1) (f), ~~or an~~
10 ~~owner or developer under s. 66.0904~~ that has contracted for the performance of work
11 on a project.

12 **SECTION 2390zf.** 103.503 (1) (e) of the statutes is amended to read:

13 103.503 (1) (e) “Employee” means a laborer, worker, mechanic, or truck driver
14 who performs the work described in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a
15 project.

16 **SECTION 2390zg.** 103.503 (1) (g) of the statutes is amended to read:

17 103.503 (1) (g) “Project” ~~mean~~ means a project of public works that is subject
18 to s. 66.0903 or 103.49 ~~or a publicly funded private construction project that is subject~~
19 ~~to s. 66.0904.~~

20 **SECTION 2390zh.** 103.503 (2) of the statutes is amended to read:

21 103.503 (2) SUBSTANCE ABUSE PROHIBITED. No employee may use, possess,
22 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or
23 be under the influence of alcohol, while performing the work described in s. 66.0903
24 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a project. An employee is considered to be under
25 the influence of alcohol for purposes of this subsection if he or she has an alcohol

1 concentration that is equal to or greater than the amount specified in s. 885.235 (1g)
2 (d).

3 **SECTION 2390zhi.** 103.503 (3) (a) 2. of the statutes is amended to read:

4 103.503 (3) (a) 2. A requirement that employees performing the work described
5 in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a project submit to random,
6 reasonable suspicion, and post-accident drug and alcohol testing and to drug and
7 alcohol testing before commencing work on a project, except that testing of an
8 employee before commencing work on a project is not required if the employee has
9 been participating in a random testing program during the 90 days preceding the
10 date on which the employee commenced work on the project.

11 **SECTION 2390zk.** 103.65 (2) of the statutes is amended to read:

12 103.65 (2) No minor ~~shall~~ under 16 years of age be employed or permitted
13 to work at any employment for such hours of the day or week, ~~or for~~ for such days of the
14 week, or at such periods of the day as ~~shall~~ may be dangerous or prejudicial to the
15 life, health, safety, or welfare of ~~such~~ the minor.

16 **SECTION 2390zL.** 103.66 (2) of the statutes is amended to read:

17 103.66 (2) The department may investigate and fix reasonable classifications
18 of employments and hours of employment for minors under 16 years of age and may
19 issue general or special orders fixing for those minors maximum hours of
20 employment ~~for minors~~ per day and per week, maximum days of employment per
21 week, hours at which employment ~~shall~~ may begin and end, and the duration of
22 lunch and other rest periods as are necessary to protect the life, health, safety, and
23 welfare of those minors. For minors under 16 years of age, the department may not
24 fix hours of employment that exceed the maximum hours per day and per week
25 specified in s. 103.68 (2) (a) and (b), that exceed the maximum days per week specified

1 in s. 103.68 (2) (c), or that begin earlier or end later than the hours specified in s.
2 103.68 (2) (d) and (e). For minors 16 years of age or over, the department may fix the
3 duration of lunch and other rest periods, but may not limit hours of employment or
4 issue general or special orders fixing maximum hours of employment per day or per
5 week, maximum days of employment per week, or hours at which employment may
6 begin and end.

7 **SECTION 2390zm.** 103.68 (1) of the statutes is amended to read:

8 103.68 (1) No minor shall may be employed or permitted to work at any gainful
9 occupation other than domestic service, farm labor, or service as an election inspector
10 under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than 40 hours
11 nor more than 6 days in any one week, nor during such hours as the minor is required
12 under s. 118.15 to attend school.

13 **SECTION 2390zn.** 103.68 (2) of the statutes is renumbered 103.68 (2) (intro.)
14 and amended to read:

15 103.68 (2) (intro.) No minor under 16 ~~shall~~ years of age may be employed or
16 permitted to work in any gainful occupation, other than ~~domestic service or farm~~
17 ~~labor more than 24 hours in any one week, nor, except~~ in domestic service, farm labor,
18 or in public exhibitions, as defined provided in s. 103.78, or in street trades as defined
19 in s. 103.21, before 7 a.m. nor after 6 p.m. as follows:

20 **SECTION 2390zp.** 103.68 (2) (a) to (e) of the statutes are created to read:

21 103.68 (2) (a) For more than 3 hours on a school day or 8 hours on a nonschool
22 day.

23 (b) For more than 18 hours in a school week or 40 hours in a nonschool week.

24 (c) For more than 6 days in a week.

25 (d) Before 7:00 a.m. or after 7:00 p.m. from the day after Labor Day to May 31.

1 (e) Before 7:00 a.m. or after 9:00 p.m. from June 1 to Labor Day.

2 **SECTION 2390zr.** 104.001 (3) (am) of the statutes is repealed.

3 **SECTION 2391.** 106.14 (2) of the statutes is amended to read:

4 106.14 (2) The department shall publicize and maintain on its job center Web
5 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
6 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
7 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

8 **SECTION 2392.** 106.15 (3) (intro.) of the statutes is amended to read:

9 106.15 (3) GRANTS. (intro.) From the ~~appropriations~~ appropriation under s.
10 20.445 (1) ~~(bc), (jm), and (m)~~, the department shall make grants to persons providing
11 employment and training activities to dislocated workers including all of the
12 following:

13 **SECTION 2393.** 106.16 (3) of the statutes is amended to read:

14 106.16 (3) A state agency or an authority under ch. 231 or 234 shall notify the
15 ~~department of commerce~~ Wisconsin Economic Development Corporation if it makes
16 a loan or grant to a company.

17 **SECTION 2394.** 106.20 (1) (e) of the statutes is amended to read:

18 106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 16.287
19 (1) (e).

20 **SECTION 2395.** 106.30 (2) of the statutes is amended to read:

21 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
22 workforce development shall develop and submit to the department of ~~regulation~~
23 ~~and licensing~~ safety and professional services a survey form to gather data under s.
24 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
25 supply of, demand for, and turnover among nurses in this state and in determining

1 whether there are any regional shortages of nurses, shortages of nurses in any
2 speciality areas, or impediments to entering the nursing profession in this state.

3 **SECTION 2396.** 106.30 (5) (a) of the statutes is amended to read:

4 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
5 department of workforce development shall award grants equal to the amount
6 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
7 a nonprofit statewide nursing center that is comprised of and led by nurses and that
8 has demonstrated coordination with constituent groups within the nursing
9 community, including professional nursing organizations; organizations
10 representing nurse educators, staff nurses, and nurse managers or executives; labor
11 organizations representing nurses; the department of ~~regulation and licensing~~
12 safety and professional services; the department of health services; and legislators
13 who are concerned with issues affecting the nursing profession.

14 **SECTION 2397.** 106.30 (5) (b) of the statutes is amended to read:

15 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
16 shall use the grant moneys to develop strategies to ensure that there is a nursing
17 workforce that is adequate to meet the current and future health care needs of this
18 state. The statewide nursing center may use those moneys to fund activities that are
19 aimed at ensuring such a nursing workforce, including monitoring trends in the
20 applicant pool for nursing education programs; evaluating the effectiveness of
21 nursing education programs in increasing access to those programs and in
22 enhancing career mobility for nurses, especially for populations that are
23 underrepresented in the nursing profession; and facilitating partnerships between
24 the nursing community and other health care providers, the department of
25 ~~regulation and licensing~~ safety and professional services, the business community,

1 the legislature, and educators to promote diversity within the nursing profession,
2 enhance career mobility and leadership development for nurses, and achieve
3 consensus regarding policies aimed at ensuring an adequate nursing workforce in
4 this state.

5 **SECTION 2398.** 106.50 (6) (a) 3. of the statutes is amended to read:

6 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
7 interested person, by the department of workforce development under par. (b) or, if
8 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
9 safety and professional services. The department of workforce development shall,
10 upon request, provide appropriate assistance in completing and filing complaints.

11 **SECTION 2399.** 106.50 (6) (b) of the statutes is amended to read:

12 106.50 (6) (b) *Powers and duties of department.* The department of workforce
13 development and its duly authorized agents may hold hearings, subpoena witnesses,
14 take testimony and make investigations as provided in this subsection. The
15 department of workforce development may test and investigate for the purpose of
16 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
17 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
18 of ~~commerce~~ safety and professional services may make, sign and file complaints
19 alleging violations of sub. (2r) (c). The department of workforce development shall
20 employ examiners to hear and decide complaints of discrimination under this
21 section, and to assist in the administration of this section. The examiners may make
22 findings and issue orders under this subsection. The department of workforce
23 development shall develop and implement an investigation manual for use in
24 conducting investigations under par. (c).

25 **SECTION 2400.** 107.30 (4) of the statutes is amended to read:

1 107.30 (4) "Department" means the department of ~~commerce~~ safety and
2 professional services.

3 **SECTION 2401.** 107.30 (10) of the statutes is amended to read:

4 107.30 (10) "Mining damage appropriation" means the appropriation under s.
5 ~~20.143 (3)~~ 20.165 (2) (a).

6 **SECTION 2402.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

7 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
8 is calculated by subtracting the total amount of all mining damages awards paid
9 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
10 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

11 **SECTION 2403.** 108.02 (21e) (intro.) of the statutes is amended to read:

12 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
13 employer organization" means any person who is currently registered as a
14 professional employer organization with the department of ~~regulation and licensing~~
15 safety and professional services in accordance with ch. 461, who contracts to provide
16 the nontemporary, ongoing employee workforce of more than one client under a
17 written leasing contract, the majority of whose clients are not under the same
18 ownership, management, or control as the person other than through the terms of
19 the contract, and who under contract and in fact:

20 **SECTION 2403e.** 108.02 (26m) of the statutes is created to read:

21 108.02 (26m) WAITING PERIOD. "Waiting period" means any period of time under
22 s. 108.04 (3) for which no benefits are payable to a claimant as a condition precedent
23 to receipt of benefits. ✓

24 **SECTION 2403s.** 108.04 (3) of the statutes is created to read:

OK

1 108.04 (3) WAITING PERIOD. The first week of a claimant's benefit year for which
2 the claimant has timely applied and is otherwise eligible for regular benefits under
3 this chapter is the claimant's waiting period for that benefit year.

4 

5 **SECTION 2403t.** 108.04 (8) (b) of the statutes is created to read:

6 108.04 (8) (b) 1. An employee's failure to accept an offer of work under par. (a)
7 includes:

8 a. The employee's refusal without good cause to take a test for illegal drugs
9 given on behalf of the employer as a condition of employment; or ✓

10 b. The employer's withdrawal of or failure to extend an offer of work due to a
11 positive test result. ✓

12 2. For purposes of this paragraph, a drug test shall not be found to be positive
13 for illegal drugs unless the test was conducted and certified in a manner approved
14 by the department. ✓

15 3. This paragraph applies only to the extent permitted by federal law. ✓

16 **SECTION 2403u.** ✓ 108.04 (13) (cm) of the statutes is created to read:

17 108.04 (13) (cm) An employer shall report to the department an employee's
18 positive drug test or refusal to take such a test under sub. (8) (b), as the department
19 requires or approves. ✓

20 **SECTION 2403x.** ✓ 108.09 (4r) of the statutes is created to read:

21 108.09 (4r) DEPARTMENTAL RECORDS RELATING TO DRUG TEST INFORMATION. The
22 department shall retain drug test information obtained under s. 108.04 (13) (cm) for
23 the purpose of determining eligibility for benefits. ✓

24 **SECTION 2404.** 109.07 (1m) (b) of the statutes is amended to read:

1 109.07 **(1m)** (b) The department shall promptly provide a copy of the notice
2 required under par. (a) ~~to the department of commerce and to the office of the~~
3 commissioner of insurance and shall cooperate ~~with the department of commerce in~~
4 ~~the performance of its responsibilities under s. 560.15 and~~ with the office of the
5 commissioner of insurance in the performance of its responsibilities under s. 601.41
6 (7).

7 **SECTION 2404c.** 109.09 (1) of the statutes is amended to read:

8 109.09 **(1)** The department shall investigate and attempt equitably to adjust
9 controversies between employers and employees as to alleged wage claims. The
10 department may receive and investigate any wage claim which is filed with the
11 department, or received by the department under s. 109.10 (4), no later than 2 years
12 after the date the wages are due. The department may, after receiving a wage claim,
13 investigate any wages due from the employer against whom the claim is filed to any
14 employee during the period commencing 2 years before the date the claim is filed.
15 The department shall enforce this chapter and ss. 66.0903, ~~66.0904~~, 103.02, 103.49,
16 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
17 employer on behalf of the employee to collect any wage claim or wage deficiency and
18 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
19 under s. 109.10, the department may refer such an action to the district attorney of
20 the county in which the violation occurs for prosecution and collection and the
21 district attorney shall commence an action in the circuit court having appropriate
22 jurisdiction. Any number of wage claims or wage deficiencies against the same
23 employer may be joined in a single proceeding, but the court may order separate
24 trials or hearings. In actions that are referred to a district attorney under this
25 subsection, any taxable costs recovered by the district attorney shall be paid into the

1 general fund of the county in which the violation occurs and used by that county to
2 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office
3 of the district attorney who prosecuted the action.

4 **SECTION 2404g.** 110.08 (2) of the statutes is amended to read:

5 110.08 (2) Except as provided under sub. (5) (b) and s. 343.16 (1) (b) to (c), all
6 examinations for operator's licenses and permits shall be given by state examiners.

7 **SECTION 2404^K.** 110.08 (5) of the statutes is created to read:

8 110.08 (5) (a) The department shall provide in each county, directly or by
9 contract as described in par. (b), at least 20 hours per week of services relating to
10 operator's licenses and identification cards.

11 (b) The department shall provide the services required under par. (a) by the
12 most cost-effective means possible, which may include contracting with counties or
13 other local governments to provide these services. Notwithstanding any provision
14 of ss. 343.14 and 343.16, a contract between the department and a county or other
15 local government under this paragraph may authorize an employee of the county or
16 local government to conduct any examination for an operator's license except a
17 driving skills test. The department may require any employee of a county or local
18 government who provides services under a contract entered into under this
19 paragraph to satisfy any requirement under s. 110.09 that would be required of an
20 employee of the department.

21 **SECTION 2404q.** 111.322 (2m) (c) of the statutes is amended to read:

22 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
23 under s. 66.0903, ~~66.0904~~, 103.49, or 229.8275 or testifies or assists in any action or
24 proceeding under s. 66.0903, ~~66.0904~~, 103.49, or 229.8275.

25 **SECTION 2404t.** 111.335 (1) (cv) of the statutes is amended to read:

1 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment
2 discrimination because of conviction record to refuse to employ in a position in the
3 classified service ~~or in a position described in s. 230.08 (2) (k)~~ a person who has been
4 convicted under 50 USC, Appendix, section 462 for refusing to register with the
5 selective service system and who has not been pardoned.

6 **SECTION 2405p.** ✓ 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
7 10, is repealed and recreated to read:

8 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
9 obligation of a municipal employer, through its officers and agents, and the
10 representative of its municipal employees in a collective bargaining unit, to meet and
11 confer at reasonable times, in good faith, with the intention of reaching an
12 agreement, or to resolve questions arising under such an agreement, with respect to
13 wages, hours, and conditions of employment for public safety employees or transit
14 employees and with respect to wages for general municipal employees, and with
15 respect to a requirement of the municipal employer for a municipal employee to
16 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13
17 (2e), except as provided in sub. (4) (mb) and (mc) and s. 40.81 (3) and except that a
18 municipal employer shall not meet and confer with respect to any proposal to
19 diminish or abridge the rights guaranteed to any public safety employees under ch.
20 164. Collective bargaining includes the reduction of any agreement reached to a
21 written and signed document. ✓

22 **SECTION 2406cg.** 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is repealed and recreated to read:

24 111.70 (1) (f) "Fair-share agreement" means an agreement between a
25 municipal employer and a labor organization that represents public safety

1 employees or transit employees under which all or any of the public safety employees
2 or transit employees in the collective bargaining unit are required to pay their
3 proportionate share of the cost of the collective bargaining process and contract
4 administration measured by the amount of dues uniformly required of all members. ✓

5 **SECTION 2406cr.** 111.70 (1) (fm) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is repealed and recreated to read: ✓

7 111.70 (1) (fm) "General municipal employee" means a municipal employee
8 who is not a public safety employee or a transit employee. ✓

9 **SECTION 2406d.** 111.70 (1) (mm) of the statutes, as created by 2011 Wisconsin
10 Act 10, is repealed and recreated to read:

11 111.70 (1) (mm) "Public safety employee" means any municipal employee who
12 is employed in a position that, on the effective date of this paragraph ... [LRB inserts
13 date], is one of the following: ✓

14 1. Classified as a protective occupation participant under any of the following: ✓

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

16 b. A provision that is comparable to a provision under subd. 1. a. that is in a
17 county or city retirement system. ✓

18 2. An emergency medical service provider for the emergency medical services
19 departments in Door and Waushara counties. ✓

20 **SECTION 2406fg.** 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin
21 Act 10, is repealed and recreated to read:

22 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
23 in which public safety employees or transit employees in a collective bargaining unit
24 may cast a secret ballot on the question of authorizing a labor organization and the
25 employer to continue a fair-share agreement. ✓

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

2 111.70 (1) (p) "Transit employee" means a municipal employee who is
3 determined to be a transit employee under sub. (4) (bm). ✓

4 **SECTION 2406hg.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act
5 10, is repealed and recreated to read: ✓

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

1 such conditions and for such time as the commission decides whenever it finds that
2 the labor organization involved has refused on the basis of race, color, sexual
3 orientation, creed, or sex to receive as a member any public safety employee or transit
4 employee of the municipal employer in the bargaining unit involved, and such
5 agreement is subject to this duty of the commission. Any of the parties to such
6 agreement or any public safety employee or transit employee covered by the
7 agreement may come before the commission, as provided in s. 111.07, and ask the
8 performance of this duty. ✓

9 **SECTION 2406hr.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin
10 Act 10, is repealed and recreated to read:

11 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
12 organization by discrimination in regard to hiring, tenure, or other terms or
13 conditions of employment; but the prohibition shall not apply to a fair-share
14 agreement that covers public safety employees or transit employees. ✓

15 **SECTION 2406ir.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin
16 Act 10, is repealed and recreated to read:

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

1 **SECTION 2406pg.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin
2 Act 10, is repealed and recreated to read:

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

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

11 111.70 (3) (a) 7m. To refuse or otherwise fail to implement an arbitration
12 decision lawfully made under sub. (4) (cg). ✓

13 **SECTION 2406rg.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin
14 Act 10, is repealed and recreated to read:

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

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

20 111.70 (3) (b) 6m. To refuse or otherwise fail to implement an arbitration
21 decision lawfully made under sub. (4) (cg). ✓

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

23 111.70 (4) (bm) *Transit employee determination.* The commission shall
24 determine that any municipal employee is a transit employee if the commission
25 determines that the municipal employer who employs the municipal employee would

1 lose federal funding under 49 USC 5333 (b) if the municipal employee is not a transit
2 employee. ✓

3 **SECTION 2407dg.** 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin
4 Act 10, is repealed and recreated to read:

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

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

11 111.70 (4) (cg) *Methods for peaceful settlement of disputes; transit employees.*

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

22 2. 'Presentation of initial proposals; open meetings.' The meetings between
23 parties to a collective bargaining agreement or proposed collective bargaining
24 agreement under this subchapter that involve a collective bargaining unit
25 containing a transit employee and that are held to present initial bargaining

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

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

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

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

23 6. 'Interest arbitration.' a. If in any collective bargaining unit containing
24 transit employees a dispute has not been settled after a reasonable period of
25 negotiation and after mediation by the commission under subd. 3. and other

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

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

1 not object and is then treated as a mandatory subject. At that time, the parties shall
2 submit to the commission a stipulation, in writing, with respect to all matters that
3 they agree to include in the new or amended collective bargaining agreement. The
4 commission, after determining that arbitration should be commenced, shall issue an
5 order requiring arbitration and immediately submit to the parties a list of 7
6 arbitrators. The parties shall alternately strike names from the list until one name
7 is left that person shall be appointed arbitrator. The petitioning party shall notify
8 the commission in writing of the identity of the arbitrator. The commission shall then
9 formally appoint the arbitrator and submit to him or her the final offers of the
10 parties. The final offers are public documents and the commission shall make them
11 available. In lieu of a single arbitrator and upon request of both parties, the
12 commission shall appoint a tripartite arbitration panel consisting of one member
13 selected by each of the parties and a neutral person designated by the commission
14 who shall serve as a chairperson. An arbitration panel has the same powers and
15 duties provided in this section as any other appointed arbitrator, and all arbitration
16 decisions by a panel shall be determined by majority vote. In lieu of selection of the
17 arbitrator by the parties and upon request of both parties, the commission shall
18 establish a procedure for randomly selecting names of arbitrators. Under the
19 procedure, the commission shall submit a list of 7 arbitrators to the parties. Each
20 party shall strike one name from the list. From the remaining 5[✓] names, the
21 commission shall randomly appoint an arbitrator. Unless both parties to an
22 arbitration proceeding otherwise agree in writing, every individual whose name is
23 submitted by the commission for appointment as an arbitrator must be a resident of
24 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 2408b.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011 Wisconsin
7 Act 10, is repealed and recreated to read: ✓

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

1 employees and general municipal employees, if the group include includes both
2 transit employees and general municipal employees, or if the group includes both
3 transit employees and public safety employees. The commission may not decide that
4 any group of municipal employees constitutes an appropriate collective bargaining
5 unit if the group includes both craft employees and noncraft employees unless a
6 majority of the craft employees vote for inclusion in the unit. The commission shall
7 place the professional employees who are assigned to perform any services at a
8 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
9 from a unit that includes any other professional employees whenever at least 30%
10 of those professional employees request an election to be held to determine that issue
11 and a majority of the professional employees at the charter school who cast votes in
12 the election decide to be represented in a separate collective bargaining unit.

13 **SECTION 2408ch.** ✓ 111.70 (4) (d) 3. b. of the statutes, as created by 2011
14 Wisconsin Act 10, is repealed and recreated to read:

15 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
16 the representative of the collective bargaining unit that contains a general municipal
17 employee. The election shall occur no later than December 1 for a collective
18 bargaining unit containing school district employees and no later than May 1 for a
19 collective bargaining unit containing general municipal employees who are not
20 school district employees. The commission shall certify any representative that
21 receives at least 51 percent of the votes of all of the general municipal employees in
22 the collective bargaining unit. If no representative receives at least 51 percent of the
23 votes of all of the general municipal employees in the collective bargaining unit, at
24 the expiration of the collective bargaining agreement, the commission shall decertify
25 the current representative and the general municipal employees shall be

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1 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under
2 this subd. 3. b., the affected general municipal employees may not be included in a
3 substantially similar collective bargaining unit for 12 months from the date of
4 decertification. The commission shall assess and collect a certification fee for each
5 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
6 be credited to the appropriation account under s. 20.425 (1) (i). ✓

7 **SECTION 2408cv.** 111.70 (4) (jm) 4w. of the statutes is created to read:

8 111.70 (4) (jm) 4w. In determining the proper compensation to be received by
9 members of the police department under subd. 4., the arbitrator shall give greater
10 weight to the economic conditions in the 1st class city than the arbitrator gives to the
11 factors under subd. 5. The arbitrator shall give an accounting of the consideration
12 of this factor in the arbitrator's decision.

13 **SECTION 2408cx.** 111.70 (4) (jm) 5. (intro.) of the statutes is amended to read:

14 111.70 (4) (jm) 5. (intro.) In determining the proper compensation to be received
15 by members of the police department under subd. 4., in addition to the factor under
16 subd. 4w., the arbitrator shall utilize:

17 **SECTION 2409bg.** 111.70 (4) (mb) 2. b. of the statutes, as created by 2011
18 Wisconsin Act 10, is repealed and recreated to read:

19 111.70 (4) (mb) 2. b. If there is a decrease or no change in the consumer price
20 index change, provides for any change in total base wages for authorized positions
21 in the proposed collective bargaining agreement from the total base wages for
22 authorized positions 180 days before the expiration of the previous collective
23 bargaining agreement.

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

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