

LRB
61407
cont.

1 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
2 or any officer, employee, or agent of the state or a political subdivision who is acting
3 within the scope of employment or agency is not liable for any debt, obligation, act,
4 or omission of the authority.

5 (2) All expenses incurred by the authority in exercising its duties and powers
6 under this chapter shall be payable only from funds of the authority.

7 **52.40 Health data.** Any health data or identifying information collected by
8 the authority is collected for the purpose of government regulatory and management
9 functions.”.

10 **44.** Page 658, line 17: after that line insert:

11 “SECTION 1721d. 66.0506 of the statutes, as created by 2011 Wisconsin Act 10,
12 is repealed.

13 SECTION 1721f. 66.0508 of the statutes, as created by 2011 Wisconsin Act 10,
14 is repealed.

15 SECTION 1721h. 66.0509 (1m) of the statutes, as created by 2011 Wisconsin Act
16 10, is repealed.”.

17 **45.** Page 682, line 3: after that line insert:

18 “SECTION 1748db. 70.11 (41s) of the statutes is created to read:

19 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
20 the Wisconsin Quality Home Care Authority, provided that use of the property is
21 primarily related to the purposes of the authority.”.

22 **46.** Page 753, line 11: after that line insert:

23 “SECTION 1894s. 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin
24 Act 10, is amended to read:

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

6 **47.** Page 864, line 6: after that line insert:

7 “**SECTION 2135d.** 73.03 (68) of the statutes, as created by 2011 Wisconsin Act
8 10, is repealed.”.

9 **48.** Page 875, line 19: after that line insert:

10 “**SECTION 2180h.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin
11 Act 10, is amended to read:

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

17 **49.** Page 934, line 10: after that line insert:

18 “**SECTION 2311j.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 100.45 (1) (dm) “State agency” means any office, department, agency,
21 institution of higher education, association, society or other body in state
22 government created or authorized to be created by the constitution or any law which
23 is entitled to expend moneys appropriated by law, including the legislature and the
24 courts, the Wisconsin Housing and Economic Development Authority, the Bradley

1 Center Sports and Entertainment Corporation, the University of Wisconsin
2 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
3 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
4 Authority, the Wisconsin Economic Development Corporation, and the Fox River
5 Navigational System Authority.”.

6 **50.** Page 951, line 22: after that line insert:

7 “**SECTION 2378d.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin
8 Act 10, is amended to read:

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

20 **51.** Page 971, line 14: after that line insert:

21 “**SECTION 2403x.** 109.03 (1) (b) of the statutes, as affected by 2011 Wisconsin
22 Act 10, is amended to read:

23 109.03 (1) (b) School district and private school employees who voluntarily
24 request payment over a 12-month period for personal services performed during the

1 school year, unless, ~~with respect to private school employees, the~~ such employees are
2 covered under a valid collective bargaining agreement which precludes this method
3 of payment.”.

4 **52.** Page 973, line 10: after that line insert:

5 **“SECTION 2404rd.** 111.02 (1) of the statutes, as affected by 2011 Wisconsin Act
6 10, is amended to read:

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

12 **SECTION 2404re.** 111.02 (2) of the statutes, as affected by 2011 Wisconsin Act
13 10, is amended to read:

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

20 **SECTION 2404rf.** 111.02 (3) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 111.02 (3) “Collective bargaining unit” means all of the employees of one
23 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
24 except that where a majority of the employees engaged in a single craft, division,

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

13 **SECTION 2404rg.** 111.02 (6) (am) of the statutes is created to read:

14 111.02 (6) (am) “Employee” includes a child care provider certified under s.
15 48.651 and a child care provider licensed under s. 48.65 who provides care and
16 supervision for not more than 8 children who are not related to the child care
17 provider.

18 **SECTION 2404rh.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a)
19 (intro.) and amended to read:

20 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
21 an employee, and includes ~~a~~ all of the following:

22 1. A person acting on behalf of an employer within the scope of his or her
23 authority, express or implied.

24 **SECTION 2404ri.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

25 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

1 3. A local cultural arts district created under subch. V of ch. 229.

2 4. With respect to an employee under sub. (6) (am), the state, counties, and
3 other administrative entities involved in regulation and subsidization of employees
4 under sub. (6) (am).

5 **SECTION 2404rj.** 111.02 (7) (b) 1. of the statutes, as affected by 2011 Wisconsin
6 Act 10, is amended to read:

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

9 **SECTION 2404rk.** 111.02 (7m), (9m) and (10m) of the statutes are created to
10 read:

11 111.02 (7m) “Fair-share agreement” means an agreement between the
12 University of Wisconsin Hospitals and Clinics Authority and a labor organization
13 representing employees of that authority, or between an employer defined under sub.
14 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
15 which all of the employees in a collective bargaining unit are required to pay their
16 proportionate share of the cost of the collective bargaining process and contract
17 administration measured by the amount of dues uniformly required of all members.

18 **(9m)** “Maintenance of membership agreement” means any of the following:

19 (a) An agreement between the University of Wisconsin Hospitals and Clinics
20 Authority and a labor organization representing employees of that authority which
21 requires that all of the employees whose dues are being deducted from earnings
22 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall
23 continue to have dues deducted for the duration of the agreement and that dues shall
24 be deducted from the earnings of all employees who are hired on or after the effective
25 date of the agreement.

1 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
2 organization representing employees under sub. (6) (am) which requires that all of
3 the employees whose dues are being deducted from earnings under s. 111.06 (1) (i)
4 at the time the agreement takes effect shall continue to have dues deducted for the
5 duration of the agreement and that dues shall be deducted from the earnings of all
6 employees who are hired on or after the effective date of the agreement.

7 **(10m)** “Referendum” means a proceeding conducted by the commission in
8 which employees of the University of Wisconsin Hospitals and Clinics Authority in
9 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
10 bargaining unit may cast a secret ballot on the question of directing the labor
11 organization and the employer to enter into a fair-share or maintenance of
12 membership agreement or to terminate such an agreement.

13 **SECTION 2404rL.** 111.05 (2) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
16 question arises concerning the determination of a collective bargaining unit, it shall
17 be determined by secret ballot, and the commission, upon request, shall cause the
18 ballot to be taken in such manner as to show separately the wishes of the employees
19 in any craft, division, department or plant as to the determination of the collective
20 bargaining unit.

21 **SECTION 2404rm.** 111.05 (3g) of the statutes is created to read:

22 111.05 (3g) Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a
23 representative recognized or certified to represent any of the units specified in s.
24 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the
25 employees in the corresponding collective bargaining units specified in sub. (5) (a)

1 1. to 3., without the necessity of filing a petition or conducting an election, subject to
2 the right of any person to file a petition under this section on or after October 1, 1998.

3 **SECTION 2404rn.** 111.05 (5) of the statutes is created to read:

4 111.05 (5) (a) Collective bargaining units for representation of the employees
5 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
6 for employees engaged in each of the following functions:

- 7 1. Fiscal and staff services.
- 8 2. Patient care.
- 9 3. Science.
- 10 4. Clerical and related.
- 11 5. Blue collar and nonbuilding trades.
- 12 6. Building trades crafts.
- 13 7. Security and public safety.
- 14 8. Technical.

15 (b) Collective bargaining units for representation of the employees of the
16 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
17 function not specified in par. (a) shall be determined in the manner provided in this
18 section. The creation of any collective bargaining unit for such employees is subject
19 to approval of the commission. The commission shall not permit fragmentation of
20 such collective bargaining units or creation of any such collective bargaining unit
21 that is too small to provide adequate representation of employees. In approving such
22 collective bargaining units, the commission shall give primary consideration to the
23 authority's needs to fulfill its statutory missions.

24 **SECTION 2404ro.** 111.05 (6) of the statutes is created to read:

1 111.05 (6) If a single representative is recognized or certified to represent more
2 than one of the collective bargaining units specified in sub. (5), that representative
3 and the employer may jointly agree to combine the collective bargaining units,
4 subject to the right of the employees in any of the collective bargaining units that
5 were combined to petition for an election under subs. (3) and (3g). Any agreement
6 under this subsection is effective upon written notice of the agreement by the parties
7 to the commission and terminates upon written notice of termination by the parties
8 to the commission or upon decertification of the representative entering into the
9 agreement as representative of one of the combined collective bargaining units,
10 whichever occurs first.

11 **SECTION 2404rp.** 111.05 (7) of the statutes is created to read:

12 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
13 bargaining unit.

14 **SECTION 2404rq.** 111.06 (1) (c) 1. of the statutes, as affected by 2011 Wisconsin
15 Act 10, is amended to read:

16 111.06 (1) (c) 1. To encourage or discourage membership in any labor
17 organization, employee agency, committee, association or representation plan by
18 discrimination in regard to hiring, tenure or other terms or conditions of employment
19 except in a collective bargaining unit where an all-union, fair-share, or
20 maintenance of membership agreement is in effect. An employer is not prohibited
21 from entering into an all-union agreement with the voluntarily recognized
22 representative of the employees in a collective bargaining unit, where at least a
23 majority of such employees voting have voted affirmatively, by secret ballot, in favor
24 of the all-union agreement in a referendum conducted by the commission, except
25 that where the bargaining representative has been certified by either the

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

22 **SECTION 2404rr.** 111.06 (1) (d) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is amended to read:

24 111.06 **(1)** (d) To refuse to bargain collectively with the representative of a
25 majority of the employer's employees in any collective bargaining unit with respect

1 to representation or terms and conditions of employment, except as provided under
2 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
3 the commission a petition requesting a determination as to majority representation,
4 the employer shall not be deemed to have refused to bargain until an election has
5 been held and the result thereof has been certified to the employer by the
6 commission.

7 **SECTION 2404rs.** 111.06 (1) (i) of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

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

16 **SECTION 2404rt.** 111.06 (1) (m) of the statutes is created to read:

17 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
18 provided in s. 111.115 (2).

19 **SECTION 2404ru.** 111.06 (2) (i) of the statutes, as affected by 2011 Wisconsin
20 Act 10, is amended to read:

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

23 **SECTION 2404rv.** 111.075 of the statutes is created to read:

24 **111.075 Fair-share and maintenance of membership agreements. (1)**

25 (a) No fair-share or maintenance of membership agreement is effective unless

1 authorized by a referendum. The commission shall order a referendum whenever it
2 receives a petition supported by proof that at least 30 percent of the employees in a
3 collective bargaining unit desire that a fair-share or maintenance of membership
4 agreement be entered into between the employer and a labor organization. A petition
5 may specify that a referendum is requested on a maintenance of membership
6 agreement only, in which case the ballot shall be limited to that question.

7 (b) For a fair-share agreement to be authorized, at least two-thirds of the
8 eligible employees voting in a referendum must vote in favor of the agreement. For
9 a maintenance of membership agreement to be authorized, at least a majority of the
10 eligible employees voting in a referendum must vote in favor of the agreement. In
11 a referendum on a fair-share agreement, if less than two-thirds but more than
12 one-half of the eligible employees vote in favor of the agreement, a maintenance of
13 membership agreement is authorized.

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

1 demands, suits, and other forms of liability are the responsibility of the labor
2 organization entering into the agreement.

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

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

24 (b) The commission shall declare any fair-share or maintenance of
25 membership agreement suspended upon such conditions and for such time as the

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

7 (3) A stipulation for a referendum executed by an employer and a labor
8 organization may not be filed until after the representation election has been held
9 and the results certified.

10 (4) The commission may, under rules adopted for that purpose, appoint as its
11 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
12 conduct the referenda provided for in this section.

13 (5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair-share or
14 maintenance of membership agreement in effect in any of the collective bargaining
15 units specified in s. 111.825 (1) (f) 1., 5. or 9., that fair-share or maintenance of
16 membership agreement shall apply to the corresponding collective bargaining unit
17 under s. 111.05 (5) (a) 1. to 3. without the necessity of filing a petition or conducting
18 a referendum, subject to the right of the employees in each collective bargaining unit
19 to file a petition requesting a referendum under sub. (2) (a).

20 (6) This section applies only in collective bargaining units comprised of
21 employees of the University of Wisconsin Hospitals and Clinics Authority.

22 **SECTION 2404rw.** 111.115 (title) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is amended to read:

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

1 **SECTION 2404rx.** 111.115 (1) of the statutes, as affected by 2011 Wisconsin Act
2 10, is renumbered 111.115 (1) (intro.) and amended to read:

3 111.115 (1) (intro.) In this section, ~~“strike”~~ subsection:

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

8 **SECTION 2404ry.** 111.115 (1) (a) of the statutes is created to read:

9 111.115 (1) (a) “Lockout” means the barring of one or more employees from their
10 employment in an establishment by an employer as a part of a labor dispute, which
11 is not directly subsequent to a strike or other job action of a labor organization or
12 group of employees of the employer, or which continues or occurs after the
13 termination of a strike or other job action of a labor organization or group of
14 employees of the employer.

15 **SECTION 2404rz.** 111.115 (2) of the statutes is created to read:

16 111.115 (2) If no collective bargaining agreement is in effect between the
17 University of Wisconsin Hospitals and Clinics Authority and the recognized or
18 certified representative of employees of that authority in a collective bargaining unit,
19 the employer may not engage in a lockout affecting employees in that collective
20 bargaining unit without first giving 10 days’ written notice to the representative of
21 its intention to engage in a lockout, and the representative may not engage in a strike
22 without first giving 10 days’ written notice to the employer of its intention to engage
23 in a strike.

24 **SECTION 2404rza.** 111.17 of the statutes, as affected by 2011 Wisconsin Act 10,
25 is renumbered 111.17 (intro.) and amended to read:

1 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
2 the provisions of other statutes or laws conflict with the application of the provisions
3 of this subchapter, this subchapter shall prevail, except ~~that in~~ for the following:

4 **(1)** In a situation where the provisions of this subchapter cannot be validly
5 enforced the provisions of such other statutes or laws shall apply.

6 **SECTION 2404rzb.** 111.17 (2) of the statutes is created to read:

7 **111.17 (2)** All fringe benefits authorized or required to be provided by the
8 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
9 40 shall be governed exclusively by ch. 40, except that if any provision of ch. 40
10 specifically permits a collective bargaining agreement under this subchapter to
11 govern the eligibility for or the application, cost, or terms of a fringe benefit under
12 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
13 benefit under ch. 40 shall be governed by a collective bargaining agreement under
14 this subchapter, a collective bargaining agreement may contain a provision so
15 governing and such a provision supersedes any provision of ch. 40 with respect to the
16 employees to whom the agreement applies. The employer is prohibited from
17 engaging in collective bargaining concerning any matter governed exclusively by ch.
18 40 under this subsection.”.

19 **53.** Page 973, line 21: delete the material beginning with that line and ending
20 with page 975, line 8, and substitute:

21 **“SECTION 2405b.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin
22 Act 10, is amended to read:

23 **111.70 (1) (a)** “Collective bargaining” means the performance of the mutual
24 obligation of a municipal employer, through its officers and agents, and the

1 representative of its municipal employees in a collective bargaining unit, to meet and
2 confer at reasonable times, in good faith, with the intention of reaching an
3 agreement, or to resolve questions arising under such an agreement, with respect to
4 wages, hours, and conditions of employment ~~for public safety employees and with~~
5 ~~respect to wages for general municipal employees~~, and with respect to a requirement
6 of the municipal employer for a municipal employee to perform law enforcement and
7 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
8 respect to any matter under sub. (4) (n) or (o), except as provided in ~~sub. (3m)~~,
9 (3p), and (4) (mb) (m) and (mc) and s. 40.81 (3) and except that a municipal employer
10 shall not meet and confer with respect to any proposal to diminish or abridge the
11 rights guaranteed to ~~any public safety~~ municipal employees under ch. 164.
12 Collective bargaining includes the reduction of any agreement reached to a written
13 and signed document.

14 **SECTION 2405c.** 111.70 (1) (cm) of the statutes, as created by 2011 Wisconsin
15 Act 10, is repealed.

16 **SECTION 2405d.** 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 111.70 **(1)** (f) “Fair-share agreement” means an agreement between a
19 municipal employer and a labor organization ~~that represents public safety~~
20 ~~employees~~ under which all or any of the ~~public safety~~ employees in the collective
21 bargaining unit are required to pay their proportionate share of the cost of the
22 collective bargaining process and contract administration measured by the amount
23 of dues uniformly required of all members.

24 **SECTION 2405e.** 111.70 (1) (fm) of the statutes, as created by 2011 Wisconsin
25 Act 10, is repealed.

1 **SECTION 2406mb.** 111.70 (1) (j) of the statutes, as affected by 2011 Wisconsin
2 Act 10, is amended to read:

3 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
4 metropolitan sewerage district, school district, long-term care district, transit
5 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under
6 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
7 of one or more political subdivisions of the state, that engages the services of an
8 employee and includes any person acting on behalf of a municipal employer within
9 the scope of the person’s authority, express or implied, but specifically does not
10 include a local cultural arts district created under subch. V of ch. 229.

11 **SECTION 2406n.** 111.70 (1) (mm) of the statutes, as created by 2011 Wisconsin
12 Act 10, is repealed.

13 **SECTION 2406o.** 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 111.70 (1) (n) “Referendum” means a proceeding conducted by the commission
16 in which ~~public safety~~ employees in a collective bargaining unit may cast a secret
17 ballot on the question of authorizing a labor organization and the employer to
18 continue a fair-share agreement ~~that covers public safety employees.~~

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

20 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
21 disputes arising in municipal employment is to encourage voluntary settlement
22 through the procedures of collective bargaining. Accordingly, it is in the public
23 interest that municipal employees so desiring be given an opportunity to bargain
24 collectively with the municipal employer through a labor organization or other
25 representative of the employees’ own choice. If such procedures fail, the parties

1 should have available to them a fair, speedy, effective and, above all, peaceful
2 procedure for settlement as provided in this subchapter.

3 (b) In creating this subchapter the legislature recognizes that the municipal
4 employer must exercise its powers and responsibilities to act for the government and
5 good order of the jurisdiction which it serves, its commercial benefit and the health,
6 safety, and welfare of the public to assure orderly operations and functions within its
7 jurisdiction, subject to those rights secured to municipal employees by the
8 constitutions of this state and of the United States and by this subchapter.

9 **SECTION 2406q.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act
10 10, is amended to read:

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

1 be supported by proof that at least 30% of the ~~public-safety~~ employees in the collective
2 bargaining unit desire that the fair-share agreement be terminated. Upon so
3 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 ~~public-safety~~
5 employees, it shall 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 of the municipal employer in the bargaining unit involved, and such
10 agreement is subject to this duty of the commission. Any of the parties to such
11 agreement or any ~~public-safety~~ municipal employee covered by the agreement may
12 come before the commission, as provided in s. 111.07, and ask the performance of this
13 duty.

14 **SECTION 2406r.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin
15 Act 10, is amended to read:

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

20 **SECTION 2406s.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin
21 Act 10, is amended to read:

22 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
23 agreed upon by the parties with respect to wages, hours and conditions of
24 employment affecting ~~public-safety~~ municipal employees, including an agreement to
25 arbitrate questions arising as to the meaning or application of the terms of a

1 collective bargaining agreement or to accept the terms of such arbitration award,
2 where previously the parties have agreed to accept such award as final and binding
3 upon them ~~or to violate any collective bargaining agreement affecting general~~
4 ~~municipal employees, that was previously agreed upon by the parties with respect~~
5 ~~to wages.~~

6 **SECTION 2406t.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin
7 Act 10, is amended to read:

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

15 **SECTION 2406u.** 111.70 (3) (a) 7. of the statutes is created to read:

16 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision
17 lawfully made under sub. (4) (cm).

18 **SECTION 2406v.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
21 ~~employee, after~~ After a collective bargaining agreement expires and before another
22 collective bargaining agreement takes effect, to fail to follow any fair-share
23 agreement in the expired collective bargaining agreement.

24 **SECTION 2406w.** 111.70 (3) (b) 6. of the statutes is created to read:

1 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
2 lawfully made under sub. (4) (cm).

3 **SECTION 2406x.** 111.70 (3g) of the statutes, as created by 2011 Wisconsin Act
4 10, is repealed.

5 **SECTION 2406y.** 111.70 (3m) of the statutes is created to read:

6 111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective
7 bargaining agreement that covers municipal employees performing services for the
8 Milwaukee County enrollment services unit under s. 49.825 shall contain a provision
9 that permits the terms of the agreement to be modified with respect to hours and
10 conditions of employment by a memorandum of understanding under s. 49.825 (3)
11 (b) 4.

12 **SECTION 2406z.** 111.70 (3p) of the statutes is created to read:

13 111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining
14 agreement that covers municipal employees performing services for the child care
15 provider services unit under s. 49.826 shall contain a provision that permits the
16 terms of the agreement to be modified with respect to hours and conditions of
17 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

18 **SECTION 2407b.** 111.70 (4) (c) (title) of the statutes, as affected by 2011
19 Wisconsin Act 10, is amended to read:

20 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~public safety~~*
21 *employees law enforcement and fire fighting personnel.*

22 **SECTION 2407ba.** 111.70 (4) (c) 1. of the statutes, as affected by 2011 Wisconsin
23 Act 10, is renumbered 111.70 (4) (c) 1m. and amended to read:

24 111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in
25 labor disputes ~~involving a collective bargaining unit containing a public safety~~

1 employee. Such mediation may be carried on by a person designated to act by the
2 commission upon request of one or both of the parties or upon initiation of the
3 commission. The function of the mediator is to encourage voluntary settlement by
4 the parties but no mediator has the power of compulsion.

5 **SECTION 2407bb.** 111.70 (4) (c) 1g. of the statutes is created to read:

6 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal
7 employees who are engaged in law enforcement or fire fighting functions.".

8 **54.** Page 975, line 6: delete lines 6 and 7 and substitute:

9 "SECTION 2407dg. 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin
10 Act 10, is renumbered 111.70 (4) (c) 2. and amended to read:

11 111.70 (4) (c) 2. Parties to a dispute pertaining to the meaning or application
12 of the terms of a written collective bargaining agreement ~~involving a collective~~
13 ~~bargaining unit containing a public safety employee~~ may agree in writing to have the
14 commission or any other appropriate agency serve as arbitrator or may designate
15 any other competent, impartial and disinterested person to so serve.".

16 **55.** Page 975, line 8: after that line insert:

17 "SECTION 2407di. 111.70 (4) (c) 3. (intro.) of the statutes, as affected by 2011
18 Wisconsin Act 10, is amended to read:

19 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute
20 ~~involving a collective bargaining unit containing a public safety employee~~ has not
21 been settled after a reasonable period of negotiation and after the settlement
22 procedures, if any, established by the parties have been exhausted, and the parties
23 are deadlocked with respect to any dispute between them arising in the collective
24 bargaining process, either party, or the parties jointly, may petition the commission,

1 in writing, to initiate fact-finding, and to make recommendations to resolve the
2 deadlock, as follows:

3 **SECTION 2407dj.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes, as
4 affected by 2011 Wisconsin Act 10, are amended to read:

5 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; ~~general~~*
6 *municipal employees other personnel.*

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

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

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

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

12 **SECTION 2407dk.** 111.70 (4) (cm) 5. of the statutes is created to read:

13 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
14 other impasse resolution procedures provided in this paragraph, a municipal
15 employer and labor organization may, as a permissive subject of bargaining, agree
16 in writing to a dispute settlement procedure, including authorization for a strike by
17 municipal employees or binding interest arbitration, that is acceptable to the parties
18 for resolving an impasse over terms of any collective bargaining agreement under
19 this subchapter. The parties shall file a copy of the agreement with the commission.
20 If the parties agree to any form of binding interest arbitration, the arbitrator shall
21 give weight to the factors enumerated under subds. 7. and 7g. for a collective
22 bargaining unit consisting of municipal employees who are not school district
23 employees and under subd. 7r. for a collective bargaining unit consisting of municipal
24 employees.

25 **SECTION 2407dL.** 111.70 (4) (cm) 6. of the statutes is created to read:

1 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
2 a dispute relating to any issue has not been settled after a reasonable period of
3 negotiation and after mediation by the commission under subd. 3. and other
4 settlement procedures, if any, established by the parties have been exhausted, and
5 the parties are deadlocked with respect to any dispute between them over wages,
6 hours, or conditions of employment to be included in a new collective bargaining
7 agreement, either party, or the parties jointly, may petition the commission, in
8 writing, to initiate compulsory, final, and binding arbitration, as provided in this
9 paragraph. At the time the petition is filed, the petitioning party shall submit in
10 writing to the other party and the commission its preliminary final offer containing
11 its latest proposals on all issues in dispute. Within 14 calendar days after the date
12 of that submission, the other party shall submit in writing its preliminary final offer
13 on all disputed issues to the petitioning party and the commission. If a petition is
14 filed jointly, both parties shall exchange their preliminary final offers in writing and
15 submit copies to the commission at the time the petition is filed.

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

1 ultimate final offer, the commission shall close the investigation based on the last
2 written position of the party. Such final offers may include only mandatory subjects
3 of bargaining, except that a permissive subject of bargaining may be included by a
4 party if the other party does not object and shall then be treated as a mandatory
5 subject. No later than such time, the parties shall also submit to the commission a
6 stipulation, in writing, with respect to all matters that are agreed upon for inclusion
7 in the new or amended collective bargaining agreement. The commission, after
8 receiving a report from its investigator and determining that arbitration should be
9 commenced, shall issue an order requiring arbitration and immediately submit to
10 the parties a list of 7 arbitrators. The parties shall alternately strike names from the
11 list until a single name is left, who shall be appointed as arbitrator. The petitioning
12 party shall notify the commission in writing of the identity of the arbitrator selected.
13 Upon receipt of the notice, the commission shall formally appoint the arbitrator and
14 submit to him or her the final offers of the parties. The final offers are public
15 documents and shall be available from the commission. In lieu of a single arbitrator
16 and upon request of both parties, the commission shall appoint a tripartite
17 arbitration panel consisting of one member selected by each of the parties and a
18 neutral person designated by the commission who shall serve as a chairperson. An
19 arbitration panel has the same powers and duties as provided in this section for any
20 other appointed arbitrator, and all arbitration decisions by a panel shall be
21 determined by majority vote. In place of selection of the arbitrator by the parties and
22 upon request of both parties, the commission shall establish a procedure for
23 randomly selecting names of arbitrators. Under the procedure, the commission shall
24 submit a list of 7 arbitrators to the parties. Each party shall strike one name from
25 the list. From the remaining 5 names, the commission shall randomly appoint an

1 arbitrator. Unless both parties to an arbitration proceeding otherwise agree in
2 writing, every individual whose name is submitted by the commission for
3 appointment as an arbitrator must be a resident of this state at the time of
4 submission and every individual who is designated as an arbitration panel
5 chairperson must be a resident of this state at the time of designation.

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

17 c. Prior to the arbitration hearing, either party may, within a time limit
18 established by the arbitrator, withdraw its final offer and mutually agreed upon
19 modifications, if any, and shall immediately provide written notice of any withdrawal
20 to the other party, the arbitrator, and the commission. If both parties withdraw their
21 final offers and mutually agreed upon modifications, the labor organization, after
22 giving 10 days' written advance notice to the municipal employer and the
23 commission, may strike. Unless both parties withdraw their final offers and
24 mutually agreed upon modifications, the final offer of neither party is considered

1 withdrawn and the arbitrator shall proceed to resolve the dispute by final and
2 binding arbitration as provided in this paragraph.

3 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or
4 her own motion or at the request of either party, conduct a meeting open to the public
5 to provide the opportunity to both parties to explain or present supporting
6 arguments for their complete offer on all matters to be covered by the proposed
7 agreement. The arbitrator shall adopt without further modification the final offer
8 of one of the parties on all disputed issues submitted under subd. 6. am., except those
9 items that the commission determines not to be mandatory subjects of bargaining
10 and those items that have not been treated as mandatory subjects by the parties, and
11 including any prior modifications of the offer mutually agreed upon by the parties
12 under subd. 6. b., which decision is final and binding on both parties and shall be
13 incorporated into a written collective bargaining agreement. The arbitrator shall
14 serve a copy of his or her decision on both parties and the commission.

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

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

19 g. If a question arises as to whether any proposal made in negotiations by either
20 party is a mandatory, permissive, or prohibited subject of bargaining, the
21 commission shall determine the issue pursuant to par. (b). If either party to the
22 dispute petitions the commission for a declaratory ruling under par. (b), the
23 proceedings under subd. 6. c. and d. may not occur until the commission renders a
24 decision in the matter and the decision is final. The arbitrator's award shall be made

1 in accordance with the commission's ruling, subject to automatic amendment by any
2 subsequent court reversal.

3 **SECTION 2407dm.** 111.70 (4) (cm) 7. of the statutes is created to read:

4 111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under
5 the arbitration procedures authorized by this paragraph, except for any decision
6 involving a collective bargaining unit consisting of school district employees, the
7 arbitrator or arbitration panel shall consider and shall give the greatest weight to
8 any state law or directive lawfully issued by a state legislative or administrative
9 officer, body, or agency that limits expenditures that may be made or revenues that
10 may be collected by a municipal employer. The arbitrator or arbitration panel shall
11 give an accounting of the consideration of this factor in the arbitrator's or panel's
12 decision.

13 **SECTION 2407dn.** 111.70 (4) (cm) 7g. of the statutes is created to read:

14 111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under
15 the arbitration procedures authorized by this paragraph, except for any decision
16 involving a collective bargaining unit consisting of school district employees, the
17 arbitrator or arbitration panel shall consider and shall give greater weight to
18 economic conditions in the jurisdiction of the municipal employer than to any of the
19 factors specified in subd. 7r.

20 **SECTION 2407dp.** 111.70 (4) (cm) 7r. of the statutes is created to read:

21 111.70 (4) (cm) 7r. 'Other factors considered.' In making any decision under the
22 arbitration procedures authorized by this paragraph, the arbitrator or arbitration
23 panel shall give weight to the following factors:

- 24 a. The lawful authority of the municipal employer.
25 b. Stipulations of the parties.

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

3 d. Comparison of wages, hours, and conditions of employment of the municipal
4 employees involved in the arbitration proceedings with the wages, hours, and
5 conditions of employment of other employees performing similar services.

6 e. Comparison of the wages, hours, and conditions of employment of the
7 municipal employees involved in the arbitration proceedings with the wages, hours,
8 and conditions of employment of other employees generally in public employment in
9 the same community and in comparable communities.

10 f. Comparison of the wages, hours, and conditions of employment of the
11 municipal employees involved in the arbitration proceedings with the wages, hours,
12 and conditions of employment of other employees in private employment in the same
13 community and in comparable communities.

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

16 h. The overall compensation presently received by the municipal employees,
17 including direct wage compensation, vacation, holidays and excused time, insurance
18 and pensions, medical and hospitalization benefits, the continuity and stability of
19 employment, and all other benefits received.

20 i. Changes in any of the foregoing circumstances during the pendency of the
21 arbitration proceedings.

22 j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally
23 taken into consideration in the determination of wages, hours, and conditions of
24 employment through voluntary collective bargaining, mediation, fact-finding,

1 arbitration, or otherwise between the parties, in the public service, or in private
2 employment.

3 **SECTION 2407dq.** 111.70 (4) (cm) 8. of the statutes is created to read:

4 111.70 (4) (cm) 8. 'Rule making.' The commission shall adopt rules for the
5 conduct of all arbitration proceedings under subd. 6., including, but not limited to,
6 rules for:

7 a. The appointment of tripartite arbitration panels when requested by the
8 parties.

9 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
10 and transcripts.

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

13 d. Proceedings for the enforcement of arbitration decisions.

14 **SECTION 2407dr.** 111.70 (4) (cm) 8m. of the statutes, as affected by 2011
15 Wisconsin Act 10, is amended to read:

16 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
17 the initial collective bargaining agreement between the parties and except as the
18 parties otherwise agree, every collective bargaining agreement covering general
19 municipal employees subject to this paragraph shall be for a term of ~~one year and~~
20 ~~may not be extended 2 years, but in no case may a collective bargaining agreement~~
21 ~~for any collective bargaining unit consisting of municipal employees subject to this~~
22 ~~paragraph other than school district employees be for a term exceeding 3 years nor~~
23 ~~may a collective bargaining agreement for any collective bargaining unit consisting~~
24 ~~of school district employees subject to this paragraph be for a term exceeding 4 years.~~
25 No arbitration award may contain a provision for reopening of negotiations during

1 ~~the term of a~~ collective bargaining agreement ~~covering general municipal employees~~
2 ~~may be reopened for negotiations~~, unless both parties agree to reopen the collective
3 bargaining agreement. The requirement for agreement by both parties does not
4 apply to a provision for reopening of negotiations with respect to any portion of an
5 agreement that is declared invalid by a court or administrative agency or rendered
6 invalid by the enactment of a law or promulgation of a federal regulation.

7 **SECTION 2407ds.** 111.70 (4) (cm) 9. of the statutes is created to read:

8 111.70 (4) (cm) 9. 'Application.'

9 a. Chapter 788 does not apply to arbitration proceedings under this paragraph.

10 b. This paragraph does not apply to labor disputes involving municipal
11 employees who are engaged in law enforcement or fire fighting functions.

12 **SECTION 2407dt.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011
13 Wisconsin Act 10, is amended to read:

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

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

21 **SECTION 2407du.** 111.70 (4) (d) 3. a. and c. of the statutes, as affected by 2011
22 Wisconsin Act 10, are consolidated, renumbered 111.70 (4) (d) 3. and amended to
23 read:

24 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning
25 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. € Any ballot used in a representation proceeding
3 under this subdivision shall include the names of all persons having an interest in
4 representing or the results. The ballot should be so designed as to permit a vote
5 against representation by any candidate named on the ballot. The findings of the
6 commission, on which a certification is based, shall be conclusive unless reviewed as
7 provided by s. 111.07 (8).

8 **SECTION 2407dv.** 111.70 (4) (d) 3. b. of the statutes, as created by 2011
9 Wisconsin Act 10, is repealed.”.

10 **56.** Page 975, line 18: after that line insert:

11 “**SECTION 2408d.** 111.70 (4) (L) of the statutes, as affected by 2011 Wisconsin
12 Act 10, is amended to read:

13 111.70 (4) (L) *Strikes prohibited.* ~~Nothing~~ Except as authorized under par. (cm)
14 5. and 6. c., nothing contained in this subchapter constitutes a grant of the right to
15 strike by any municipal employee or labor organization, and such strikes are hereby
16 expressly prohibited. Paragraph (cm) does not authorize any strike after an
17 injunction has been issued against such strike under sub. (7m).

18 **SECTION 2408f.** 111.70 (4) (m) of the statutes is created to read:

19 111.70 (4) (m) *Prohibited subjects of bargaining: school district municipal*
20 *employers.* In a school district, the municipal employer is prohibited from bargaining
21 collectively with respect to:

22 1. Reassignment of municipal employees who perform services for a board of
23 school directors under ch. 119, with or without regard to seniority, as a result of a
24 decision of the board of school directors to contract with an individual or group to

1 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school
2 to a charter school, or the impact of any such reassignment on the wages, hours, or
3 conditions of employment of the municipal employees who perform those services.

4 2. Reassignment of municipal employees who perform services for a board of
5 school directors, with or without regard to seniority, as a result of the decision of the
6 board to close or reopen a school under s. 119.18 (23), or the impact of any such
7 reassignment on the wages, hours, or conditions of employment of the municipal
8 employees who perform those services.

9 4. Any decision of a board of school directors to contract with a school or agency
10 to provide educational programs under s. 119.235, or the impact of any such decision
11 on the wages, hours, or conditions of employment of the municipal employees who
12 perform services for the board.

13 6. Solicitation of sealed bids for the provision of group health care benefits for
14 school district employees as provided in s. 120.12 (24).

15 **SECTION 2408h.** 111.70 (4) (mb) of the statutes, as created by 2011 Wisconsin
16 Act 10, is repealed.

17 **SECTION 2409cn.** 111.70 (4) (mc) (intro.) of the statutes, as affected by 2011
18 Wisconsin Act 10, is amended to read:

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

23 **57.** Page 975, line 19: after that line insert:

24 **"SECTION 2409ca.** 111.70 (4) (mc) 4. of the statutes is created to read:

1 111.70 (4) (mc) 4. The judge's authority over the supervisory tasks provided in
2 s. 755.10, if the municipal employee is a clerk who is not an employee of a city of the
3 first class.”.

4 **58.** Page 976, line 11: after that line insert:

5 “**SECTION 2409da.** 111.70 (4) (n) and (o) of the statutes are created to read:

6 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
7 to any subject of bargaining on which the municipal employer is required to bargain
8 under sub. (1) (a), the municipal employer is required to bargain collectively with
9 respect to time spent during the school day, separate from pupil contact time, to
10 prepare lessons, labs, or educational materials, to confer or collaborate with other
11 staff, or to complete administrative duties.

12 (o) *Mandatory subjects of bargaining.* In a school district, in addition to any
13 subject of bargaining on which the municipal employer is required to bargain under
14 sub. (1) (a), the municipal employer is required to bargain collectively with respect
15 to the development of or any changes to a teacher evaluation plan under s. 118.225.

16 **SECTION 2409db.** 111.70 (4) (p) of the statutes, as affected by 2011 Wisconsin
17 Act 10, is amended to read:

18 111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety~~*
19 *employees.* A municipal employer is not required to bargain with ~~public safety~~
20 ~~employees~~ on subjects reserved to management and direction of the governmental
21 unit except insofar as the manner of exercise of such functions affects the wages,
22 hours, and conditions of employment of the ~~public safety~~ municipal employees in a
23 collective bargaining unit.

24 **SECTION 2409de.** 111.70 (7) of the statutes is created to read:

1 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
2 injunction against such a strike has been issued shall be fined \$10. After the
3 injunction has been issued, any employee who is absent from work because of
4 purported illness shall be presumed to be on strike unless the illness is verified by
5 a written report from a physician to the employer. Each day of continued violation
6 constitutes a separate offense. The court shall order that any fine imposed under this
7 subsection be paid by means of a salary deduction at a rate to be determined by the
8 court.

9 (b) This subsection applies only to municipal employees who are engaged in law
10 enforcement or fire fighting functions.

11 **SECTION 2409df.** 111.70 (7m) (b) of the statutes is created to read:

12 111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after
13 a labor organization gives advance notice of a strike under sub. (4) (cm) which is
14 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
15 directly affected by the strike may petition the circuit court to enjoin the strike. If
16 the court finds that the strike poses an imminent threat to the public health or safety,
17 the court shall, within 48 hours after the receipt of the petition but after notice to the
18 parties and after holding a hearing, issue an order immediately enjoining the strike,
19 and in addition shall order the parties to submit a new final offer on all disputed
20 issues to the commission for final and binding arbitration as provided in sub. (4) (cm).
21 The commission, upon receipt of the final offers of the parties, shall transmit them
22 to the arbitrator or a successor designated by the commission. The arbitrator shall
23 omit preliminary steps and shall commence immediately to arbitrate the dispute.

24 **SECTION 2409dg.** 111.70 (7m) (c) 1. a. of the statutes, as affected by 2011
25 Wisconsin Act 10, is amended to read:

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

9 **SECTION 2409dh.** 111.70 (7m) (c) 3. of the statutes is created to read:

10 111.70 (7m) (c) 3. ‘Strike in violation of award.’ Any person who authorizes or
11 otherwise participates in a strike after the issuance of any final and binding
12 arbitration award or decision under sub. (4) (cm) and prior to the end of the term of
13 the agreement which the award or decision amends or creates shall forfeit not less
14 than \$15. Each day of continued violation constitutes a separate offense.

15 **SECTION 2409di.** 111.70 (7m) (e) of the statutes is created to read:

16 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
17 award or decision under sub. (4) (cm) in a written collective bargaining agreement
18 or failing to implement the award or decision, unless good cause is shown, shall be
19 liable for attorney fees, interest on delayed monetary benefits, and other costs
20 incurred in any action by the nonoffending party to enforce the award or decision.

21 **SECTION 2409dj.** 111.70 (7m) (f) of the statutes is created to read:

22 111.70 (7m) (f) *Application.* This subsection does not apply to strikes involving
23 municipal employees who are engaged in law enforcement or fire fighting functions.

24 **SECTION 2409dja.** 111.70 (8) (a) of the statutes, as affected by 2011 Wisconsin
25 Act 10, is amended to read:

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

7 **SECTION 2409dk.** 111.71 (2) of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

9 111.71 **(2)** The commission shall assess and collect a filing fee for filing a
10 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
11 The commission shall assess and collect a filing fee for filing a request that the
12 commission act as an arbitrator to resolve a dispute involving the interpretation or
13 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
14 The commission shall assess and collect a filing fee for filing a request that the
15 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
16 assess and collect a filing fee for filing a request that the commission act as a
17 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
18 a filing fee for filing a request that the commission initiate compulsory, final and
19 binding arbitration under s. 111.70 (4) (cm) 6. or (jm) or 111.77 (3). For the
20 performance of commission actions under ss. 111.70 (4) (c) ~~1., 2., and 3., (cm) 3.~~
21 ~~and, 4., and 6.,~~ and (jm) and 111.77 (3), the commission shall require that the parties
22 to the dispute equally share in the payment of the fee and, for the performance of
23 commission actions involving a complaint alleging that a prohibited practice has
24 been committed under s. 111.70 (3), the commission shall require that the party filing
25 the complaint pay the entire fee. If any party has paid a filing fee requesting the

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

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

19 111.71 (4) The commission shall collect on a systematic basis information on
20 the operation of the arbitration law under s. 111.70 (4) (cm). The commission shall
21 report on the operation of the law to the legislature on an annual basis. The report
22 shall be submitted to the chief clerk of each house of the legislature for distribution
23 to the legislature under s. 13.172 (2).

24 **SECTION 2409dm.** 111.71 (5) of the statutes is created to read:

1 111.71 (5) The commission shall, on a regular basis, provide training programs
2 to prepare individuals for service as arbitrators or arbitration panel members under
3 s. 111.70 (4) (cm). The commission shall engage in appropriate promotional and
4 recruitment efforts to encourage participation in the training programs by
5 individuals throughout the state, including at least 10 residents of each
6 congressional district. The commission may also provide training programs to
7 individuals and organizations on other aspects of collective bargaining, including on
8 areas of management and labor cooperation directly or indirectly affecting collective
9 bargaining. The commission may charge a reasonable fee for participation in the
10 programs.

11 **SECTION 2409im.** 111.77 (intro.) of the statutes, as affected by 2011 Wisconsin
12 Act 10, is amended to read:

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

19 **59.** Page 976, line 20: after that line insert:

20 **"SECTION 2409iw.** 111.77 (8) (a) of the statutes, as affected by 2011 Wisconsin
21 Act 10, is amended to read:

22 111.77 (8) (a) This section applies to ~~public safety employees who are~~ law
23 enforcement supervisors employed by a county having a population of 500,000 or

1 more. For purposes of such application, the term “municipal employee” includes
2 such a supervisor.

3 **SECTION 2409j.** 111.80 of the statutes is created to read:

4 **111.80 Declaration of policy.** The public policy of the state as to labor
5 relations and collective bargaining in state employment, in the furtherance of which
6 this subchapter is enacted, is as follows:

7 (1) It recognizes that there are 3 major interests involved: that of the public,
8 that of the employee, and that of the employer. These 3 interests are to a considerable
9 extent interrelated. It is the policy of this state to protect and promote each of these
10 interests with due regard to the situation and to the rights of the others.

11 (2) Orderly and constructive employment relations for employees and the
12 efficient administration of state government are promotive of all these interests.
13 They are largely dependent upon the maintenance of fair, friendly, and mutually
14 satisfactory employee management relations in state employment, and the
15 availability of suitable machinery for fair and peaceful adjustment of whatever
16 controversies may arise. It is recognized that whatever may be the rights of
17 disputants with respect to each other in any controversy regarding state
18 employment relations, neither party has any right to engage in acts or practices that
19 jeopardize the public safety and interest and interfere with the effective conduct of
20 public business.

21 (3) Where permitted under this subchapter, negotiations of terms and
22 conditions of state employment should result from voluntary agreement between the
23 state and its agents as employer, and its employees. For that purpose an employee
24 may, if the employee desires, associate with others in organizing and in bargaining

1 collectively through representatives of the employee's own choosing without
2 intimidations or coercion from any source.

3 (4) It is the policy of this state, in order to preserve and promote the interests
4 of the public, the employee, and the employer alike, to encourage the practices and
5 procedures of collective bargaining in state employment subject to the requirements
6 of the public service and related laws, rules, and policies governing state
7 employment, by establishing standards of fair conduct in state employment
8 relations, and by providing a convenient, expeditious, and impartial tribunal in
9 which these interests may have their respective rights determined.

10 SECTION 2409k. 111.81 (1) of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 111.81 (1) "Collective bargaining" means the performance of the mutual
13 obligation of the state as an employer, by its officers and agents, and the
14 representatives of its employees, to meet and confer at reasonable times, in good
15 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
16 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~
17 ~~with respect to general employees,~~ with the intention of reaching an agreement, or
18 to resolve questions arising under such an agreement. The duty to bargain, however,
19 does not compel either party to agree to a proposal or require the making of a
20 concession. Collective bargaining includes the reduction of any agreement reached
21 to a written and signed document.

22 SECTION 2409p. 111.81 (3h) of the statutes is created to read:

23 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

24 SECTION 2409w. 111.81 (3n) of the statutes, as created by 2011 Wisconsin Act
25 10, is repealed."

1 **60.** Page 977, line 5: delete the material beginning with that line and ending
2 with page 978, line 19, and substitute:

3 “**SECTION 2410bb.** 111.81 (7) (g) of the statutes is created to read:

4 111.81 (7) (g) For purposes of this subchapter only, home care providers. This
5 paragraph does not make home care providers state employees for any other purpose
6 except collective bargaining.

7 **SECTION 2410bg.** 111.81 (9) of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

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

15 **SECTION 2410bi.** 111.81 (9g) of the statutes, as created by 2011 Wisconsin Act
16 10, is repealed.

17 **SECTION 2410bk.** 111.81 (9k) of the statutes is created to read:

18 111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898
19 (1) (f).

20 **SECTION 2410bn.** 111.81 (12) (intro.) of the statutes, as affected by 2011
21 Wisconsin Act 10, is amended to read:

22 111.81 (12) (intro.) “Labor organization” means any employee organization
23 whose purpose is to represent employees in collective bargaining with the employer,
24 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~

1 ~~or (3), whichever is applicable~~ pertaining to terms and conditions of employment; but
2 the term shall not include any organization:

3 **SECTION 2410bp.** 111.81 (12m) of the statutes, as affected by 2011 Wisconsin
4 Act 10, is amended to read:

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

13 **SECTION 2410br.** 111.81 (15r) of the statutes, as created by 2011 Wisconsin Act
14 10, is repealed.

15 **SECTION 2410bu.** 111.81 (16) of the statutes, as affected by 2011 Wisconsin Act
16 10, is amended to read:

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

22 **SECTION 2410bw.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act
23 10, is amended to read:

24 111.815 (1) In the furtherance of this subchapter, the state shall be considered
25 as a single employer and employment relations policies and practices throughout the

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

23 **SECTION 2410bx.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

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

8 **SECTION 2410by.** 111.82 of the statutes, as affected by 2011 Wisconsin Act 10,
9 is amended to read:

10 **111.82 Rights of employees.** Employees have the right of self-organization
11 and the right to form, join, or assist labor organizations, to bargain collectively
12 through representatives of their own choosing under this subchapter, and to engage
13 in lawful, concerted activities for the purpose of collective bargaining or other mutual
14 aid or protection. Employees also have the right to refrain from any or all of such
15 activities. ~~–A general employee has the right to refrain from paying dues while~~
16 ~~remaining a member of a collective bargaining unit.~~

17 **SECTION 2410bz.** 111.825 (1) (g) of the statutes, as created by 2011 Wisconsin
18 Act 10, is repealed.”.

19 **61.** Page 981, line 3: delete lines 3 to 5 and substitute:

20 “**SECTION 2410jm.** 111.825 (2g) of the statutes is created to read:

21 111.825 (2g) A collective bargaining unit for employees who are home care
22 providers shall be structured as a single statewide collective bargaining unit.

23 **SECTION 2410jr.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

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

3 **62.** Page 981, line 15: delete the material beginning with that line and ending
4 with page 982, line 11, and substitute:

5 “**SECTION 2410Lm.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is amended to read:

7 111.825 (4) Any labor organization may petition for recognition as the exclusive
8 representative of a collective bargaining unit specified in sub. (1) ~~or, (1r), (1t), (2), or~~
9 ~~(2g)~~ in accordance with the election procedures set forth in s. 111.83, provided the
10 petition is accompanied by a 30% showing of interest in the form of signed
11 authorization cards. Each additional labor organization seeking to appear on the
12 ballot shall file petitions within 60 days of the date of filing of the original petition
13 and prove, through signed authorization cards, that at least 10% of the employees
14 in the collective bargaining unit want it to be their representative.

15 **SECTION 2410Lp.** 111.825 (5) of the statutes, as affected by 2011 Wisconsin Act
16 10, is amended to read:

17 111.825 (5) Although supervisors are not considered employees for purposes
18 of this subchapter, the commission may consider a petition for a statewide collective
19 bargaining unit of professional supervisors or a statewide unit of nonprofessional
20 supervisors in the classified service, but the representative of supervisors may not
21 be affiliated with any labor organization representing employees. For purposes of
22 this subsection, affiliation does not include membership in a national, state, county
23 or municipal federation of national or international labor organizations. The
24 certified representative of supervisors ~~who are not public safety employees~~ may not

1 bargain collectively with respect to any matter other than wages and fringe benefits
2 as provided in ~~s. 111.91 (3)~~, and the certified representative of supervisors who are
3 ~~public safety employees may not bargain collectively with respect to any matter other~~
4 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

5 **SECTION 2410Lr.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is renumbered 111.825 (6).

7 **SECTION 2410Lu.** 111.825 (6) (b) of the statutes, as created by 2011 Wisconsin
8 Act 10, is repealed.”.

9 **63.** Page 982, line 19: after that line insert:

10 “**SECTION 2410oc.** 111.83 (1) of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
13 chosen for the purposes of collective bargaining by a majority of the employees voting
14 in a collective bargaining unit shall be the exclusive representative of all of the
15 employees in such unit for the purposes of collective bargaining. Any individual
16 employee, or any minority group of employees in any collective bargaining unit, may
17 present grievances to the employer in person, or through representatives of their own
18 choosing, and the employer shall confer with said employee or group of employees in
19 relation thereto if the majority representative has been afforded the opportunity to
20 be present at the conference. Any adjustment resulting from such a conference may
21 not be inconsistent with the conditions of employment established by the majority
22 representative and the employer.

23 **SECTION 2410og.** 111.83 (3) (a) of the statutes, as affected by 2011 Wisconsin
24 Act 10, is renumbered 111.83 (3).