



1 **SECTION 2410ot.** 111.83 (3) (b) of the statutes, as created by 2011 Wisconsin Act
2 10, is repealed.

3 **SECTION 2410ov.** 111.83 (4) of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which
6 the name of more than one proposed representative appears on the ballot and results
7 in no conclusion, the commission may, if requested by any party to the proceeding
8 within 30 days from the date of the certification of the results of the election, conduct
9 a runoff election. In that runoff election, the commission shall drop from the ballot
10 the name of the representative who received the least number of votes at the original
11 election. The commission shall drop from the ballot the privilege of voting against
12 any representative if the least number of votes cast at the first election was against
13 representation by any named representative.”.

14 **64.** Page 983, line 21: delete the material beginning with that line and ending
15 with page 985, line 8, and substitute:

16 **SECTION 2410ra.** 111.83 (5m) of the statutes is created to read:

17 111.83 (5m) (a) This subsection applies only to a collective bargaining unit
18 specified in s. 111.825 (2g).

19 (am) 1. Subject to subd. 2., the department of health services shall provide a
20 labor organization with the list of home care providers provided to the department
21 of health services under s. 52.20 (5) if any of the following apply:

22 a. The labor organization demonstrates a showing of interest of at least 3
23 percent of home care providers included in the collective bargaining unit under s.
24 111.825 (2g) to be represented by that labor organization.

1 b. The labor organization is a certified representative of any home care
2 providers in this state.

3 c. The labor organization was a certified representative of any home care
4 providers in this state prior to July 1, 2009.

5 2. A labor organization shall agree to use any list it receives under subd. 1. only
6 for communicating with home care providers concerning the exercise of their rights
7 under s. 111.82 and shall agree to keep the list confidential.

8 (b) Upon the filing of a petition with the commission indicating a showing of
9 interest of at least 30 percent of the home care providers included in the collective
10 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
11 change the existing representative, the commission shall hold an election in which
12 the home care providers may vote on the question of representation. The labor
13 organization named in the petition shall be included on the ballot. Within 60 days
14 of the time that the petition is filed, another petition may be filed with the
15 commission indicating a showing of interest of at least 10 percent of the home care
16 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
17 be represented by another labor organization, in which case the name of that labor
18 organization shall also be included on the ballot.

19 (c) If at an election held under par. (b), a majority of home care providers voting
20 in the collective bargaining unit vote for a single labor organization, the labor
21 organization shall be the exclusive representative for all home care providers in that
22 collective bargaining unit. If no single labor organization receives a majority of the
23 votes cast, the commission may hold one or more runoff elections under sub. (4) until
24 one labor organization receives a majority of the votes cast.

25 **SECTION 2410rb.** 111.83 (7) of the statutes is created to read:

1 111.83 **(7)** Notwithstanding subs. (1), (3), and (6) and s. 111.825 (4), if on July
2 1, 1997, there is a representative recognized or certified to represent the employees
3 in any of the collective bargaining units specified in s. 111.825 (1) (a) to (e), that
4 representative shall become the representative of the employees in the
5 corresponding collective bargaining units specified in s. 111.825 (1m) (a) to (e),
6 without the necessity of filing a petition or conducting an election, subject to the right
7 of any person to file a petition under this section during October 1998 or at any
8 subsequent time when sub. (6) applies.

9 **SECTION 2410rc.** 111.84 (1) (b) of the statutes, as affected by 2011 Wisconsin
10 Act 10, is amended to read:

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

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

4 **SECTION 2410rd.** 111.84 (1) (d) of the statutes, as affected by 2011 Wisconsin
5 Act 10, is amended to read:

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

16 **SECTION 2410re.** 111.84 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

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

1 employer shall give notice to the labor organization of receipt of such notice of
2 termination.

3 **SECTION 2410rf.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
6 (1) ~~or (3), whichever is appropriate,~~ with the duly authorized officer or agent of the
7 employer which is the recognized or certified exclusive collective bargaining
8 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
9 bargaining unit or with the certified exclusive collective bargaining representative
10 of employees specified in s. 111.81 (7) (b) to ~~(f)~~ (g) in an appropriate collective
11 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
12 refusal to execute a collective bargaining agreement previously orally agreed upon.

13 **SECTION 2410rg.** 111.84 (3) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
16 on behalf of or in the interest of employers or employees, or in connection with or to
17 influence the outcome of any controversy as to employment relations, any act
18 prohibited by ~~sub.~~ subs. (1) ~~or~~ and (2).

19 **SECTION 2410rh.** 111.845 of the statutes, as created by 2011 Wisconsin Act 10,
20 is repealed.

21 **SECTION 2410ri.** 111.85 (1), (2) and (4) of the statutes, as affected by 2011
22 Wisconsin Act 10, are amended to read:

23 111.85 (1) (a) No fair-share or maintenance of membership agreement
24 ~~covering public safety employees~~ may become effective unless authorized by a
25 referendum. The commission shall order a referendum whenever it receives a

1 petition supported by proof that at least 30% of the ~~public-safety~~ employees or
2 supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a
3 fair-share or maintenance of membership agreement be entered into between the
4 employer and a labor organization. A petition may specify that a referendum is
5 requested on a maintenance of membership agreement only, in which case the ballot
6 shall be limited to that question.

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

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

1 may arise for actions taken by the employer in compliance with this section. All such
2 lawful claims, demands, suits and other forms of liability are the responsibility of the
3 labor organization entering into the agreement.

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

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

1 (b) The commission shall declare any fair-share or maintenance of
2 membership agreement suspended upon such conditions and for such time as the
3 commission decides whenever it finds that the labor organization involved has
4 refused on the basis of race, color, sexual orientation or creed to receive as a member
5 any ~~public safety employee~~ or supervisor in the collective bargaining unit involved,
6 and the agreement shall be made subject to the findings and orders of the
7 commission. Any of the parties to the agreement, or any ~~public safety employee~~ or
8 supervisor covered thereby, may come before the commission, as provided in s.
9 111.07, and petition the commission to make such a finding.

10 (4) The commission may, under rules adopted for that purpose, appoint as its
11 agent an official of a state agency whose ~~public safety~~ employees are entitled to vote
12 in a referendum to conduct a referendum provided for herein.

13 **SECTION 2410rj.** 111.85 (5) of the statutes is created to read:

14 111.85 (5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair-share or
15 maintenance of membership agreement in effect in any of the collective bargaining
16 units specified in s. 111.825 (1) (a) to (e), that fair-share or maintenance of
17 membership agreement shall apply to the corresponding collective bargaining unit
18 under s. 111.825 (1m) (a) to (e) without the necessity of filing a petition or conducting
19 a referendum, subject to the right of the employees in each collective bargaining unit
20 to file a petition requesting a referendum under sub. (2) (a).

21 **SECTION 2410rL.** 111.90 (2) of the statutes, as affected by 2011 Wisconsin Act
22 10, is amended to read:

23 111.90 (2) ~~Manage~~ Subject to s. 111.91 (1) (am), manage the employees of a state
24 agency; hire, promote, transfer, assign or retain employees in positions within the
25 agency; and in that regard establish reasonable work rules.

1 **SECTION 2410rm.** 111.905 of the statutes is created to read:

2 **111.905 Rights of consumer. (1)** This subchapter does not interfere with the
3 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
4 or discipline home care providers or to set conditions and duties of employment.

5 **(2)** A home care provider is an at will provider of home care services to a
6 consumer, and this subchapter does not interfere with that relationship.

7 **SECTION 2410rn.** 111.91 (1) (a) of the statutes, as affected by 2011 Wisconsin
8 Act 10, is amended to read:

9 111.91 **(1)** (a) Except as provided in pars. (b) to ~~(d)~~, with regard to a collective
10 bargaining unit under s. 111.825 (1) ~~(g)~~ (e), matters subject to collective bargaining
11 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
12 reassignment of classifications to pay ranges, determination of an incumbent's pay
13 status resulting from position reallocation or reclassification, and pay adjustments
14 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher
15 classification or downward reallocations of a classified ~~public safety~~ employee's
16 position; fringe benefits consistent with sub. (2); hours and conditions of
17 employment.

18 **SECTION 2410ro.** 111.91 (1) (b) of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 111.91 **(1)** (b) The employer is not required to bargain with a collective
21 bargaining unit under s. 111.825 (1) ~~(g)~~ on management rights under s. 111.90, except
22 that procedures for the adjustment or settlement of grievances or disputes arising
23 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of
24 bargaining.

1 **SECTION 2410rp.** 111.91 (1) (c) of the statutes, as affected by 2011 Wisconsin
2 Act 10, is amended to read:

3 111.91 (1) (c) The employer is prohibited from bargaining ~~with a collective~~
4 ~~bargaining unit under s. 111.825 (1) (g)~~ on matters contained in sub. (2).

5 **SECTION 2410rq.** 111.91 (1) (cg) of the statutes is created to read:

6 111.91 (1) (cg) The representative of home care providers in the collective
7 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with
8 respect to any matter other than wages and fringe benefits.

9 **SECTION 2410rr.** 111.91 (1) (cm) of the statutes, as affected by 2011 Wisconsin
10 Act 10, is amended to read:

11 111.91 (1) (cm) Except as provided in sub. (2) ~~(g) and (h)~~ and ss. 40.02 (22) (e)
12 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
13 and all actions of the employer that are authorized under any such law which apply
14 to nonrepresented individuals employed by the state shall apply to similarly situated
15 ~~public safety~~ employees, unless otherwise specifically provided in a collective
16 bargaining agreement that applies to the ~~public safety~~ employees.

17 **SECTION 2410rs.** 111.91 (1) (d) of the statutes, as affected by 2011 Wisconsin
18 Act 10, is amended to read:

19 111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~
20 ~~demands~~ Demands relating to retirement and group insurance shall be submitted
21 to the employer at least one year prior to commencement of negotiations.

22 **SECTION 2410rt.** 111.91 (1) (e) of the statutes is created to read:

23 111.91 (1) (e) The employer shall not be required to bargain on matters related
24 to employee occupancy of houses or other lodging provided by the state.

1 **SECTION 2410ru.** 111.91 (2) (intro.) of the statutes, as affected by 2011
2 Wisconsin Act 10, is amended to read:

3 111.91 (2) (intro.) The employer is prohibited from bargaining ~~with a collective~~
4 ~~bargaining unit under s. 111.825 (1) (g)~~ with respect to all of the following:".

5 **65.** Page 985, line 15: after that line insert:

6 **"SECTION 2425d.** 111.91 (2) (gu) of the statutes, as affected by 2011 Wisconsin
7 Act 10, is amended to read:

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

13 **SECTION 2425m.** 111.91 (2c) of the statutes is created to read:

14 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
15 is prohibited from bargaining with a collective bargaining unit formed under s.
16 111.825 (2g) on any of the following:

17 (a) Policies.

18 (b) Work rules.

19 (c) Hours of employment.

20 (d) Any right of the consumer under s. 111.905.

21 **SECTION 2425q.** 111.91 (3) of the statutes, as created by 2011 Wisconsin Act 10,
22 is repealed.

23 **SECTION 2425v.** 111.91 (3q) of the statutes, as created by 2011 Wisconsin Act
24 10, is repealed.".

1 **66.** Page 986, line 1: delete the material beginning with that line and ending
2 with page 987, line 17, and substitute:

3 “**SECTION 2426d.** 111.92 (1) (a) of the statutes, as affected by 2011 Wisconsin
4 Act 10, is amended to read:

5 111.92 (1) (a) Any tentative agreement reached between the office, or, as
6 provided in s. 111.815 (1), the department of health services, acting for the state, and
7 any labor organization representing a collective bargaining unit specified in s.
8 111.825 (1) ~~or, (2) (a) to (d) or (e), or (2g)~~ shall, after official ratification by the labor
9 organization, be submitted by the office or department of health services to the joint
10 committee on employment relations, which shall hold a public hearing before
11 determining its approval or disapproval.

12 4. If the committee approves ~~the a~~ tentative agreement under subd. 1., 2., or
13 3., it shall introduce in a bill or companion bills, to be put on the calendar or referred
14 to the appropriate scheduling committee of each house, that portion of the tentative
15 agreement which requires legislative action for implementation, such as salary and
16 wage adjustments, changes in fringe benefits, and any proposed amendments,
17 deletions or additions to existing law. Such bill or companion bills are not subject to
18 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
19 suitable portions of the tentative agreement to appropriate legislative committees
20 for advisory recommendations on the proposed terms. The committee shall
21 accompany the introduction of such proposed legislation with a message that informs
22 the legislature of the committee's concurrence with the matters under consideration
23 and which recommends the passage of such legislation without change. If the joint
24 committee on employment relations does not approve the tentative agreement, it

1 shall be returned to the parties for renegotiation. If the legislature does not adopt
2 without change that portion of the tentative agreement introduced by the joint
3 committee on employment relations, the tentative agreement shall be returned to
4 the parties for renegotiation.”.

5 **67.** Page 987, line 24: after that line insert:

6 “**SECTION 2426o.** 111.92 (2m) of the statutes is created to read:

7 111.92 (2m) A collective bargaining agreement entered into by a collective
8 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

9 **SECTION 2426q.** 111.92 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
10 10, is renumbered 111.92 (3) and amended to read:

11 111.92 (3) Agreements ~~covering a collective bargaining unit specified under s.~~
12 ~~111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.

13 **SECTION 2426r.** 111.92 (3) (b) of the statutes, as created by 2011 Wisconsin Act
14 10, is repealed.”.

15 **68.** Page 987, line 25: delete the material beginning with that line and ending
16 with page 988, line 9, and substitute:

17 “**SECTION 2426s.** 111.93 (3) (intro.) and (a) of the statutes, as affected by 2011
18 Wisconsin Act 10, are consolidated, renumbered 111.93 (3) and amended to read:

19 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
20 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply:~~ (a) ~~If if a~~
21 collective bargaining agreement exists between the employer and a labor
22 organization representing employees in a collective bargaining unit ~~under s. 111.825~~
23 ~~(1) (g)~~, the provisions of that agreement shall supersede the provisions of civil service
24 and other applicable statutes, as well as rules and policies of the University of

1 Wisconsin -Madison and the board of regents of the University of Wisconsin System,
2 related to wages, fringe benefits, hours, and conditions of employment whether or
3 not the matters contained in those statutes, rules, and policies are set forth in the
4 collective bargaining agreement.

5 **SECTION 2426sd.** 111.93 (3) (b) of the statutes, as created by 2011 Wisconsin
6 Act 10, is repealed.”.

7 **69.** Page 988, line 17: after that line insert:

8 “**SECTION 2430d.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes
9 is created to read:

10 **CHAPTER 111**

11 **SUBCHAPTER VI**

12 **UNIVERSITY OF WISCONSIN SYSTEM**

13 **FACULTY AND ACADEMIC STAFF**

14 **LABOR RELATIONS**

15 **111.95 Declaration of policy.** The public policy of the state as to labor
16 relations and collective bargaining involving faculty and academic staff at the
17 University of Wisconsin System, in furtherance of which this subchapter is enacted,
18 is as follows:

19 **(1)** The people of the state of Wisconsin have a fundamental interest in
20 developing harmonious and cooperative labor relations within the University of
21 Wisconsin System.

22 **(2)** It recognizes that there are 3 major interests involved: that of the public,
23 that of the employee, and that of the employer. These 3 interests are to a considerable

1 extent interrelated. It is the policy of this state to protect and promote each of these
2 interests with due regard to the rights of the others.

3 **111.96 Definitions.** In this subchapter:

4 (1) “Academic staff” has the meaning given under s. 36.05 (1), but does not
5 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who
6 is appointed to a visiting faculty position.

7 (2) “Board” means the Board of Regents of the University of Wisconsin System.

8 (3) “Collective bargaining” means the performance of the mutual obligation of
9 the state as an employer, by its officers and agents, and the representatives of its
10 employees, to meet and confer at reasonable times, in good faith, with respect to the
11 subjects of bargaining provided in s. 111.998 with the intention of reaching an
12 agreement, or to resolve questions arising under such an agreement. The duty to
13 bargain, however, does not compel either party to agree to a proposal or require the
14 making of a concession. Collective bargaining includes the reduction of any
15 agreement reached to a written and signed document.

16 (4) “Collective bargaining unit” means a unit established under s. 111.98 (1).

17 (5) “Commission” means the employment relations commission.

18 (6) “Election” means a proceeding conducted by the commission in which the
19 employees in a collective bargaining unit cast a secret ballot for collective bargaining
20 representatives, or for any other purpose specified in this subchapter.

21 (7) “Employee” includes:

22 (a) All faculty, including specifically faculty who are supervisors or
23 management employees, but not including faculty holding a limited appointment
24 under s. 36.17 or deans.

1 (b) All academic staff, except for supervisors, management employees, and
2 individuals who are privy to confidential matters affecting the employer–employee
3 relationship.

4 (8) “Employer” means the state of Wisconsin.

5 (9) “Faculty” has the meaning given in s. 36.05 (8), except for an individual
6 holding an appointment under s. 36.15.

7 (10) “Fair–share agreement” means an agreement between the employer and
8 a labor organization representing employees under which all of the employees in a
9 collective bargaining unit are required to pay their proportionate share of the cost
10 of the collective bargaining process and contract administration measured by the
11 amount of dues uniformly required of all members.

12 (11) “Institution” has the meaning given in s. 36.05 (9).

13 (12) “Labor dispute” means any controversy with respect to the subjects of
14 bargaining provided in this subchapter.

15 (13) “Labor organization” means any employee organization whose purpose is
16 to represent employees in collective bargaining with the employer, or its agents, on
17 matters pertaining to terms and conditions of employment, but does not include any
18 organization that does any of the following:

19 (a) Advocates the overthrow of the constitutional form of government in the
20 United States.

21 (b) Discriminates with regard to the terms or conditions of membership
22 because of race, color, creed, sex, age, sexual orientation, or national origin.

23 (14) “Maintenance of membership agreement” means an agreement between
24 the employer and a labor organization representing employees that requires that all
25 of the employees whose dues are being deducted from earnings under s. 20.921 (1)

1 or 111.992 at or after the time the agreement takes effect shall continue to have dues
2 deducted for the duration of the agreement and that dues shall be deducted from the
3 earnings of all employees who are hired on or after the effective date of the
4 agreement.

5 (15) “Management employees” includes those personnel engaged
6 predominately in executive and managerial functions.

7 (16) “Office” means the office of state employment relations in the department
8 of administration.

9 (17) “Referendum” means a proceeding conducted by the commission in which
10 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
11 may cast a secret ballot on the question of directing the labor organization and the
12 employer to enter into a fair-share agreement or to terminate a fair-share
13 agreement.

14 (18) “Representative” includes any person chosen by an employee to represent
15 the employee.

16 (19) “Strike” includes any strike or other concerted stoppage of work by
17 employees, any concerted slowdown or other concerted interruption of operations or
18 services by employees, or any concerted refusal to work or perform their usual duties
19 as employees of the state.

20 (20) “Supervisor” means any individual whose principal work is different from
21 that of the individual’s subordinates and who has authority, in the interest of the
22 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
23 reward, or discipline employees, or to adjust their grievances, or to authoritatively
24 recommend such action, if the individual’s exercise of such authority is not of a
25 merely routine or clerical nature, but requires the use of independent judgment.

1 (21) “Unfair labor practice” means any unfair labor practice specified in s.
2 111.991.

3 **111.965 Duties of the state.** (1) In the furtherance of this subchapter, the
4 state shall be considered as a single employer. The board shall negotiate and
5 administer collective bargaining agreements. To coordinate the employer position
6 in the negotiation of agreements, the board shall maintain close liaison with the
7 office relative to the negotiation of agreements and the fiscal ramifications of those
8 agreements. The board shall coordinate its collective bargaining activities with the
9 office. The legislative branch shall act upon those portions of tentative agreements
10 negotiated by the board that require legislative action.

11 (2) The board shall establish a collective bargaining capacity and shall
12 represent the state in its responsibility as an employer under this subchapter. The
13 board shall coordinate its actions with the director of the office.

14 **111.97 Rights of employees.** Employees shall have the right of
15 self-organization and the right to form, join, or assist labor organizations, to bargain
16 collectively through representatives of their own choosing under this subchapter,
17 and to engage in lawful, concerted activities for the purpose of collective bargaining
18 or other mutual aid or protection. Employees shall also have the right to refrain from
19 any such activities.

20 **111.98 Collective bargaining units.** (1) Collective bargaining units for
21 faculty and staff in the unclassified service of the state shall be structured with a
22 collective bargaining unit for each of the following groups:

23 (a) Faculty of the University of Wisconsin–Madison.

24 (b) Faculty of the University of Wisconsin–Milwaukee.

25 (c) Faculty of the University of Wisconsin–Extension.

- 1 (cm) Faculty of the University of Wisconsin–Eau Claire.
- 2 (d) Faculty of the University of Wisconsin–Green Bay.
- 3 (dm) Faculty of the University of Wisconsin–La Crosse.
- 4 (e) Faculty of the University of Wisconsin–Oshkosh.
- 5 (em) Faculty of the University of Wisconsin–Parkside.
- 6 (f) Faculty of the University of Wisconsin–Platteville.
- 7 (fm) Faculty of the University of Wisconsin–River Falls.
- 8 (g) Faculty of the University of Wisconsin–Stevens Point.
- 9 (gm) Faculty of the University of Wisconsin–Stout.
- 10 (h) Faculty of the University of Wisconsin–Superior.
- 11 (hm) Faculty of the University of Wisconsin–Whitewater.
- 12 (i) Faculty of the University of Wisconsin Colleges.
- 13 (j) Academic staff of the University of Wisconsin–Madison and academic staff
14 employed at the University of Wisconsin System administration.
- 15 (jm) Academic staff of the University of Wisconsin–Milwaukee.
- 16 (k) Academic staff of the University of Wisconsin–Extension.
- 17 (km) Academic staff of the University of Wisconsin–Eau Claire.
- 18 (L) Academic staff of the University of Wisconsin–Green Bay.
- 19 (Lm) Academic staff of the University of Wisconsin–La Crosse.
- 20 (n) Academic staff of the University of Wisconsin–Oshkosh.
- 21 (nm) Academic staff of the University of Wisconsin–Parkside.
- 22 (o) Academic staff of the University of Wisconsin–Platteville.
- 23 (om) Academic staff of the University of Wisconsin–River Falls.
- 24 (p) Academic staff of the University of Wisconsin–Stevens Point.
- 25 (pm) Academic staff of the University of Wisconsin–Stout.

1 (q) Academic staff of the University of Wisconsin–Superior.

2 (qm) Academic staff of the University of Wisconsin–Whitewater.

3 (r) Academic staff of the University of Wisconsin Colleges.

4 (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
5 under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective
6 bargaining units seek to combine into a single collective bargaining unit, the
7 commission shall, upon the petition of at least 30 percent of the employees in each
8 unit, hold an election, or include on any ballot for an election held under s. 111.990
9 (2) the question of whether to combine units, to determine whether a majority of
10 those employees voting in each unit desire to combine into a single unit. A combined
11 collective bargaining unit shall be formed including all employees from each of those
12 units in which a majority of the employees voting in the election approve a combined
13 unit. The combined collective bargaining unit shall be formed immediately if there
14 is no existing collective bargaining agreement in force in any of the units to be
15 combined. If there is a collective bargaining agreement in force at the time of the
16 election in any of the collective bargaining units to be combined, the combined unit
17 shall be formed upon expiration of the last agreement for the units concerned.

18 (b) If 2 or more collective bargaining units have combined under par. (a), the
19 commission shall, upon petition of at least 30 percent of the employees in any of the
20 original units, hold an election of the employees in the original unit to determine
21 whether the employees in that unit desire to withdraw from the combined collective
22 bargaining unit. If a majority of the employees voting desire to withdraw from the
23 combined collective bargaining unit, separate units consisting of the unit in which
24 the election was held and a unit composed of the remainder of the combined unit shall
25 be formed. The new collective bargaining units shall be formed immediately if there

1 is no collective bargaining agreement in force for the combined unit. If there is a
2 collective bargaining agreement in force for the combined collective bargaining unit,
3 the new units shall be formed upon the expiration of the agreement. While there is
4 a collective bargaining agreement in force for the combined collective bargaining
5 unit, a petition for an election under this paragraph may be filed only during October
6 in the calendar year prior to the expiration of the agreement.

7 (4) Any labor organization may petition for recognition as the exclusive
8 representative of a collective bargaining unit described under sub. (1) or (2) in
9 accordance with the election procedures under s. 111.990 if the petition is
10 accompanied by a 30 percent showing of interest in the form of signed authorization
11 cards. Any additional labor organization seeking to appear on the ballot shall file a
12 petition within 60 days of the date of filing of the original petition and prove, through
13 signed authorization cards, that at least 10 percent of the employees in the collective
14 bargaining unit want it to be their representative.

15 (5) Although academic staff supervisors are not considered employees for the
16 purpose of this subchapter, the commission may consider a petition for a statewide
17 collective bargaining unit consisting of academic staff supervisors, but the
18 representative of the supervisors may not be affiliated with any labor organization
19 representing employees. For purposes of this subsection, affiliation does not include
20 membership in a national, state, county, or municipal federation of national or
21 international labor organizations. The certified representative of the supervisors
22 may not bargain collectively with respect to any matter other than wages and fringe
23 benefits.

24 **111.990 Representatives and elections. (1)** A representative chosen for the
25 purposes of collective bargaining by a majority of the employees voting in a collective

1 bargaining unit shall be the exclusive representative of all of the employees in such
2 unit for the purposes of collective bargaining. Any individual employee, or any
3 minority group of employees in any collective bargaining unit, may present any
4 grievance to the employer in person, or through representatives of their own
5 choosing, and the employer shall confer with the individual employee or group of
6 employees with respect to the grievance if the majority representative has been
7 afforded the opportunity to be present at the conference. Any adjustment resulting
8 from such a conference may not be inconsistent with the conditions of employment
9 established by the majority representative and the employer.

10 (2) (a) Whenever a question arises concerning the representation of employees
11 in a collective bargaining unit, the commission shall determine the representation
12 by taking a secret ballot of the employees and certifying in writing the results to the
13 interested parties and to the board. There shall be included on any ballot for the
14 election of representatives the names of all labor organizations having an interest
15 in representing the employees participating in the election as indicated in petitions
16 filed with the commission. The name of any existing representative shall be included
17 on the ballot without the necessity of filing a petition. The commission may exclude
18 from the ballot one who, at the time of the election, stands deprived of his or her rights
19 under this subchapter by reason of a prior adjudication of his or her having engaged
20 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
21 representation by anyone named on the ballot.

22 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
23 composed of employees who are members of the faculty or academic staff, whenever
24 more than one representative qualifies to appear on the ballot, the ballot shall be so
25 prepared as to provide separate votes on 2 questions. The first question shall be:

1 “Shall the employees of the (name of collective bargaining unit) participate in
2 collective bargaining?” The 2nd question shall be: “If the employees of the (name
3 of collective bargaining unit) elect to participate in collective bargaining, which labor
4 organization do you favor to act as representative of the employees?” The 2nd
5 question shall not include a choice for no representative. All employees in the
6 collective bargaining unit may vote on both questions. Unless a majority of those
7 employees voting in the election vote to participate in collective bargaining, no votes
8 for a particular representative may be counted. If a majority of those employees
9 voting in the election vote to participate in collective bargaining, the ballots for
10 representatives shall be counted.

11 2. For elections in a collective bargaining unit composed of employees who are
12 members of the faculty or academic staff, whenever more than one representative
13 qualifies to appear on the ballot and a question of whether to combine collective
14 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
15 the ballot shall be so prepared as to provide separate votes on 3 questions and each
16 ballot shall identify the collective bargaining unit to which each voter currently
17 belongs. The first question shall be: “Shall the employees of the (name of the
18 voter’s current collective bargaining unit) participate in collective bargaining?” The
19 2nd question shall be “Shall the employees of the (names of all of the collective
20 bargaining units that qualify to appear on the ballot, including the name of the
21 voter’s current collective bargaining unit) combine to participate in collective
22 bargaining?” The 3rd question shall be: “If the employees of the (name of the
23 voter’s current collective bargaining unit) elect to participate in collective
24 bargaining, which labor organization do you favor to act as representative of the
25 employees?” The 3rd question shall not include a choice for no representative. All

1 employees in the collective bargaining unit may vote on all questions. Unless a
2 majority of those employees voting in the election vote to participate in collective
3 bargaining, no votes for combination or for a particular representative may be
4 counted. If a majority of those employees voting in the election vote to participate
5 in collective bargaining, the ballots for combination shall be counted. If the ballots
6 for combination are counted and a majority of those employees voting from each
7 collective bargaining unit listed in the 2nd question on the ballot vote to combine,
8 then the ballots for representatives of the combined collective bargaining unit shall
9 be counted. If the ballots for combination are counted and a majority of those
10 employees voting from each collective bargaining unit listed in the 2nd question on
11 the ballot do not vote to combine, then the ballots for representatives of each current
12 collective bargaining unit shall be counted.

13 (c) The commission's certification of the results of any election is conclusive as
14 to the findings included therein unless reviewed under s. 111.07 (8).

15 **(3)** Whenever an election has been conducted under sub. (2) in which the ballots
16 for representatives have been counted but in which no named representative is
17 favored by a majority of the employees voting, the commission may, if requested by
18 a party to the proceeding within 30 days from the date of the certification of the
19 results of the election, conduct a runoff election. In that runoff election, the
20 commission shall drop from the ballot the name of the representative who received
21 the least number of votes at the original election.

22 **(4)** While a collective bargaining agreement between a labor organization and
23 an employer is in force under this subchapter, a petition for an election in the
24 collective bargaining unit to which the agreement applies may be filed only during
25 October in the calendar year prior to the expiration of that agreement. An election

1 held under that petition may be held only if the petition is supported by proof that
2 at least 30 percent of the employees in the collective bargaining unit desire a change
3 or discontinuance of existing representation. Within 60 days of the time that an
4 original petition is filed, another petition may be filed supported by proof that at least
5 10 percent of the employees in the same collective bargaining unit desire a different
6 representative. If a majority of the employees in the collective bargaining unit vote
7 for a change or discontinuance of representation by any named representative, the
8 decision takes effect upon expiration of any existing collective bargaining agreement
9 between the employer and the existing representative.

10 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
11 employer individually or in concert with others:

12 (a) To interfere with, restrain, or coerce employees in the exercise of their rights
13 guaranteed under s. 111.97.

14 (b) Except as otherwise provided in this paragraph, to initiate, create,
15 dominate, or interfere with the formation or administration of any labor or employee
16 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
17 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
18 System under ch. 40 and no action by the employer that is authorized by such a law
19 is a violation of this paragraph unless an applicable collective bargaining agreement
20 specifically prohibits the change or action. No such change or action affects the
21 continuing duty to bargain collectively regarding the Wisconsin Retirement System
22 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
23 for the employer to reimburse an employee at his or her prevailing wage rate for the
24 time spent during the employee's regularly scheduled hours conferring with the

1 employer's officers or agents and for attendance at commission or court hearings
2 necessary for the administration of this subchapter.

3 (c) To encourage or discourage membership in any labor organization by
4 discrimination in regard to hiring, tenure, or other terms or conditions of
5 employment. This paragraph does not apply to fair-share or maintenance of
6 membership agreements.

7 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
8 representative of a majority of its employees in an appropriate collective bargaining
9 unit. Whenever the employer has a good faith doubt as to whether a labor
10 organization claiming the support of a majority of its employees in an appropriate
11 collective bargaining unit does in fact have that support, it may file with the
12 commission a petition requesting an election as to that claim. The employer is not
13 considered to have refused to bargain until an election has been held and the results
14 of the election are certified to the employer by the commission. A violation of this
15 paragraph includes the refusal to execute a collective bargaining agreement
16 previously orally agreed upon.

17 (e) To violate any collective bargaining agreement previously agreed upon by
18 the parties with respect to wages, hours, and conditions of employment affecting the
19 employees, including an agreement to arbitrate or to accept the terms of an
20 arbitration award, when previously the parties have agreed to accept such award as
21 final and binding upon them.

22 (f) To deduct labor organization dues from an employee's earnings, unless the
23 employer has been presented with an individual order therefor, signed by the
24 employee personally, and terminable by at least the end of any year of its life or
25 earlier by the employee giving at least 30 but not more than 120 days' written notice

1 of such termination to the employer and to the representative labor organization,
2 except if there is a fair-share or maintenance of membership agreement in effect.
3 The employer shall give notice to the labor organization of receipt of such notice of
4 termination.

5 (g) To use any moneys received for any purpose to discourage, to train any
6 supervisor, management employee, or other employee to discourage, or to contract
7 with any person for the purposes of discouraging, employees in the exercise of their
8 rights guaranteed under s. 111.97.

9 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
10 to implement changes in salaries or conditions of employment for members of the
11 faculty or academic staff at one institution, and not for other members of the faculty
12 or academic staff at another institution, but this may be done only if the differential
13 treatment is based on comparisons with the compensation and working conditions
14 of employees performing similar services for comparable higher education
15 institutions or based upon other competitive factors.

16 **(2)** It is unfair practice for an employee individually or in concert with others:

17 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal
18 rights, including those guaranteed under s. 111.97.

19 (b) To coerce, intimidate, or induce any officer or agent of the employer to
20 interfere with any of the employer's employees in the enjoyment of their legal rights
21 including those guaranteed under s. 111.97 or to engage in any practice with regard
22 to its employees which would constitute an unfair labor practice if undertaken by the
23 officer or agent on the officer's or agent's own initiative.

24 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the
25 authorized officer or agent of the employer that is the recognized or certified

1 exclusive collective bargaining representative of employees in an appropriate
2 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
3 a collective bargaining agreement previously orally agreed upon.

4 (d) To violate the provisions of any written agreement with respect to terms and
5 conditions of employment affecting employees, including an agreement to arbitrate
6 or to accept the terms of an arbitration award, when previously the parties have
7 agreed to accept such awards as final and binding upon them.

8 (e) To engage in, induce, or encourage any employees to engage in a strike or
9 a concerted refusal to work or perform their usual duties as employees.

10 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
11 employer, working at the same trade or profession as the employer's employees, to
12 induce the person to become a member of or act in concert with the labor organization
13 of which the employee is a member.

14 (3) It is an unfair labor practice for any person to do or cause to be done on
15 behalf of or in the interest of employers or employees, or in connection with or to
16 influence the outcome of any controversy as to employment relations, any act
17 prohibited by subs. (1) and (2).

18 (3m) This section does not interfere with a faculty member's right of academic
19 freedom.

20 (4) Any controversy concerning unfair labor practices may be submitted to the
21 commission as provided in s. 111.07, except that the commission shall schedule a
22 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
23 filing of a complaint, and notice shall be given to each party interested by service on
24 the party personally, or by telegram, advising the party of the nature of the complaint
25 and of the date, time, and place of hearing. The commission may appoint a substitute

1 tribunal to hear unfair labor practice charges by either appointing a 3–member panel
2 or submitting a 7–member panel to the parties and allowing each to strike 2 names.
3 Any such panel shall report its finding to the commission for appropriate action.

4 **111.992 Fair–share and maintenance of membership agreements. (1)**

5 (a) 1. No fair–share agreement may become effective unless authorized by a
6 referendum. The commission shall order a referendum whenever it receives a
7 petition supported by proof that at least 30 percent of the employees or supervisors
8 specified in s. 111.98 (5) in a collective bargaining unit desire that a fair–share
9 agreement be entered into between the employer and a labor organization.

10 2. For a fair–share agreement to be authorized, at least a majority of the eligible
11 employees or supervisors voting in a referendum shall vote in favor of the agreement.

12 (b) No maintenance of membership agreement may be effective unless
13 authorized. For a maintenance of membership agreement to be authorized, the
14 employer and the labor organization representing the employees must voluntarily
15 agree to establish the maintenance of membership agreement.

16 (c) If a fair–share agreement is authorized in a referendum, the employer shall
17 enter into a fair–share agreement with the labor organization named on the ballot
18 in the referendum. If a maintenance of membership agreement is authorized under
19 par. (b), the employer shall enter into the maintenance of membership agreement
20 with the labor union that voluntarily agreed to establish the agreement. Each
21 fair–share or maintenance of membership agreement shall contain a provision
22 requiring the employer to deduct the amount of dues as certified by the labor
23 organization from the earnings of the employees or supervisors affected by the
24 agreement and to pay the amount so deducted to the labor organization. Unless the
25 parties agree to an earlier date, a fair–share agreement shall take effect 60 days after

1 the commission certifies that the referendum vote authorized the fair–share
2 agreement and a maintenance of membership agreement shall take effect 60 days
3 after the commission certifies that the parties have voluntarily agreed to establish
4 the maintenance of membership agreement. The employer shall be held harmless
5 against any claims, demands, suits, and other forms of liability made by employees
6 or supervisors or local labor organizations which may arise for actions taken by the
7 employer in compliance with this section. All such lawful claims, demands, suits,
8 and other forms of liability are the responsibility of the labor organization entering
9 into the agreement.

10 (d) Under each fair–share or maintenance of membership agreement, an
11 employee or supervisor who has religious convictions against dues payments to a
12 labor organization based on teachings or tenets of a church or religious body of which
13 he or she is a member shall, on request to the labor organization, have his or her dues
14 paid to a charity mutually agreed upon by the employee or supervisor and the labor
15 organization. Any dispute concerning this paragraph may be submitted to the
16 commission for adjudication.

17 **(2)** (a) 1. Once authorized, a fair–share agreement shall continue in effect,
18 subject to the right of the employer or labor organization concerned to petition the
19 commission to conduct a new referendum. Such a petition must be supported by
20 proof that at least 30 percent of the employees or supervisors in the collective
21 bargaining unit desire that the fair–share agreement be discontinued. Upon so
22 finding, the commission shall conduct a new referendum. If the continuance of the
23 fair–share agreement is approved in the referendum by at least the percentage of
24 eligible voting employees or supervisors required for its initial authorization, it shall
25 be continued in effect, subject to the right of the employer or labor organization to

1 later initiate a further vote following the procedure prescribed in this subsection. If
2 the continuance of the fair–share agreement is not supported in any referendum, it
3 is considered terminated at the termination of the collective bargaining agreement,
4 or one year from the date of the certification of the result of the referendum,
5 whichever is earlier.

6 2. Once authorized, a maintenance of membership agreement shall continue
7 in effect, subject to the right of the employer or the labor organization concerned to
8 notify the commission that it no longer voluntarily agrees to continue the agreement.
9 After the commission is notified, the maintenance of membership agreement is
10 terminated at the termination of the collective bargaining agreement or one year
11 from the notification, whichever is earlier.

12 (b) The commission shall declare any fair–share or maintenance of
13 membership agreement suspended upon such conditions and for such time as the
14 commission decides whenever it finds that the labor organization involved has
15 refused on the basis of race, color, sexual orientation, or creed to receive as a member
16 any employee or supervisor in the collective bargaining unit involved, and the
17 agreement shall be made subject to the findings and orders of the commission. Any
18 of the parties to the agreement, or any employee or supervisor covered under the
19 agreement, may come before the commission, as provided in s. 111.07, and petition
20 the commission to make such a finding.

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

1 (4) The commission may, under rules adopted for that purpose, appoint as its
2 agent an official of a state agency whose employees are entitled to vote in a
3 referendum to conduct a referendum under this section.

4 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
5 interpretation of a collective bargaining agreement may agree in writing to have the
6 commission or any other appointing state agency serve as arbitrator or may
7 designate any other competent, impartial, and disinterested persons to so serve.
8 Such arbitration proceedings shall be governed by ch. 788.

9 (2) The board shall charge an institution for the employer's share of the cost
10 related to grievance arbitration under sub. (1) for any arbitration that involves one
11 or more employees of the institution. Each institution so charged shall pay the
12 amount that the board charges from the appropriation account or accounts used to
13 pay the salary of the grievant. Funds received under this subsection shall be credited
14 to the appropriation account under s. 20.545 (1) (km).

15 **111.994 Mediation.** The commission may appoint any competent, impartial,
16 disinterested person to act as mediator in any labor dispute either upon its own
17 initiative or upon the joint request of both parties to the dispute. It is the function
18 of a mediator to bring the parties together voluntarily under such favorable auspices
19 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
20 commission shall have any power of compulsion in mediation proceedings.

21 **111.995 Fact-finding.** (1) If a dispute has not been settled after a reasonable
22 period of negotiation and after the settlement procedures, if any, established by the
23 parties have been exhausted, the representative that has been certified by the
24 commission after an election, as the exclusive representative of employees in an
25 appropriate bargaining unit, and the employer, its officers, and agents, after a

1 reasonable period of negotiation, are deadlocked with respect to any dispute between
2 them arising in the collective bargaining process, either party, or the parties jointly,
3 may petition the commission, in writing, to initiate fact-finding under this section,
4 and to make recommendations to resolve the deadlock.

5 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall
6 make an investigation with or without a formal hearing, to determine whether a
7 deadlock in fact exists. The commission shall certify the results of the investigation.
8 If the commission decides that fact-finding should be initiated, it shall appoint a
9 qualified, disinterested person or, when jointly requested by the parties, a 3-member
10 panel to function as a fact finder.

11 **(3)** The fact finder may establish dates and place of hearings and shall conduct
12 the hearings under rules established by the commission. Upon request, the
13 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
14 finder may administer oaths. Upon completion of the hearing, the fact finder shall
15 make written findings of fact and recommendations for solution of the dispute and
16 shall cause the same to be served on the parties and the commission. In making
17 findings and recommendations, the fact finder shall take into consideration among
18 other pertinent factors the principles vital to the public interest in efficient and
19 economical governmental administration. Upon the request of either party, the fact
20 finder may orally present the recommendations in advance of service of the written
21 findings and recommendations. Cost of fact-finding proceedings shall be divided
22 equally between the parties. At the time the fact finder submits a statement of his
23 or her costs to the parties, the fact finder shall submit a copy thereof to the
24 commission at its Madison office.

1 (4) A fact finder may mediate a dispute at any time prior to the issuance of the
2 fact finder's recommendations.

3 (5) Within 30 days of the receipt of the fact finder's recommendations or within
4 a time period mutually agreed upon by the parties, each party shall advise the other,
5 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact
6 finder's recommendations and, at the same time, send a copy of the notification to
7 the commission at its Madison office. Failure to comply with this subsection, by the
8 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

9 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
10 the employer may either seek an injunction or file an unfair labor practice charge
11 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
12 board to decide whether to seek an injunction or file an unfair labor practice charge.
13 The existence of an administrative remedy does not constitute grounds for denial of
14 injunctive relief.

15 (2) The occurrence of a strike and the participation in the strike by an employee
16 do not affect the rights of the employer, in law or in equity, to deal with the strike,
17 including all of the following:

18 (a) The right to impose discipline, including discharge, or suspension without
19 pay, of any employee participating in the strike.

20 (b) The right to cancel the reinstatement eligibility of any employee engaging
21 in the strike.

22 (c) The right of the employer to request the imposition of fines, either against
23 the labor organization or the employee engaging in the strike, or to sue for damages
24 because of such strike activity.

1 **111.997 Management rights.** Nothing in this subchapter shall interfere with
2 the right of the board, in accordance with this subchapter, to do any of the following:

3 **(1)** Carry out the statutory mandate and goals assigned to the board by the
4 most appropriate and efficient methods and means and utilize personnel in the most
5 appropriate and efficient manner possible.

6 **(2)** Suspend, demote, discharge, or take other appropriate disciplinary action
7 against the employee; or to lay off employees in the event of lack of work or funds or
8 under conditions where continuation of such work would be inefficient and
9 nonproductive.

10 **111.998 Subjects of bargaining.** **(1)** (a) Except as provided in pars. (b) to
11 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe
12 benefits consistent with sub. (2); and hours and conditions of employment.

13 (b) The board is not required to bargain on management rights under s.
14 111.997, except that procedures for the adjustment or settlement of grievances or
15 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of
16 bargaining.

17 (c) The board is prohibited from bargaining on matters contained in sub. (2).

18 (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)
19 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all
20 actions of the board that are authorized under any such law which apply to
21 nonrepresented individuals employed by the state shall apply to similarly situated
22 employees, unless otherwise specifically provided in a collective bargaining
23 agreement that applies to those employees.

24 (e) Demands relating to retirement and group insurance shall be submitted to
25 the board at least one year prior to commencement of negotiations.

1 (f) The board is not required to bargain on matters related to employee
2 occupancy of houses or other lodging provided by the state.

3 (2) The board is prohibited from bargaining on:

4 (a) The mission and goals of the board as set forth in the statutes; the
5 diminution of the right of tenure provided the faculty under s. 36.13, the rights
6 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the
7 rights of appointment provided academic staff under s. 36.15; or academic freedom.

8 (b) Amendments to this subchapter.

9 (c) Family leave and medical leave rights below the minimum afforded under
10 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights
11 to family leave or medical leave which are more generous to the employee than the
12 rights provided under s. 103.10.

13 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)
14 3.

15 (e) The rights of employees to have retirement benefits computed under s.
16 40.30.

17 (f) Honesty testing requirements that provide fewer rights and remedies to
18 employees than are provided under s. 111.37.

19 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

20 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
21 to (8) and (10), 632.747, and 632.748.

22 (j) Compliance with the insurance requirements under s. 631.95.

23 (k) The definition of earnings under s. 40.02 (22).

24 (L) The maximum benefit limitations under s. 40.31

25 (m) The limitations on contributions under s. 40.32.

1 (n) The provision to employees of the health insurance coverage required under
2 s. 632.895 (11) to (14).

3 (o) The requirements related to coverage of and prior authorization for
4 treatment of an emergency medical condition under s. 632.85.

5 (p) The requirements related to coverage of drugs and devices under s. 632.853.

6 (q) The requirements related to experimental treatment under s. 632.855.

7 (r) The requirements under s. 609.10 related to offering a point-of-service
8 option plan.

9 (s) The requirements related to internal grievance procedures under s. 632.83
10 and independent review of certain health benefit plan determinations under s.
11 632.835.

12 **(3)** Upon request, the chancellor at each institution, or his or her designee,
13 shall meet and confer with the collective bargaining representative, if any, with
14 regard to any issue that is a permissive subject of bargaining, except when the issue
15 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

16 **111.999 Labor proposals.** The board shall notify and consult with the joint
17 committee on employment relations, in such form and detail as the committee
18 requests, regarding substantial changes in wages, employee benefits, personnel
19 management, and program policy contract provisions to be included in any contract
20 proposal to be offered to any labor organization by the state or to be agreed to by the
21 state before such proposal is actually offered or accepted.

22 **111.9991 Agreements. (1)** Any tentative agreement reached between the
23 board, acting for the state, and any labor organization representing a collective
24 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
25 organization, be submitted by the board to the joint committee on employment

1 relations, which shall hold a public hearing before determining its approval or
2 disapproval. If the committee approves the tentative agreement, it shall introduce
3 in a bill or companion bills, to be put on the calendar or referred to the appropriate
4 scheduling committee of each house, that portion of the tentative agreement which
5 requires legislative action for implementation, such as salary and wage adjustments,
6 changes in fringe benefits, and any proposed amendments, deletions, or additions to
7 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
8 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
9 the tentative agreement to appropriate legislative committees for advisory
10 recommendations on the proposed terms. The committee shall accompany the
11 introduction of such proposed legislation with a message that informs the legislature
12 of the committee's concurrence with the matters under consideration and that
13 recommends the passage of such legislation without change. If the joint committee
14 on employment relations does not approve the tentative agreement, it shall be
15 returned to the parties for renegotiation. If the legislature does not adopt without
16 change that portion of the tentative agreement introduced by the joint committee on
17 employment relations, the tentative agreement shall be returned to the parties for
18 renegotiation.

19 (2) No portion of any tentative agreement shall become effective separately.

20 (3) Agreements shall coincide with the fiscal year or biennium.

21 (4) The negotiation of collective bargaining agreements and their approval by
22 the parties should coincide with the overall fiscal planning and processes of the state.

23 (5) All compensation adjustments for employees shall be effective on the
24 beginning date of the pay period nearest the statutory or administrative date.

1 **111.9992 Status of existing benefits and rights.** Unless a prohibited
2 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
3 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
4 governing the salaries, fringe benefits, hours, and conditions of employment apply
5 to each employee, unless otherwise provided in a collective bargaining agreement.

6 **111.9993 Rules, transcripts, fees. (1)** The commission may adopt
7 reasonable and proper rules relative to the exercise of its powers and authority and
8 proper rules to govern its proceedings and to regulate the conduct of all elections and
9 hearings under this subchapter. The commission shall, upon request, provide a
10 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
11 by the commission at a uniform rate per page. All transcript fees shall be credited
12 to the appropriation account under s. 20.425 (1) (i).

13 **(2)** The commission shall assess and collect a filing fee for filing a complaint
14 alleging that an unfair labor practice has been committed under s. 111.991. The
15 commission shall assess and collect a filing fee for filing a request that the
16 commission act as an arbitrator to resolve a dispute involving the interpretation or
17 application of a collective bargaining agreement under s. 111.993. The commission
18 shall assess and collect a filing fee for filing a request that the commission initiate
19 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
20 for filing a request that the commission act as a mediator under s. 111.994. For the
21 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
22 commission shall require that the parties to the dispute equally share in the payment
23 of the fee and, for the performance of commission actions involving a complaint
24 alleging that an unfair labor practice has been committed under s. 111.991, the
25 commission shall require that the party filing the complaint pay the entire fee. If any

1 party has paid a filing fee requesting the commission to act as a mediator for a labor
2 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
3 the commission may not subsequently assess or collect a filing fee to initiate
4 fact-finding to resolve the same labor dispute. If any request concerns issues arising
5 as a result of more than one unrelated event or occurrence, each such separate event
6 or occurrence shall be treated as a separate request. The commission shall
7 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. Fees collected under this subsection shall be credited
12 to the appropriation account under s. 20.425 (1) (i).”.

13 **70.** Page 995, line 7: after that line insert:

14 “**SECTION 2484c.** 118.22 (4) of the statutes is created to read:

15 118.22 (4) A collective bargaining agreement may modify, waive, or replace any
16 of the provisions of this section as they apply to teachers in the collective bargaining
17 unit, but neither the employer nor the bargaining agent for the employees is required
18 to bargain such modification, waiver, or replacement.

19 **SECTION 2484e.** 118.223 of the statutes, as created by 2011 Wisconsin Act 10,
20 is repealed.

21 **SECTION 2484g.** 118.23 (5) of the statutes is created to read:

22 118.23 (5) A collective bargaining agreement may modify, waive, or replace any
23 of the provisions of this section as they apply to teachers in the collective bargaining

1 unit, but neither the employer nor the bargaining agent for the employees is required
2 to bargain such modification, waiver, or replacement.

3 **SECTION 2484k.** 118.245 of the statutes, as created by 2011 Wisconsin Act 10,
4 is repealed.”.

5 **71.** Page 1001, line 5: after that line insert:

6 “**SECTION 2494d.** 118.40 (2r) (b) 3. a. of the statutes, as affected by 2011
7 Wisconsin Act 10, is amended to read:

8 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
9 board of regents’ authority to establish and adjust all compensation and fringe
10 benefits of instructional staff, subject to the terms of any collective bargaining
11 agreement under subch. V of ch. 111 that covers the instructional staff. In the
12 absence of a collective bargaining agreement, the governing board may establish and
13 adjust all compensation and fringe benefits of the instructional staff only with the
14 approval of the chancellor of the University of Wisconsin–Parkside.”.

15 **72.** Page 1002, line 19: after that line insert:

16 “**SECTION 2507ad.** 118.42 (3) (a) 4. of the statutes, as affected by 2011 Wisconsin
17 Act 10, is amended to read:

18 118.42 (3) (a) 4. Implement changes in administrative and personnel
19 structures that are consistent with applicable collective bargaining agreements.

20 **SECTION 2507ag.** 118.42 (5) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 118.42 (5) Nothing in this section alters or otherwise affects the rights or
23 remedies afforded school districts and school district employees under federal or
24 state law or under the terms of any applicable collective bargaining agreement.”.

1 **73.** Page 1045, line 18: delete the material beginning with that line and
2 ending with page 1046, line 3, and substitute:

3 “**SECTION 2533g.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

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

15 **74.** Page 1057, line 6: after that line insert:

16 “**SECTION 2560g.** 120.12 (4m) of the statutes, as created by 2011 Wisconsin Act
17 10, is repealed.

18 **SECTION 2560m.** 120.12 (15) of the statutes, as affected by 2011 Wisconsin Act
19 10, is amended to read:

20 120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal
21 school day. The school board may differentiate between the various elementary and
22 high school grades in scheduling the school day. The equivalent of 180 such days, as
23 defined in s. 115.01 (10), shall be held during the school term. This subsection does
24 not eliminate a school district's duty to bargain with the employee's collective

1 bargaining representative over any calendaring proposal that is primarily related to
2 wages, hours, or conditions of employment.

3 **SECTION 2560r.** 120.18 (1) (gm) of the statutes, as affected by 2011 Wisconsin
4 Act 10, is amended to read:

5 120.18 (1) (gm) Payroll and related benefit costs for all school district
6 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
7 shall be based upon the costs ~~of wages~~ of any collective bargaining agreements
8 covering such employees for the previous school year. If, as of the time specified by
9 the department for filing the report, the school district has not entered into a
10 collective bargaining agreement for any portion of the previous school year with the
11 recognized or certified representative of any of its employees and the school district
12 and the representative have been required to submit final offers under s. 111.70 (4)
13 (cm) 6., increased costs ~~of wages~~ limited to the lower of the school district's offer or
14 the representative's offer shall be reflected in the report ~~shall be equal to the~~
15 ~~maximum wage expenditure that is subject to collective bargaining under s. 111.70~~
16 ~~(4) (mb) 2. for the employees.~~ The school district shall amend the annual report to
17 reflect any change in such costs as a result of any ~~collective bargaining agreement~~
18 ~~entered into~~ award or settlement under s. 111.70 (4) (cm) 6. between the date of filing
19 the report and October 1. Any such amendment shall be concurred in by the certified
20 public accountant licensed or certified under ch. 442 certifying the school district
21 audit.”.

22 **75.** Page 1146, line 3: after that line insert:

23 “**SECTION 2751d.** 230.01 (3) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

1 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
2 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.”.

3 **76.** Page 1146, line 4: delete lines 4 to 15 and substitute:

4 “**SECTION 2751e.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

6 230.03 (3) “Agency” means any board, commission, committee, council, or
7 department in state government or a unit thereof created by the constitution or
8 statutes if such board, commission, committee, council, department, unit, or the
9 head thereof, is authorized to appoint subordinate staff by the constitution or
10 statute, except the Board of Regents of the University of Wisconsin System, a
11 legislative or judicial board, commission, committee, council, department, or unit
12 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or
13 under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279. “Agency” does not mean any
14 local unit of government or body within one or more local units of government that
15 is created by law or by action of one or more local units of government.”.

16 **77.** Page 1147, line 2: after that line insert:

17 “**SECTION 2751md.** 230.046 (10) (a) of the statutes, as affected by 2011
18 Wisconsin Act 10, is amended to read:

19 230.046 (10) (a) Conduct off-the-job employee development and training
20 programs relating to functions under this chapter or subch. V or VI of ch. 111.”.

21 **78.** Page 1149, line 20: after that line insert:

22 “**SECTION 2763pm.** 230.10 (1) of the statutes, as affected by 2011 Wisconsin Act
23 10, is amended to read:

1 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
2 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~
3 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~
4 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~
5 ~~relating to matters that are subject to bargaining under a collective bargaining~~
6 ~~agreement that covers the employee, unless they are covered by a collective~~
7 ~~bargaining agreement under subch. V of ch. 111.”.~~

8 **79.** Page 1153, line 9: delete lines 9 to 19 and substitute:

9 “**SECTION 2766g.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin
10 Act 10, is amended to read:

11 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
12 status in class in the classified service and all employees who have served with the
13 state as an assistant district attorney for a continuous period of 12 months or more,
14 except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit
15 for which a representative is recognized or certified, or for employees specified in s.
16 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is
17 certified, if a collective bargaining agreement is in effect covering employees in the
18 collective bargaining unit, the provisions of the collective bargaining agreement
19 govern just cause and all aspects of the appeal procedure.

20 **SECTION 2766j.** 230.35 (1s) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 230.35 (1s) Annual leave of absence with pay for instructional staff employed
23 by the board of regents of the University of Wisconsin System who provide services
24 for a charter school established by contract under s. 118.40 (2r) (cm) shall be

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

5 **SECTION 2766k.** 230.35 (2d) (e) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is amended to read:

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

11 **SECTION 2766m.** 230.35 (3) (e) 6. of the statutes, as affected by 2011 Wisconsin
12 Act 10, is amended to read:

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

17 **80.** Page 1153, line 24: after that line insert:

18 **“SECTION 2767q.** 230.88 (2) (b) of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
21 employee under this subchapter. However, nothing in this subchapter affects any
22 right of an employee to pursue a grievance procedure under a collective bargaining
23 agreement under subch. V or VI of ch. 111, and if the division of equal rights
24 determines that a grievance arising under such a collective bargaining agreement

1 involves the same parties and matters as a complaint under s. 230.85, it shall order
2 the arbitrator's final award on the merits conclusive as to the rights of the parties
3 to the complaint, on those matters determined in the arbitration which were at issue
4 and upon which the determination necessarily depended.”.

5 **81.** Page 1158, line 15: after that line insert:

6 “SECTION 2810d. 233.02 (1) (h) of the statutes is created to read:

7 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
8 shall be an employee or a representative of a labor organization recognized or
9 certified to represent employees in one of the collective bargaining units specified in
10 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
11 organization recognized or certified to represent employees in one of the collective
12 bargaining units specified in s. 111.825 (1m).

13 SECTION 2810g. 233.02 (8) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 233.02 (8) The members of the board of directors shall annually elect a
16 chairperson and may elect other officers as they consider appropriate. Eight voting
17 members of the board of directors constitute a quorum for the purpose of conducting
18 the business and exercising the powers of the authority, notwithstanding the
19 existence of any vacancy. The members of the board of directors specified under sub.
20 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
21 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
22 of a majority of the members present, unless the bylaws of the authority require a
23 larger number.

1 **SECTION 2810j.** 233.03 (7) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
4 9159 (4) and the duty to engage in collective bargaining with employees in a collective
5 bargaining unit for which a representative is recognized or certified under subch. I
6 of ch. 111, employ any agent, employee or special advisor that the authority finds
7 necessary and fix his or her compensation and provide any employee benefits,
8 including an employee pension plan.

9 **SECTION 2810m.** 233.10 (2) (intro.) of the statutes, as affected by 2011
10 Wisconsin Act 10, is amended to read:

11 233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to
12 engage in collective bargaining with employees in a collective bargaining unit for
13 which a representative is recognized or certified under subch. I of ch. 111, the
14 authority shall establish any of the following:".

15 **82.** Page 1193, line 12: after that line insert:

16 “**SECTION 2928d.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin
17 Act 10, is amended to read:

18 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
19 233, 234, 237, or 238.”.

20 **83.** Page 1199, line 18: after that line insert:

21 “**SECTION 2954g.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin
22 Act 10, is amended to read:

23 285.59 (1) (b) “State agency” means any office, department, agency, institution
24 of higher education, association, society or other body in state government created

1 or authorized to be created by the constitution or any law which is entitled to expend
2 moneys appropriated by law, including the legislature and the courts, the Wisconsin
3 Housing and Economic Development Authority, the Bradley Center Sports and
4 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
5 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
6 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
7 Development Corporation, and the Wisconsin Health and Educational Facilities
8 Authority.”.

9 **84.** Page 1371, line 3: after that line insert:

10 “SECTION 3474g. 704.31 (3) of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 704.31 (3) This section does not apply to a lease to which a local professional
13 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
14 Home Care Authority, or the Fox River Navigational System Authority is a party.”.

15 **85.** Page 1375, line 24: after that line insert:

16 “SECTION 3493g. 851.71 (4) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 851.71 (4) In counties having a population of 500,000 or more, the appointment
19 under subs. (1) and (2) shall be made as provided in those subsections but the judges
20 shall not remove the register in probate and deputy registers, except through charges
21 for dismissal made and sustained under s. 63.10 or an applicable collective
22 bargaining agreement.”.

23 **86.** Page 1399, line 6: after that line insert:

1 “**SECTION 3561g.** 978.12 (1) (c) of the statutes, as affected by 2011 Wisconsin
2 Act 10, is amended to read:

3 978.12 **(1)** (c) *Assistant district attorneys.* Assistant district attorneys shall be
4 employed outside the classified service. For purposes of salary administration, the
5 director of the office of state employment relations shall establish one or more
6 classifications for assistant district attorneys in accordance with the classification
7 or classifications allocated to assistant attorneys general. Except as provided in s.
8 111.93 (3) ~~(b)~~, the salaries of assistant district attorneys shall be established and
9 adjusted in accordance with the state compensation plan for assistant attorneys
10 general whose positions are allocated to the classification or classifications
11 established by the director of the office of state employment relations.”.

12 **87.** Page 1401, line 6: after that line insert:

13 “**SECTION 3570d.** 2011 Wisconsin Act 10, section 9132 is repealed.

14 **SECTION 3570g.** 2011 Wisconsin Act 10, section 9155 is repealed.”.

15 **88.** Page 1522, line 21: after that line insert:

16 “(3u) COLLECTIVE BARGAINING. The repeal of sections 66.0506, 66.0508, 66.0509
17 (1m), 73.03 (68), 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70 (3g), 111.70
18 (4) (d) 3. b., 111.70 (4) (mb), 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825 (1) (g),
19 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (3), 111.91 (3q), 111.92 (3) (b), 111.93 (3)
20 (b), 118.223, 118.245 and 120.12 (4m) of the statutes; the renumbering of sections
21 111.825 (6) (a) and 111.83 (3) (a) of the statutes; the renumbering and amendment
22 of sections 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c) 1. and 111.92 (3) (a) of the
23 statutes; the consolidation, renumbering and amendment of sections 111.70 (4) (d)
24 3. a. and c. and 111.93 (3) (intro.) and (a) of the statutes; the amendment of sections

1 7.33 (1) (c), 7.33 (4), 13.111 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1.,
2 13.95 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15
3 (1) (ab), 16.41 (4), 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54
4 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6), 16.765 (7)
5 (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85 (3), 19.86,
6 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1) (ci), 20.865 (1)
7 (ic), 20.865 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.),
8 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (1) (b), 40.05 (4) (ag) (intro.), 40.05 (4)
9 (b), 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62
10 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 66.1104 (1) (a), 71.26 (1) (be),
11 77.54 (9a) (a), 100.45 (1) (dm), 101.177 (1) (d), 109.03 (1) (b), 111.02 (1), 111.02 (2),
12 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i),
13 111.06 (2) (i), 111.115 (title), 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n),
14 111.70 (2), 111.70 (3) (a) 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70
15 (4) (c) (title), 111.70 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 1., 2., 3.
16 and 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (mc) (intro.),
17 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8)
18 (a), 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (1),
19 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.84
20 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1), (2) and (4),
21 111.90 (2), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1) (d),
22 111.91 (2) (intro.), 111.91 (2) (gu), 111.92 (1) (a), 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4.,
23 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046 (10)
24 (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e), 230.35 (3)
25 (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.), 281.75 (4) (b) 3., 285.59

1 (1) (b), 704.31 (3), 851.71 (4) and 978.12 (1) (c) of the statutes; the creation of sections
2 16.705 (3), 19.42 (10) (s), 20.865 (1) (cm), 20.865 (1) (im), 20.865 (1) (sm), 46.284 (4)
3 (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4., chapter 52, 70.11 (41s),
4 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m), (9m) and (10m), 111.05 (3g),
5 111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m), 111.075, 111.115 (1) (a), 111.115 (2),
6 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p),
7 111.70 (4) (c) 1g., 111.70 (4) (cm) 5., 111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm)
8 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm) 8., 111.70 (4) (cm) 9., 111.70 (4) (m), 111.70 (4)
9 (mc) 4., 111.70 (4) (n) and (o), 111.70 (7), 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m)
10 (e), 111.70 (7m) (f), 111.71 (4), 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81
11 (9k), 111.825 (2g), 111.83 (5m), 111.83 (7), 111.85 (5), 111.905, 111.91 (1) (cg), 111.91
12 (1) (e), 111.91 (2c), 111.92 (2m), subchapter VI of chapter 111 [precedes 111.95], 118.22
13 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and the repeal of 2011 Wisconsin Act
14 10, section 9132 and 2011 Wisconsin Act 10, section 9155 first apply to an employee
15 who is covered by a collective bargaining agreement under subchapter IV of chapter
16 111 of the statutes that contains provisions inconsistent with this act on the day on
17 which the agreement expires or is terminated, extended, modified, or renewed,
18 whichever occurs first.”.

19

(END)