2011 ASSEMBLY BILL 338

October 25, 2011 – Introduced by Representatives POCAN, BARCA, BERCEAU, BERNARD SCHABER, BEWLEY, DOYLE, FIELDS, GRIGSBY, HEBL, HINTZ, HULSEY, JORGENSEN, KESSLER, MASON, MILROY, MOLPESE JR, PASCH, POPE-ROBERTS, RICHARDS, RINGHAND, ROYS, SEIDEL, SINICKI, STASKUNAS, STEINBRINK, C. TAYLOR, TURNER, YOUNG, ZAMARRIPA and ZEPNICK, cosponsored by Senators RISSE, CARPENTER, S. COGGS, ERPENBACH, HANSEN, HOLPERIN, JAUCH, KING, C. LARSON, LASSA, MILLER, SHILLING, TAYLOR, VINEHOUT, WIRCH and T. CULLEN. Referred to Committee on Assembly Organization.

AN ACT to repeal 20.865 (1) (cm), 20.865 (1) (im), 20.865 (1) (sm), 40.51 (7) (b), 59.875 (2) (b), 62.623 (2), 66.0506, 66.0508, 66.0509 (1m), 73.03 (68), 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70 (1) (p), 111.70 (3) (a) 7m., 111.70 (3) (b) 6m., 111.70 (3g), 111.70 (4) (bm), 111.70 (4) (cg), 111.70 (4) (d) 3. b., 111.70 (4) (mb), 111.70 (4) (mbb), 111.70 (4) (mc) 5. and 6., 111.71 (4m), 111.71 (5m), 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825 (1) (g), 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (2) (fm), 111.91 (3), 111.91 (3q), 111.92 (3) (b), 111.93 (3) (b), 118.223, 118.245 and 120.12 (4m); to renumber 111.825 (6) (a) and 111.83 (3) (a); to renumber and amend 40.51 (7) (a), 59.875 (2) (a), 62.623 (1), 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c) 1., 111.70 (4) (mc) (intro.), 111.92 (3) (a), 111.965, 111.999 and 111.9991 (1); to consolidate, renumber and amend 111.70 (4) (d) 3. a. and c. and 111.93 (3) (intro.) and (a); to amend 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., 13.95 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15
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(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 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1) (ci), 20.865 (1) (ic), 20.865 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 71.26 (1) (be), 77.54 (9a) (a), 100.45 (1) (dm), 101.177 (1) (d), 109.03 (1) (b), 111.02 (1), 111.02 (2), 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i), 111.06 (2) (i), 111.115 (title), 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70 (2), 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4) (c) (title), 111.70 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 1., 2., 3., and 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8) (a), 111.77 (9), 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (1), 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.84 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1), (2) and (4), 111.90 (2), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1) (d), 111.91 (2) (intro.), 111.91 (2) (gu), 111.92 (1) (a), 111.98 (2) (a), 111.997 (intro.) and (1), 111.998 (1) (b), 111.998 (1) (c), 111.998 (1) (d), 111.998 (1) (e), 111.998 (1) (f), 111.998 (2) (intro.), 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4., 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046 (10) (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e), 230.35 (3) (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2)
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(intro.), 281.75 (4) (b) 3., 285.59 (1) (b), 704.31 (3), 851.71 (4), 904.085 (2) (a) and
978.12 (1) (c); to repeal and recreate 16.705 (3) (intro.), 36.09 (1) (j), 40.05 (1)
(b), 40.05 (4) (ag), 40.05 (4) (b), 111.815 (1), 111.815 (2), 111.825 (3) and 111.825
(4); to create 16.705 (3), 19.42 (10) (s), 20.865 (1) (cm), 20.865 (1) (im), 20.865
(1) (sm), 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4.,
chapter 52, 70.11 (41s), 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m),
(9m) and (10m), 111.05 (3g), 111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m),
111.075, 111.115 (1) (a), 111.115 (2), 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7.,
111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p), 111.70 (4) (c) 1g., 111.70 (4) (cm) 5.,
111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 7r., 111.70
(4) (cm) 8., 111.70 (4) (cm) 9., 111.70 (4) (m), 111.70 (4) (n) and (o), 111.70 (7),
111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m) (e), 111.70 (7m) (f), 111.71 (4),
111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81 (9k), 111.825 (2g), 111.83
(5m), 111.905, 111.91 (1) (cg), 111.91 (1) (e), 111.91 (2c), 111.92 (2m), subchapter
VI of chapter 111 [precedes 111.95], 111.965 (2m), 111.999 (2), 111.9991 (1) (b),
118.22 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and to affect 2011
Wisconsin Act 10, section 9132 and 2011 Wisconsin Act 10, section 9155;
relying to: collective bargaining for public employees, granting rule−making
authority, and making appropriations.

Analysis by the Legislative Reference Bureau

Current law grants certain protective occupation participants under the
Wisconsin Retirement System (public safety employees) and certain municipal
transit employees the right to collectively bargain over wages, hours, and conditions
of employment. State government and municipal government employees who are
not public safety employees or municipal transit employees (general employees)
have the right to collectively bargain over a percentage increase in base wages that
does not exceed the percentage change in the consumer price index. Current law also
prohibits municipal employers from collectively bargaining with municipal general employees in matters that are not permitted under the Municipal Employment Relations Act (MERA). Under this bill, all municipal employees have the right to collectively bargain over wages, hours, and conditions of employment under MERA, and all state employees have the right to collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). In addition, this bill provides University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers the right to collectively bargain over wages, hours, and conditions of employment.

Under SELRA and MERA, each collective bargaining unit containing general employees must have an annual election to certify the labor organization that represents the collective bargaining unit. If, at the election, less than 51 percent of the actual employees in the collective bargaining unit vote for a representative, then, at the expiration of the current collective bargaining agreement, the current representative is decertified and the members of the collective bargaining unit are nonrepresented and may not be represented for one year. This bill eliminates the requirement to have an annual certification election. Once the majority of employees in a collective bargaining unit elects a labor organization as their representative, that labor organization remains the representative unless a percentage of members of the collective bargaining unit supports a petition for a new election and subsequently votes to decertify the representative.

Currently, the term for a collective bargaining agreement covering a general employee may not exceed one year and may not be extended. This bill generally limits the term to two years and eliminates the prohibition on agreement extensions. Current law prohibits the deduction of labor organization dues from salaries of general employees. This bill allows employees who are represented by a labor organization to have the organization dues deducted from their salaries.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 7.33 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, or 237.
SECTION 2. 7.33 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

7.33 (4) Except as otherwise provided in this subsection, each local governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and without any other penalty. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 3. 13.111 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

13.111 (2) DUTIES. The joint committee on employment relations shall perform the functions assigned to it under subch. subchs. V and VI of ch. 111, subch. II of ch. 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

SECTION 4. 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

13.172 (1) In this section, “agency” means an office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 238, or 279.
SECTION 5. 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

SECTION 6. 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

13.62 (2) “Agency” means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 237, 238, or 279, except that the term does not include a council or committee of the legislature.

SECTION 7. 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
13.94 (4) (a) 1. Every state department, board, examining board, affiliated
credentialing board, commission, independent agency, council or office in the
executive branch of state government; all bodies created by the legislature in the
legislative or judicial branch of state government; any public body corporate and
politic created by the legislature including specifically the Wisconsin Quality Home
Care Authority, the Fox River Navigational System Authority, the Lower Fox River
Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
Economic Development Corporation, a professional baseball park district, a local
professional football stadium district, a local cultural arts district and a long-term
care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
49; every provider of medical assistance under subch. IV of ch. 49; technical college
district boards; every county department under s. 51.42 or 51.437; every nonprofit
corporation or cooperative or unincorporated cooperative association to which
moneys are specifically appropriated by state law; and every corporation, institution,
association or other organization which receives more than 50% of its annual budget
from appropriations made by state law, including subgrantee or subcontractor
recipients of such funds.

SECTION 8. 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be
known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
shall be strictly nonpartisan and shall at all times observe the confidential nature
of the research requests received by it; however, with the prior approval of the
requester in each instance, the bureau may duplicate the results of its research for
distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
designated employees shall at all times, with or without notice, have access to all
state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,
the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
Authority, the Wisconsin Economic Development Corporation, and the Fox River
Navigational System Authority, and to any books, records, or other documents
maintained by such agencies or authorities and relating to their expenditures,
revenues, operations, and structure.

**SECTION 9.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
amended to read:

> 16.002 (2) “Departments” means constitutional offices, departments, and
independent agencies and includes all societies, associations, and other agencies of
state government for which appropriations are made by law, but not including
authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
233, 234, 235, 237, 238, or 279.

**SECTION 10.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:

> 16.004 (4) **Freedom of Access.** The secretary and such employees of the
department as the secretary designates may enter into the offices of state agencies
and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
and any other matter that in the secretary’s judgment should be examined and may
interrogate the agency’s employees publicly or privately relative thereto.

**SECTION 11.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:
16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs. 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

SECTION 12. 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.004 (12) (a) In this subsection, “state agency” means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor, and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 13. 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.045 (1) (a) “Agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in chs. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
SECTION 14. 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Health Insurance Risk-Sharing Plan Authority.

SECTION 15. 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.41 (4) In this section, “authority” means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 16. 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 17. 16.50 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.50 (3) (e) No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as provided in a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 18. 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and
maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

Section 19. 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.528 (1) (a) “Agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

Section 20. 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.53 (2) Improper Invoices. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not
including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 21. 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.54 (9) (a) 1. “Agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 22. 16.70 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 23. 16.705 (3) (intro.) of the statutes, as created by 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

16.705 (3) (intro.) The director of the office of state employment relations, prior to award, under conditions established by rule of the department, shall review contracts for contractual services in order to ensure that all agencies, except the University of Wisconsin System, do all of the following:

SECTION 24. 16.705 (3) of the statutes is created to read:

16.705 (3) The director of the office of state employment relations, prior to award, under conditions established by rule of the department, shall review contracts for contractual services in order to ensure that agencies do all of the following:
(a) Properly utilize the services of state employees.

(b) Evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services.

(c) Do not enter into any contract for contractual services in conflict with any collective bargaining agreement under subch. V or VI of ch. 111.

**SECTION 25.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

**SECTION 26.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: “In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause”.

**SECTION 27.** 16.765 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

**SECTION 28.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
16.765 (5) The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

**Section 29.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department’s procedures.

**SECTION 30.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall:

**SECTION 31.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (7) (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health...
Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation.

SECTION 32. 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

16.765 (8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted
portion or any materials or services purchased or paid for by the contracting party
for use in completing the contract.

SECTION 33. 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
amended to read:

16.85 (2) To furnish engineering, architectural, project management, and other
building construction services whenever requisitions therefor are presented to the
department by any agency. The department may deposit moneys received from the
provision of these services in the account under s. 20.505 (1) (kc) or in the general
fund as general purpose revenue — earned. In this subsection, “agency” means an
office, department, independent agency, institution of higher education, association,
society, or other body in state government created or authorized to be created by the
constitution or any law, which is entitled to expend moneys appropriated by law,
including the legislature and the courts, but not including an authority created in
subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 34. 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:

16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
proportionate share of the estimated costs attributable to programs administered by
the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
may charge premiums to agencies to finance costs under this subsection and pay the
costs from the appropriation on an actual basis. The department shall deposit all
collections under this subsection in the appropriation account under s. 20.505 (2) (k).
Costs assessed under this subsection may include judgments, investigative and
adjustment fees, data processing and staff support costs, program administration
costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
subsection, “agency” means an office, department, independent agency, institution
of higher education, association, society, or other body in state government created
or authorized to be created by the constitution or any law, that is entitled to expend
moneys appropriated by law, including the legislature and the courts, but not
including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 35. 19.42 (10) (s) of the statutes is created to read:

19.42 (10) (s)  The executive director and members of the board of directors of
the Wisconsin Quality Home Care Authority.

SECTION 36. 19.82 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
amended to read:

19.82 (1)  “Governmental body” means a state or local agency, board,
commission, committee, council, department or public body corporate and politic
created by constitution, statute, ordinance, rule or order; a governmental or
quasi–governmental corporation except for the Bradley center sports and
entertainment corporation; a local exposition district under subch. II of ch. 229; a
long–term care district under s. 46.2895; or a formally constituted subunit of any of
the foregoing, but excludes any such body or committee or subunit of such body which
is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
or V, or VI of ch. 111.

SECTION 37. 19.85 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
amended to read:

19.85 (3)  Nothing in this subchapter shall be construed to authorize a
governmental body to consider at a meeting in closed session the final ratification or
approval of a collective bargaining agreement under subch. I, IV, or V of ch. 111 which has been negotiated by such body or on its behalf.

SECTION 38. 19.86 of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under subch. I, IV, or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer’s chief officer or such person’s designee.

SECTION 39. 20.425 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.425 (1) (a) General program operations. The amounts in the schedule for the purposes provided in subchs. I, IV, and V of ch. 111 and s. 230.45 (1).

SECTION 40. 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

20.425 (1) (i) Fees, collective bargaining training, publications, and appeals. The amounts in the schedule for the performance of fact-finding, mediation, certification, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5), 111.71 (5m), and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3) (b), 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in
serving in such positions, and from individuals and organizations who participate in
other collective bargaining training programs conducted by the commission, and all
moneys received from the sale of publications, transcripts, reports, and other copied
material shall be credited to this appropriation account.

SECTION 41. 20.545 (1) (k) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:

20.545 (1) (k) General program operations. The amounts in the schedule to
administer state employment relations functions and the civil service system under
subch. subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
to defray the expenses of the state employees suggestion board. All moneys received
from state agencies for materials and services provided by the office of state
employment relations shall be credited to this appropriation.

SECTION 42. 20.545 (1) (km) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

20.545 (1) (km) Collective bargaining grievance arbitrations. The amounts in
the schedule for the payment of the state's share of costs related to collective
bargaining grievance arbitrations under s. 111.86 and related to collective
bargaining grievance arbitrations under s. 111.993. All moneys received from state
agencies for the purpose of reimbursing the state's share of the costs related to
grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
training related to grievance arbitrations, and all moneys received from institutions,
as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
related to grievance arbitrations under s. 111.993 and to reimburse the state's share
of costs for training related to grievance arbitrations shall be credited to this
appropriation account.
SECTION 43. 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.865 (1) (ci) **Nonrepresented university system senior executive, faculty and academic pay adjustments.** A sum sufficient to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 44. 20.865 (1) (cm) of the statutes is created to read:

20.865 (1) (cm) **Represented university faculty and academic staff pay adjustments.** A sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments approved by the legislature under s. 111.9991 for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 45. 20.865 (1) (cm) of the statutes, as created by 2011 Wisconsin Act .... (this act), is repealed.

SECTION 46. 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.865 (1) (ic) **Nonrepresented university system senior executive, faculty and academic pay adjustments.** From the appropriate program revenue and program revenue–service accounts, a sum sufficient to supplement the appropriations to the University of Wisconsin System to pay the cost of pay and related adjustments
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approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 47. 20.865 (1) (im) of the statutes is created to read:

20.865 (1) (im) Represented university system faculty and academic staff pay adjustments; program revenue. From the appropriate program revenue and program revenue-service accounts, a sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 48. 20.865 (1) (im) of the statutes, as created by 2011 Wisconsin Act .... (this act), is repealed.

SECTION 49. 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.865 (1) (si) Nonrepresented university system senior executive, faculty and academic pay adjustments. From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the University of Wisconsin System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928.
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SECTION 50. 20.865 (1) (sm) of the statutes is created to read:


Represented university faculty and academic staff pay adjustments; segregated revenues. From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 51. 20.865 (1) (sm) of the statutes, as created by 2011 Wisconsin Act .... (this act), is repealed.

SECTION 52. 20.917 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.917 (3) (b) This subsection applies to employees in all positions in the civil service, including those employees in positions included in collective bargaining units under subch. V or VI of ch. 111, whether or not the employees are covered by a collective bargaining agreement.

SECTION 53. 20.921 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.921 (1) (a) 2. If the state employee is a public safety employee under s. 111.81 (15r), payment of dues to employee organizations.

SECTION 54. 20.921 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.921 (1) (b) Except as provided in s. ss. 111.06 (1) (c) and 111.84 (1) (f), the request under par. (a) shall be made to the state agency or to the University of Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
directions and information prescribed by each state agency or by the authority. The request may be withdrawn or the amount paid to the payee may be changed by notifying the state agency or the authority to that effect, but no such withdrawal or change shall affect a payroll certification already prepared.

**SECTION 55.** 20.923 (6) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the following positions may be set by the appointing authority, subject to restrictions otherwise set forth in the statutes and the compensation plan under s. 230.12, except where the salaries are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or 111.998:

**SECTION 56.** 20.928 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.928 (1) Each state agency head shall certify to the department of administration, at such time and in such manner as the secretary of administration prescribes, the sum of money needed by the state agency from the appropriations under s. 20.865 (1) (c), (ci), (cm), (cj), (d), (i), (ic), (im), (j), (s), (si), (sm), and (t). Upon receipt of the certifications together with such additional information as the secretary of administration prescribes, the secretary shall determine the amounts required from the respective appropriations to supplement state agency budgets.

**SECTION 57.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or 111.998, the board shall establish salaries for persons not in the classified staff prior to July 1 of
each year for the next fiscal year, and shall designate the effective dates for payment
of the new salaries. In the first year of the biennium, payments of the salaries
established for the preceding year shall be continued until the biennial budget bill
is enacted. If the budget is enacted after July 1, payments shall be made following
enactment of the budget to satisfy the obligations incurred on the effective dates, as
designated by the board, for the new salaries, subject only to the appropriation of
funds by the legislature and s. 20.928 (3). This paragraph does not limit the
authority of the board to establish salaries for new appointments. The board may
not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
230.08 (2) (d) under this paragraph unless the salary increase conforms to the
proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
increase to correct salary inequities under par. (h), to fund job reclassifications or
promotions, or to recognize competitive factors. The board may not increase the
salary of any position identified in s. 20.923 (4g) under this paragraph unless the
salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
board authorizes the salary increase to correct a salary inequity or to recognize
competitive factors. The board may not increase the salary of any position identified
in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
the increase is approved by the office of state employment relations. The granting
of salary increases to recognize competitive factors does not obligate inclusion of the
annualized amount of the increases in the appropriations under s. 20.285 (1) for
subsequent fiscal bienniums. No later than October 1 of each year, the board shall
report to the joint committee on finance and the secretary of administration and
director of the office of state employment relations concerning the amounts of any
salary increases granted to recognize competitive factors, and the institutions at
which they are granted, for the 12-month period ending on the preceding June 30.

**SECTION 58.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Acts 32
and .... (this act), is repealed and recreated to read:

> 36.09 (1) (j) Except where such matters are a subject of bargaining with a
certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
board shall establish salaries for persons prior to July 1 of each year for the next fiscal
year, and shall designate the effective dates for payment of the new salaries. In the
first year of the biennium, payments of the salaries established for the preceding
year shall be continued until the biennial budget bill is enacted. If the budget is
enacted after July 1, payments shall be made following enactment of the budget to
satisfy the obligations incurred on the effective dates, as designated by the board, for
the new salaries, subject only to the appropriation of funds by the legislature and s.
20.928 (3). This paragraph does not limit the authority of the board to establish
salaries for new appointments. The board may not increase the salaries of employees
under this paragraph unless the salary increase conforms to the proposal as
approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
salary inequities under par. (h), to fund job reclassifications or promotions, or to
recognize competitive factors. The granting of salary increases to recognize
competitive factors does not obligate inclusion of the annualized amount of the
increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.

No later than October 1 of each year, the board shall report to the joint committee
on finance and the secretary of administration and director of the office of state
employment relations concerning the amounts of any salary increases granted to
recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

**SECTION 59.** 40.02 (25) (b) 8. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.02 (25) (b) 8. Any other state employee for whom coverage is authorized under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or under s. 230.12 or 233.10.

**SECTION 60.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed and recreated to read:

40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of the contributions required by par. (a), but all the payments shall be available for benefit purposes to the same extent as required contributions deducted from earnings of the participating employees. Action to assume employee contributions as provided under this paragraph shall be taken at the time and in the form determined by the governing body of the participating employer. The state shall pay under this paragraph for employees who are covered by a collective bargaining agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits are determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the state unless otherwise provided in a collective bargaining agreement under subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for employees who are covered by a collective bargaining agreement under subch. I of ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority unless otherwise provided in a collective bargaining agreement under subch. I of ch.
111 or unless otherwise determined under s. 233.10. The state shall pay under this paragraph for employees who are not covered by a collective bargaining agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits are not determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the state unless a different amount is recommended by the director of the office of state employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its employees who are not covered by a collective bargaining agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid by the authority unless a different amount is established by the board of directors of the authority under s. 233.10.

**SECTION 61.** 40.05 (4) (ag) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed and recreated to read:

40.05 (4) (ag) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed insured employees:

1. For insured part-time employees other than employees specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are appointed to work less than 1,566 hours per year, an amount equal to 50 percent of the employer contribution under subd. 2.

2. For eligible employees not specified in subd. 1., regardless of the plan selected by the employee, not less than 80 percent of the average premium cost of plans offered in the tier with the lowest employee premium cost under s. 40.51 (6).
SECTION 62. 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is repealed and recreated to read:

40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee’s highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee’s surviving insured dependents. Any supplemental compensation that is paid to a state employee who is classified under the state classified civil service as a teacher, teacher supervisor, or education director for the employee’s completion of educational courses that have been approved by the employee’s employer is considered as part of the employee’s basic pay for purposes of this paragraph. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Upon conversion of an employee’s unused sick leave to credits under this paragraph or par. (bf), the employee or, if the employee is deceased, the employee’s surviving insured dependents may initiate deductions from those credits or may elect to delay initiation of deductions from those credits, but only if the employee or surviving
insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. If an employee or an employee's surviving insured dependents elect to delay initiation of deductions from those credits, an employee or the employee's surviving insured dependents may only later elect to initiate deductions from those credits during the annual enrollment period under par. (be). A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 63. 40.05 (4) (bw) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (4) (bw) On converting accumulated unused sick leave to credits for the payment of health insurance premiums under par. (b), the department shall add additional credits, calculated in the same manner as are credits under par. (b), that are based on a state employee's accumulated sabbatical leave or earned vacation leave from the state employee's last year of service prior to retirement, or both. The department shall apply the credits awarded under this paragraph for the payment of health insurance premiums only after the credits awarded under par. (b) are exhausted. This paragraph applies only to state employees who are eligible for accumulated unused sick leave conversion under par. (b) and who are entitled to the benefits under this paragraph pursuant to a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 64. 40.05 (4g) (a) 4. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111 or under rules promulgated by the director of the office of state employment relations or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

**SECTION 65.** 40.05 (5) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income continuation insurance provided under subch. V the employee shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10:

**SECTION 66.** 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5) and subch. I, V, or VI of ch. 111.

**SECTION 67.** 40.05 (6) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (6) (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each insured employee under the age of 70 and annuitant under the age of 65 shall pay for group life insurance coverage a sum, approved by the group insurance board, which shall not exceed 60 cents monthly for each $1,000 of group life insurance, based upon the last amount of insurance in force during the month for which
earnings are paid. The equivalent premium may be fixed by the group insurance board if the annual compensation is paid in other than 12 monthly installments.

SECTION 68. 40.51 (7) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 40.51 (7) and amended to read:

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

SECTION 69. 40.51 (7) (b) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

SECTION 70. 40.62 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. I, V, or VI of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).
SECTION 71. 40.80 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 72. 40.81 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 73. 40.95 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 74. 46.284 (4) (m) of the statutes is created to read:

46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in accordance with any agreement under subch. V of ch. 111 relating to a provider hired directly by an enrollee and make any payroll deductions authorized by those agreements.

SECTION 75. 46.2895 (8) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

46.2895 (8) (a) 1. If the long-term care district offers employment to any individual who was previously employed by a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district and whose wages, hours, and conditions of
employment were established in a collective bargaining agreement with the county under subch. IV of ch. 111 that is in effect on the date that the individual commences employment with the district, with respect to that individual, abide by the terms of the collective bargaining agreement concerning the individual’s wages and, if applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal day allowance, or paid time off allowance until the time of the expiration of that collective bargaining agreement or adoption of a collective bargaining agreement with the district under subch. IV of ch. 111 covering the individual as an employee of the district, whichever occurs first.

**SECTION 76.** 46.2898 of the statutes is created to read:

### 46.2898 Quality home care. (1) DEFINITIONS. In this section:

(a) “Authority” means the Wisconsin Quality Home Care Authority.

(b) “Care management organization” has the meaning given in s. 46.2805 (1).

(c) “Consumer” means an adult who receives home care services and who meets all of the following criteria:

1. Is a resident of any of the following:

   a. A county that has acted under sub. (2) (a).

   b. A county in which the Family Care Program under s. 46.286 is available.

   c. A county in which the Program of All-Inclusive Care for the Elderly under 42 USC 1396u-4 is available.

   d. A county in which the self-directed services option program under 42 USC 1396n (c) is available or in which a program operated under an amendment to the state medical assistance plan under 42 USC 1396n (j) is available.

2. Self-directs all or part of his or her home care services and is an employer listed on the provider’s income tax forms.
3. Is eligible to receive a home care benefit under one of the following:
   a. The Family Care Program under s. 46.286.
   b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.
   c. A program operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).
   d. A program operated under an amendment to the state medical assistance plan under 42 USC 1396n (j).

   (dm) “Home care” means supportive home care, personal care, and other nonprofessional services of a type that may be covered under a medical assistance waiver under 42 USC 1396n (c) and that are provided to individuals to assist them in meeting their daily living needs, ensuring adequate functioning in their homes, and permitting safe access to their communities.

   (e) “Provider” means an individual who is hired by a consumer to provide home care to the consumer but does not include any of the following:

   1. A person, while he or she is providing services in the capacity of an employee of any of the following entities:
      a. A home health agency licensed under s. 50.49.
      b. A personal care provider agency.
      c. A company or agency providing supportive home care.
      d. An independent living center, as defined in s. 46.96 (1) (ah).
      e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or 51.437.

   2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her professional capacity.
“(f) “Qualified provider” means a provider who meets the qualifications for payment through the Family Care Program under s. 46.286, the Program for All-Inclusive Care for the Elderly operated under 42 USC 1396u–4, an amendment to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance waiver program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c) and any qualification criteria established in the rules promulgated under sub. (7) and who the authority determines is eligible for placement on the registry maintained by the authority under s. 52.20 (1).

(2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow procedures under this section and to pay providers in accordance with agreements under subch. V of ch. 111.

(b) If a county acts under par. (a), it shall notify the department and the authority of its action.

(c) A county that acts under par. (a) shall compensate providers in accordance with any agreement under subch. V of ch. 111 and make any payroll deductions authorized by such agreements.

(4) DUTIES OF HOME CARE PAYORS. Care management organizations, the state, and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision of home care services to consumers shall provide to the authority the name, address, telephone number, date of hire, and date of termination of any provider hired by an individual receiving home care services.

(5) DUTIES OF CONSUMERS. A consumer shall do all of the following:
(a) Inform the authority of the name, address, telephone number, date of hire, and date of termination of any provider hired by the consumer to provide home care services.

(b) Compensate providers in accordance with any collective bargaining agreement that applies to home care providers under subch. V of ch. 111 and make any payroll deductions authorized by the agreement.

(6) PROVIDERS. (a) A qualified provider providing home care services under this section shall be subject to the collective bargaining agreement that applies to home care providers under subch. V of ch. 111.

(b) A qualified provider may choose to be placed on the registry maintained by the authority under s. 52.20 (1).

(7) DEPARTMENT RULE-MAKING. The department may promulgate rules defining terms, specifying which services constitute home care, establishing the qualification criteria that apply under sub. (1) (f), and establishing procedures for implementation of this section.

SECTION 77. 46.48 (9m) of the statutes is created to read:

46.48 (9m) QUALITY HOME CARE. The department shall award a grant to the Wisconsin Quality Home Care Authority for the purpose of providing services to recipients and providers of home care under s. 46.2898 and ch. 52 and may award grants to counties to facilitate transition to procedures established under s. 46.2898.

SECTION 78. 49.825 (3) (b) 4. of the statutes is created to read:

49.825 (3) (b) 4. The department may enter into a memorandum of understanding, as described under s. 111.70 (3m), with the certified representative of the county employees performing services under this section for the unit. If there is a dispute as to hours or conditions of employment that remains between the
department and the certified representative after a good faith effort to resolve it, the department may unilaterally resolve the dispute.

**SECTION 79.** 49.826 (3) (b) 4. of the statutes is created to read:

49.826 (3) (b) 4. The department may enter into a memorandum of understanding, as described under s. 111.70 (3p), with the certified representative of the county employees performing services under this section in the county for the unit. If there is a dispute as to hours or conditions of employment that remains between the department and the certified representative after a good faith effort to resolve it, the department may unilaterally resolve the dispute.

**SECTION 80.** Chapter 52 of the statutes is created to read:

**CHAPTER 52**

**QUALITY HOME CARE**

**52.01 Definitions.** In this chapter:

(1) “Authority” means the Wisconsin Quality Home Care Authority.

(2) “Board” means the board of directors of the authority.

(3) “Care management organization” has the meaning given in s. 46.2805 (1).

(3m) “Consumer” has the meaning given in s. 46.2898 (1) (cm).

(4) “Department” means the department of health services.

(5) “Family Care Program” means the benefit program described in s. 46.286.

(6) “Home care provider” means an individual who is a qualified provider under s. 46.2898 (1) (f).

(7) “Medical assistance waiver program” means a program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).
(8) “Program of All-Inclusive Care for the Elderly” means the program operated under 42 USC 1396u-4.

52.05 Creation and organization of authority. (1) Creation and membership of board. There is created a public body corporate and politic to be known as the “Wisconsin Quality Home Care Authority.” The members of the board shall consist of the following members:

(a) The secretary of the department of health services or his or her designee.

(b) The secretary of the department of workforce development or his or her designee.

(c) The following, to be appointed by the governor to serve 3-year terms:

1. One representative from the state assembly.

2. One representative from the state senate.

3. One representative of care management organizations.

4. One representative of county departments, under s. 46.215, 46.22, 46.23, 51.42, or 51.437, selected from counties where the Family Care Program is not available.

5. One representative of the board for people with developmental disabilities.

6. One representative of the council on physical disabilities.

7. One representative of the council on mental health.

8. One representative of the board on aging and long-term care.

9. Eleven individuals, each of whom is a current or former recipient of home care services through the Family Care Program or a medical assistance waiver program or an advocate for or representative of consumers of home care services.

(3) Chairperson. Annually, the governor shall appoint one member of the board to serve as the chairperson.
(4) Executive Committee. (a) The board shall elect an executive committee. The executive committee shall consist of the chair of the board, the secretary of the department of health services or his or her designee, the secretary of the department of workforce development or his or her designee, and 3 persons selected from board members appointed under sub. (1) (c) 9.

(b) The executive committee may do the following:

1. Hire an executive director who is not a member of the board and serves at the pleasure of the board.

2. Hire employees to carry out the duties of the authority.

3. Engage in contracts for services to carry out the duties of the authority.

(5) Terms. The terms of members of the board appointed under sub. (1) (c) shall expire on July 1.

(6) Quorum. A majority of the members of the board constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the members present. Meetings of the members of the board may be held anywhere within the state.

(7) Vacancies. Each member of the board shall hold office until a successor is appointed and qualified unless the member vacates or is removed from his or her office. A member who serves as a result of holding another office or position vacates his or her office as a member when he or she vacates the other office or position. A member who ceases to qualify for office vacates his or her office. A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.
(8) Compensation. The members of the board are not entitled to compensation for the performance of their duties. The authority may reimburse members of the board for actual and necessary expenses incurred in the discharge of their official duties as provided by the board.

(9) Employment of board member. It is not a conflict of interest for a board member to engage in private or public employment or in a profession or business, except to the extent prohibited by law, while serving as a member of the board.

52.10 Powers of authority. The authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this chapter and s. 46.2898. In addition to all other powers granted the authority under this chapter, the authority may:

(1) Adopt policies and procedures to govern its proceedings and to carry out its duties as specified in this chapter.

(2) Employ, appoint, engage, compensate, transfer, or discharge necessary personnel.

(3) Make or enter into contracts, including contracts for the provision of legal or accounting services.

(4) Award grants for the purposes set forth in this chapter.

(5) Buy, lease, or sell real or personal property.

(6) Sue and be sued.

(7) Accept gifts, grants, or assistance funds and use them for the purposes of this chapter.

(8) Collect fees for its services.

52.20 Duties of authority. The authority shall:
(1) Establish and maintain a registry of eligible home care providers who choose to be on the registry for purposes of employment by consumers and provide referral services for consumers in need of home care services.

(2) Determine the eligibility of individuals for placement on the registry. For purposes of determining eligibility, the authority shall apply the criteria described in s. 46.2898 (1) (f), including any qualifying criteria established by the department under s. 46.2898 (7). The authority shall also develop an appeal process for denial of placement on or removal of a provider from the registry consistent with the terms of the medical assistance waiver programs, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All–Inclusive Care for the Elderly, as determined by the department.

(3) Comply with any conditions necessary for consumers receiving home care services to receive federal medical assistance funding through a medical assistance waiver program, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All–Inclusive Care for the Elderly.

(4) Develop and operate recruitment and retention programs to expand the pool of home care providers qualified and available to provide home care services to consumers.

(5) Maintain a list of home care providers included in a collective bargaining unit under s. 111.825 (2g) and provide the list of home care providers to the department at the department’s request.

(6) Notify home care providers providing home care services of any procedures for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department or the authority.
(7) Provide orientation activities and skills training for home care providers.

(8) Provide training and support for consumers hiring a home care provider regarding the duties and responsibilities of employers and skills needed to be effective employers.

(9) Inform consumers of the experience and qualifications of home care providers on the registry and home care providers identified by consumers of home care services for employment.

(10) Develop and operate a system of backup and respite referrals to home care providers and a 24-hour per day call service for consumers of home care services.

(11) Report annually to the governor on the number of home care providers on the registry and the number of home care providers providing services under the authority.

(12) Conduct activities to improve the supply and quality of home care providers.

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

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

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

Section 81. 59.875 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 59.875 (2) and amended to read:
59.875 (2) Beginning on July 1, 2011, in any employee retirement system of a county, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111 and except as provided in par. (b), employees shall pay half of all actuarially required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee’s share of the actuarially required contributions.

**SECTION 82.** 59.875 (2) (b) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

**SECTION 83.** 62.623 (1) of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 62.623 and amended to read:

**62.623 Payment of contributions in an employee retirement system of a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of a 1st class city, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111 and except as provided in sub. (2), employees shall pay all employee required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee’s share of the required contributions.

**SECTION 84.** 62.623 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 85.** 66.0506 of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 86.** 66.0508 of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

**SECTION 87.** 66.0509 (1m) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.
SECTION 88. 70.11 (41s) of the statutes is created to read:

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

SECTION 89. 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 90. 73.03 (68) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 91. 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 92. 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 93.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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101.177 (1) (d) “State agency” means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority, but excluding the Health Insurance Risk−Sharing Plan Authority and the Lower Fox River Remediation Authority.
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**SECTION 94.** 109.03 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 95. 111.02 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 96. 111.02 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 97. 111.02 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 98. 111.02 (6) (am) of the statutes is created to read:

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

SECTION 99. 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.) and amended to read:

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

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

SECTION 100. 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

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

3. A local cultural arts district created under subch. V of ch. 229.
4. With respect to an employee under sub. (6) (am), the state, counties, and other administrative entities involved in regulation and subsidization of employees under sub. (6) (am).

**SECTION 101.** 111.02 (7) (b) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 102.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

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

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

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

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

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

SECTION 103. 111.05 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 104. 111.05 (3g) of the statutes is created to read:

111.05 (3g) Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a representative recognized or certified to represent any of the units specified in s. 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the employees in the corresponding collective bargaining units specified in sub. (5) (a) 1. to 3., without the necessity of filing a petition or conducting an election, subject to the right of any person to file a petition under this section on or after October 1, 1998.
SECTION 105. 111.05 (5) of the statutes is created to read:

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

1. Fiscal and staff services.
2. Patient care.
5. Blue collar and nonbuilding trades.
7. Security and public safety.
8. Technical.

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

SECTION 106. 111.05 (6) of the statutes is created to read:

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

**SECTION 107.** 111.05 (7) of the statutes is created to read:

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

**SECTION 108.** 111.06 (1) (c) 1. of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

111.06 (1) (c) 1. To encourage or discourage membership in any labor
organization, employee agency, committee, association or representation plan by
discrimination in regard to hiring, tenure or other terms or conditions of employment
except in a collective bargaining unit where an all-union, fair-share, or
maintenance of membership agreement is in effect. An employer is not prohibited
from entering into an all-union agreement with the voluntarily recognized
representative of the employees in a collective bargaining unit, where at least a
majority of such employees voting have voted affirmatively, by secret ballot, in favor
of the all-union agreement in a referendum conducted by the commission, except
that where the bargaining representative has been certified by either the
commission or the national labor relations board as the result of a representation
election, no referendum is required to authorize the entry into an all-union
agreement. An authorization of an all-union agreement continues, subject to the
right of either party to the all-union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of the petition, the commission shall determine whether there is reasonable ground to believe that the employees concerned have changed their attitude toward the all-union agreement and upon so finding the commission shall conduct a referendum. If the continuance of the all-union agreement is supported on a referendum by a vote at least equal to that provided in this subdivision for its initial authorization, it may continue, subject to the right to petition for a further vote by the procedure under this subdivision. If the continuance of the all-union agreement is not supported on a referendum, it terminates at the expiration of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all-union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer, and each such all-union agreement is subject to this duty of the commission. Any person interested may come before the commission as provided in s. 111.07 and ask the performance of this duty. Any all-union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid.

SECTION 109. 111.06 (1) (d) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.06 (1) (d) To refuse to bargain collectively with the representative of a majority of the employer’s employees in any collective bargaining unit with respect to representation or terms and conditions of employment, except as provided under ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with the commission a petition requesting a determination as to majority representation,
the employer shall not be deemed to have refused to bargain until an election has
been held and the result thereof has been certified to the employer by the
commission.

SECTION 110. 111.06 (1) (i) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 111. 111.06 (1) (m) of the statutes is created to read:

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

SECTION 112. 111.06 (2) (i) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 113. 111.075 of the statutes is created to read:

111.075 Fair-share and maintenance of membership agreements. (1)
(a) No fair-share or maintenance of membership agreement is effective unless
authorized by a referendum. The commission shall order a referendum whenever it
receives a petition supported by proof that at least 30 percent of the employees in a
collective bargaining unit desire that a fair-share or maintenance of membership
agreement be entered into between the employer and a labor organization. A petition
may specify that a referendum is requested on a maintenance of membership
agreement only, in which case the ballot shall be limited to that question.

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

(c) If a fair-share or maintenance of membership agreement is authorized in
a referendum, the employer shall enter into a fair-share or maintenance of
membership agreement with the labor organization named on the ballot in the
referendum. Each fair-share or maintenance of membership agreement must
contain a provision requiring the employer to deduct the amount of dues as certified
by the labor organization from the earnings of the employees affected by the
agreement and to pay the amount deducted to the labor organization. Unless the
parties agree to an earlier date, the agreement takes effect 60 days after certification
by the commission that the referendum vote authorized the agreement. The
employer shall be held harmless against any claims, demands, suits, and other forms
of liability made by employees or local labor organizations which may arise for
actions taken by the employer in compliance with this section. All lawful claims,
demands, suits, and other forms of liability are the responsibility of the labor
organization entering into the agreement.
(d) Under each fair-share or maintenance of membership agreement, an employee who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the employee and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

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

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

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

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

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

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

SECTION 114. 111.115 (title) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 115. 111.115 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
is renumbered 111.115 (1) (intro.) and amended to read:

111.115 (1) (intro.) In this section, “strike” subsection:
(b) “Strike” includes any concerted stoppage of work by employees, and any concerted slowdown or other concerted interruption of operations or services by employees, or any concerted refusal of employees to work or perform their usual duties as employees, for the purpose of enforcing demands upon an employer.

SECTION 116. 111.115 (1) (a) of the statutes is created to read:

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

SECTION 117. 111.115 (2) of the statutes is created to read:

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

SECTION 118. 111.17 of the statutes, as affected by 2011 Wisconsin Act 10, is renumbered 111.17 (intro.) and amended to read:

111.17 Conflict of provisions; effect. (intro.) Wherever the application of the provisions of other statutes or laws conflict with the application of the provisions of this subchapter, this subchapter shall prevail, except that in for the following:
In any situation where the provisions of this subchapter cannot be validly
enforced the provisions of such other statutes or laws shall apply.

SECTION 119. 111.17 (2) of the statutes is created to read:

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

SECTION 120. 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
32, is amended to read:

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

SECTION 121. 111.70 (1) (cm) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 122. 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

SECTION 123. 111.70 (1) (fm) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

SECTION 124. 111.70 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 125. 111.70 (1) (mm) of the statutes, as affected by 2011 Wisconsin Act 
32, is repealed.

SECTION 126. 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin Act 
32, is amended to read:

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

SECTION 127. 111.70 (1) (p) of the statutes, as created by 2011 Wisconsin Act 
32, is repealed.

SECTION 128. 111.70 (1g) of the statutes is created to read:

111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor 
disputes arising in municipal employment is to encourage voluntary settlement 
through the procedures of collective bargaining. Accordingly, it is in the public 
interest that municipal employees so desiring be given an opportunity to bargain 
collectively with the municipal employer through a labor organization or other 
representative of the employees' own choice. If such procedures fail, the parties 
should have available to them a fair, speedy, effective and, above all, peaceful 
procedure for settlement as provided in this subchapter.

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

SECTION 129. 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right of self-organization, and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Municipal employees have the right to refrain from any and all such activities. A general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee or a transit employee, however, except that an employee may be required to pay dues in the manner provided in a fair-share agreement; a fair-share agreement covering a public safety employee or a transit employee must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor organization from the earnings of the employee affected by the fair-share agreement and to pay the amount deducted to the labor organization. A fair-share agreement covering a public safety employee or transit employee is subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30% of the employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the
majority of the eligible employees, it shall terminate. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any public safety employee or transit employee of the municipal employer in the bargaining unit involved, and such agreement is subject to this duty of the commission. Any of the parties to such agreement or any public safety employee or transit municipal employee covered by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

**SECTION 130.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 131.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 132.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 133.** 111.70 (3) (a) 7. of the statutes is created to read:

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

**SECTION 134.** 111.70 (3) (a) 7m. of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

**SECTION 135.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 136.** 111.70 (3) (b) 6. of the statutes is created to read:

111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision lawfully made under sub. (4) (cm).
Section 137. 111.70 (3) (b) 6m. of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

Section 138. 111.70 (3g) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

Section 139. 111.70 (3m) of the statutes is created to read:

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

Section 140. 111.70 (3p) of the statutes is created to read:

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

Section 141. 111.70 (4) (bm) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

Section 142. 111.70 (4) (c) (title) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

Section 143. 111.70 (4) (c) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is renumbered 111.70 (4) (c) 1m. and amended to read:
111.70 (4) (c) 1m. ‘Mediation.’ The commission may function as a mediator in labor disputes involving a collective bargaining unit containing a public safety employee. Such mediation may be carried on by a person designated to act by the commission upon request of one or both of the parties or upon initiation of the commission. The function of the mediator is to encourage voluntary settlement by the parties but no mediator has the power of compulsion.

**SECTION 144.** 111.70 (4) (c) 1g. of the statutes is created to read:

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

**SECTION 145.** 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 146.** 111.70 (4) (c) 3. (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 147.** 111.70 (4) (cg) of the statutes, as created by 2011 Wisconsin Act
32, is repealed.

**SECTION 148.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes, as affected
by 2011 Wisconsin Act 10, are amended to read:

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

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

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

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

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

SECTION 149. 111.70 (4) (cm) 5. of the statutes is created to read:

111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
other impasse resolution procedures provided in this paragraph, a municipal
employer and labor organization may, as a permissive subject of bargaining, agree
in writing to a dispute settlement procedure, including authorization for a strike by
municipal employees or binding interest arbitration, that is acceptable to the parties
for resolving an impasse over terms of any collective bargaining agreement under
this subchapter. The parties shall file a copy of the agreement with the commission.

If the parties agree to any form of binding interest arbitration, the arbitrator shall
give weight to the factors enumerated under subds. 7. and 7g. for a collective
bargaining unit consisting of municipal employees who are not school district
employees and under subd. 7r. for a collective bargaining unit consisting of municipal employees.

**SECTION 150.** 111.70 (4) (cm) 6. of the statutes is created to read:

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

am. Upon receipt of a petition to initiate arbitration, the commission shall investigate, with or without a formal hearing, whether arbitration should be commenced. If in determining whether an impasse exists the commission finds that the procedures under this paragraph have not been complied with and that the compliance would tend to result in a settlement, it may order compliance before ordering arbitration. The validity of any arbitration award or collective bargaining agreement is not affected by failure to comply with the procedures. Prior to the close
of the investigation each party shall submit in writing to the commission its single
final offer containing its final proposals on all issues in dispute that are subject to
interest arbitration under this subdivision. If a party fails to submit a single,
ultimate final offer, the commission shall close the investigation based on the last
written position of the party. Such final offers may include only mandatory subjects
of bargaining, except that a permissive subject of bargaining may be included by a
party if the other party does not object and shall then be treated as a mandatory
subject. No later than such time, the parties shall also submit to the commission a
stipulation, in writing, with respect to all matters that are agreed upon for inclusion
in the new or amended collective bargaining agreement. The commission, after
receiving a report from its investigator and determining that arbitration should be
commenced, shall issue an order requiring arbitration and immediately submit to
the parties a list of 7 arbitrators. The parties shall alternately strike names from the
list until a single name is left, who shall be appointed as arbitrator. The petitioning
party shall notify the commission in writing of the identity of the arbitrator selected.
Upon receipt of the notice, the commission shall formally appoint the arbitrator and
submit to him or her the final offers of the parties. The final offers are public
documents and shall be available from the commission. In lieu of a single arbitrator
and upon request of both parties, the commission shall appoint a tripartite
arbitration panel consisting of one member selected by each of the parties and a
neutral person designated by the commission who shall serve as a chairperson. An
arbitration panel has the same powers and duties as provided in this section for any
other appointed arbitrator, and all arbitration decisions by a panel shall be
determined by majority vote. In place of selection of the arbitrator by the parties and
upon request of both parties, the commission shall establish a procedure for
randomly selecting names of arbitrators. Under the procedure, the commission shall submit a list of 7 arbitrators to the parties. Each party shall strike one name from the list. From the remaining 5 names, the commission shall randomly appoint an arbitrator. Unless both parties to an arbitration proceeding otherwise agree in writing, every individual whose name is submitted by the commission for appointment as an arbitrator must be a resident of this state at the time of submission and every individual who is designated as an arbitration panel chairperson must be a resident of this state at the time of designation.

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

c. Prior to the arbitration hearing, either party may, within a time limit established by the arbitrator, withdraw its final offer and mutually agreed upon modifications, if any, and shall immediately provide written notice of any withdrawal to the other party, the arbitrator, and the commission. If both parties withdraw their final offers and mutually agreed upon modifications, the labor organization, after giving 10 days' written advance notice to the municipal employer and the
commission, may strike. Unless both parties withdraw their final offers and mutually agreed upon modifications, the final offer of neither party is considered withdrawn and the arbitrator shall proceed to resolve the dispute by final and binding arbitration as provided in this paragraph.

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

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

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

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

**SECTION 151.** 111.70 (4) (cm) 7. of the statutes is created to read:

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

**SECTION 152.** 111.70 (4) (cm) 7g. of the statutes is created to read:

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

**SECTION 153.** 111.70 (4) (cm) 7r. of the statutes is created to read:

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

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

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

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

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

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

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

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

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

j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment through voluntary collective bargaining, mediation, fact−finding,
arbitration, or otherwise between the parties, in the public service, or in private employment.

**SECTION 154.** 111.70 (4) (cm) 8. of the statutes is created to read:

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

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

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

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

d. Proceedings for the enforcement of arbitration decisions.

**SECTION 155.** 111.70 (4) (cm) 8m. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for the initial collective bargaining agreement between the parties and except as the parties otherwise agree, every collective bargaining agreement covering general municipal employees subject to this paragraph shall be for a term of one year and may not be extended 2 years, but in no case may a collective bargaining agreement for any collective bargaining unit consisting of municipal employees subject to this paragraph other than school district employees be for a term exceeding 3 years nor may a collective bargaining agreement for any collective bargaining unit consisting of school district employees subject to this paragraph be for a term exceeding 4 years. No arbitration award may contain a provision for reopening of negotiations during
the term of a collective bargaining agreement covering general municipal employees may be reopened for negotiations, unless both parties agree to reopen the collective bargaining agreement. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

**SECTION 156.** 111.70 (4) (cm) 9. of the statutes is created to read:

111.70 (4) (cm) 9. ‘Application.’

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

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

**SECTION 157.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

111.70 (4) (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal workforce. The commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational groupings constitute a collective bargaining unit. Before making its determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether they desire to be established as a separate collective bargaining unit. The commission may not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless
a majority of the professional employees vote for inclusion in the unit. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees, if the group includes both transit employees and general municipal employees, or if the group includes both transit employees and public safety employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit.

SECTION 158. 111.70 (4) (d) 3. a. and c. of the statutes, as affected by 2011 Wisconsin Act 10, are consolidated, renumbered 111.70 (4) (d) 3. and amended to read:

111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning representation or appropriate unit, calling for a vote, the commission shall certify the results in writing to the municipal employer and the labor organization involved and to any other interested parties. e. Any ballot used in a representation proceeding
under this subdivision shall include the names of all persons having an interest in
representing or the results. The ballot should be so designed as to permit a vote
against representation by any candidate named on the ballot. The findings of the
commission, on which a certification is based, shall be conclusive unless reviewed as
provided by s. 111.07 (8).

SECTION 159. 111.70 (4) (d) 3. b. of the statutes, as affected by 2011 Wisconsin
Act 32, is repealed.

SECTION 160. 111.70 (4) (L) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 161. 111.70 (4) (m) of the statutes is created to read:

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

1. Reassignment of municipal employees who perform services for a board of
school directors under ch. 119, with or without regard to seniority, as a result of a
decision of the board of school directors to contract with an individual or group to
operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school
to a charter school, or the impact of any such reassignment on the wages, hours, or
conditions of employment of the municipal employees who perform those services.
2. Reassignment of municipal employees who perform services for a board of school directors, with or without regard to seniority, as a result of the decision of the board to close or reopen a school under s. 119.18 (23), or the impact of any such reassignment on the wages, hours, or conditions of employment of the municipal employees who perform those services.

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

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

**SECTION 162.** 111.70 (4) (mb) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 163.** 111.70 (4) (mbb) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

**SECTION 164.** 111.70 (4) (mc) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is renumbered 111.70 (4) (mc) and amended to read:

111.70 (4) (mc) **Prohibited subjects of bargaining; public safety employees.** The if the municipal employee is a clerk who is not an employee of a city of the first class, the municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following: the judge’s authority over the supervisory tasks provided in s. 755.10.

**SECTION 165.** 111.70 (4) (mc) 5. and 6. of the statutes, as created by 2011 Wisconsin Act 32, are repealed.

**SECTION 166.** 111.70 (4) (n) and (o) of the statutes are created to read:
111.70 (4) (n) Mandatory subjects of bargaining. In a school district, in addition to any subject of bargaining on which the municipal employer is required to bargain under sub. (1) (a), the municipal employer is required to bargain collectively with respect to time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.

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

SECTION 167. 111.70 (4) (p) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

111.70 (4) (p) Permissive subjects of collective bargaining: public safety and transit employees. A municipal employer is not required to bargain with public safety employees or transit employees on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the public safety employees or of the transit municipal employees in a collective bargaining unit.

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

SECTION 168. 111.70 (7) of the statutes is created to read:

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

SECTION 169. 111.70 (7m) (b) of the statutes is created to read:

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

SECTION 170. 111.70 (7m) (c) 1. a. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

**SECTION 171.** 111.70 (7m) (c) 3. of the statutes is created to read:

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

**SECTION 172.** 111.70 (7m) (e) of the statutes is created to read:

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

**SECTION 173.** 111.70 (7m) (f) of the statutes is created to read:

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

**SECTION 174.** 111.70 (8) (a) of the statutes, as affected by 2011 Wisconsin Act
32, is amended to read:

111.70 (8) (a) This section, except sub. subs. (1) (nm), (4) (cg) and (cm), and (7m),
applies to law enforcement supervisors employed by a 1st class city. This section,
except sub. subs. (1) (nm), (4) (cm) and (jm), and (7m) applies to law enforcement
supervisors employed by a county having a population of 500,000 or more. For
purposes of such application, the terms “municipal employee” and “public
safety employee” include such a supervisor.
**SECTION 175.** 111.71 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

111.71 (2) The commission shall assess and collect a filing fee for filing a complaint alleging that a prohibited practice has been committed under s. 111.70 (3). The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2., (cg) 4., or (cm) 4. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1., (cg) 3., or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) (cg) (cm) 6. or (jm) or 111.77 (3). For the performance of commission actions under ss. 111.70 (4) (cg) (cm) 6. or (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate
request. The commission shall promulgate rules establishing a schedule of filing fees
to be paid under this subsection. Fees required to be paid under this subsection shall
be paid at the time of filing the complaint or the request for fact-finding, mediation
or arbitration. A complaint or request for fact-finding, mediation or arbitration is
not filed until the date such fee or fees are paid, except that the failure of the
respondent party to pay the filing fee for having the commission initiate compulsory,
final and binding arbitration under s. 111.70 (4) (cm) 6. or (jm) or 111.77 (3) may
not prohibit the commission from initiating such arbitration. The commission may
initiate collection proceedings against the respondent party for the payment of the
filing fee. Fees collected under this subsection shall be credited to the appropriation
account under s. 20.425 (1) (i).

Section 176. 111.71 (4) of the statutes is created to read:

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

Section 177. 111.71 (4m) of the statutes, as created by 2011 Wisconsin Act 32,
is repealed.

Section 178. 111.71 (5) of the statutes is created to read:

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

SECTION 179. 111.71 (5m) of the statutes, as created by 2011 Wisconsin Act 32,
is repealed.

SECTION 180. 111.77 (intro.) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 181. 111.77 (8) (a) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 182. 111.77 (9) of the statutes, as affected by 2011 Wisconsin Act 32,
is amended to read:

111.77 (9) Section 111.70 (4) (c) 3., (eg), and (cm) does not apply to employments
covered by this section.
Section 183. 111.80 of the statutes is created to read:

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

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

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

(3) Where permitted under this subchapter, negotiations of terms and conditions of state employment should result from voluntary agreement between the state and its agents as employer, and its employees. For that purpose an employee may, if the employee desires, associate with others in organizing and in bargaining collectively through representatives of the employee’s own choosing without intimidations or coercion from any source.
(4) It is the policy of this state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to encourage the practices and procedures of collective bargaining in state employment subject to the requirements of the public service and related laws, rules, and policies governing state employment, by establishing standards of fair conduct in state employment relations, and by providing a convenient, expeditious, and impartial tribunal in which these interests may have their respective rights determined.

SECTION 184. 111.81 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 185. 111.81 (3h) of the statutes is created to read:

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

SECTION 186. 111.81 (3n) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 187. 111.81 (7) (g) of the statutes is created to read:
111.81 (7) (g) For purposes of this subchapter only, home care providers. This paragraph does not make home care providers state employees for any other purpose except collective bargaining.

**SECTION 188.** 111.81 (9) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 189.** 111.81 (9g) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

**SECTION 190.** 111.81 (9k) of the statutes is created to read:

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

**SECTION 191.** 111.81 (12) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 192.** 111.81 (12m) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
111.81 (12m) “Maintenance of membership agreement” means an agreement between the employer and a labor organization representing public safety employees or supervisors specified in s. 111.825 (5) which requires that all of the public safety employees or supervisors whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement, and that dues shall be deducted from the earnings of all public safety employees or supervisors who are hired on or after the effective date of the agreement.

SECTION 193. 111.81 (15r) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 194. 111.81 (16) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 195. 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services, to use collective bargaining as the method of setting rates for
reimbursement of home care providers, shall negotiate and administer collective
bargaining agreements entered into with the collective bargaining unit specified in
s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
the office, or the department of health services with regard to collective bargaining
agreements entered into with the collective bargaining unit specified in s. 111.825
(2g), shall maintain close liaison with the legislature relative to the negotiation of
agreements and the fiscal ramifications of those agreements. Except with respect
to the collective bargaining unit specified in s. 111.825 (2) (f) and (2g), the office
is responsible for the employer functions of the executive branch under this
subchapter, and shall coordinate its collective bargaining activities with operating
state agencies on matters of agency concern. The legislative branch shall act upon
those portions of tentative agreements negotiated by the office that require
legislative action. With respect to the collective bargaining unit specified in s.
111.825 (2) (f), the governing board of the charter school established by contract
under s. 118.40 (2r) (cm) is responsible for the employer functions under this
subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g),
the department of health services is responsible for the employer functions of the
executive branch under this subchapter.

Section 196. 111.815 (1) of the statutes, as affected by 2011 Wisconsin Acts 32
and .... (this act), is repealed and recreated to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered
as a single employer and employment relations policies and practices throughout the
state service shall be as consistent as practicable. The office shall negotiate and
administer collective bargaining agreements except that the department of health
services, subject to the approval of the federal centers for medicare and medicaid
services to use collective bargaining as the method of setting rates for
reimbursement of home care providers, shall negotiate and administer collective
bargaining agreements entered into with the collective bargaining unit specified in
s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
the office, or the department of health services with regard to collective bargaining
agreements entered into with the collective bargaining unit specified in s. 111.825
(2g), shall maintain close liaison with the legislature relative to the negotiation of
agreements and the fiscal ramifications of those agreements. Except with respect
to the collective bargaining units specified in s. 111.825 (1r), (1t), and (2g), the office
is responsible for the employer functions of the executive branch under this
subchapter, and shall coordinate its collective bargaining activities with operating
state agencies on matters of agency concern. The legislative branch shall act upon
those portions of tentative agreements negotiated by the office that require
legislative action. With respect to the collective bargaining units specified in s.
111.825 (1r), the Board of Regents of the University of Wisconsin System is
responsible for the employer functions under this subchapter. With respect to the
collective bargaining units specified in s. 111.825 (1t), the chancellor of the
University of Wisconsin–Madison is responsible for the employer functions under
this subchapter. With respect to the collective bargaining unit specified in s. 111.825
(1r) (ef), the governing board of the charter school established by contract under s.
118.40 (2r) (cm) is responsible for the employer functions under this subchapter.
With respect to the collective bargaining unit specified in s. 111.825 (2g), the
department of health services is responsible for the employer functions of the
executive branch under this subchapter.
1  **SECTION 197.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

3  **SECTION 198.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Acts 32 and .... (this act), is repealed and recreated to read:

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

5  **SECTION 199.** 111.82 of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

6    **111.82 Rights of employees.** Employees have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees also have the right to refrain from any or all of such
A general employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit.

SECTION 200. 111.825 (1) (g) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 201. 111.825 (2g) of the statutes is created to read:

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

SECTION 202. 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 203. 111.825 (3) of the statutes, as affected by 2011 Wisconsin Acts 32 and .... (this act), is repealed and recreated to read:

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

SECTION 204. 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.825 (4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1) or (2), or (2g) in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative.
SECTION 205. 111.825 (4) of the statutes, as affected by 2011 Wisconsin Acts 32 and .... (this act), is repealed and recreated to read:

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

SECTION 206. 111.825 (5) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.825 (5) Although supervisors are not considered employees for purposes of this subchapter, the commission may consider a petition for a statewide collective bargaining unit of professional supervisors or a statewide unit of nonprofessional supervisors in the classified service, but the representative of supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. The certified representative of supervisors who are not public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (3), and the certified representative of supervisors who are public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (1).
SECTION 207. 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is renumbered 111.825 (6).

SECTION 208. 111.825 (6) (b) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 209. 111.83 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 210. 111.83 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is renumbered 111.83 (3).

SECTION 211. 111.83 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

SECTION 212. 111.83 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 213.** 111.83 (5m) of the statutes is created to read:

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

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

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

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

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

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

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

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

SECTION 214. 111.84 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 215. 111.84 (1) (d) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 216. 111.84 (1) (f) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
111.84 (1) (f) To deduct labor organization dues from the an employee's earnings of a public safety employee, unless the employer has been presented with an individual order therefor, signed by the public safety employee personally, and terminable by at least the end of any year of its life or earlier by the public safety employee giving at least 30 but not more than 120 days’ written notice of such termination to the employer and to the representative labor organization, except if there is a fair-share or maintenance of membership agreement in effect. Theemployer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 217. 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 218. 111.84 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.84 (3) It is an unfair labor practice for any person to do or cause to be done on behalf of or in the interest of employers or employees, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by sub. subs. (1) or and (2).
SECTION 219. 111.845 of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 220. 111.85 (1), (2) and (4) of the statutes, as affected by 2011 Wisconsin Act 10, are amended to read:

111.85 (1) (a) No fair-share or maintenance of membership agreement covering public safety employees may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30% of the public safety employees or supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a fair-share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

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

(c) If a fair-share or maintenance of membership agreement is authorized in a referendum, the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair-share or maintenance of membership agreement shall contain a provision requiring the
employer to deduct the amount of dues as certified by the labor organization from the earnings of the public safety employees or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, the agreement shall take effect 60 days after certification by the commission that the referendum vote authorized the agreement. The employer shall be held harmless against any claims, demands, suits and other forms of liability made by public safety employees or supervisors or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits and other forms of liability are the responsibility of the labor organization entering into the agreement.

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

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

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

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

SECTION 221. 111.90 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 222. 111.905 of the statutes is created to read:
111.905 Rights of consumer. (1) This subchapter does not interfere with the rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise, or discipline home care providers or to set conditions and duties of employment.

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

SECTION 223. 111.91 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 224. 111.91 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 225. 111.91 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
111.91 (1) (c) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

SECTION 226. 111.91 (1) (cg) of the statutes is created to read:

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

SECTION 227. 111.91 (1) (cm) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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

SECTION 228. 111.91 (1) (d) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 229. 111.91 (1) (e) of the statutes is created to read:

111.91 (1) (e) The employer shall not be required to bargain on matters related to employee occupancy of houses or other lodging provided by the state.
111.91 (2) (intro.) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

**SECTION 231.** 111.91 (2) (fm) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

**SECTION 232.** 111.91 (2) (gu) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 233.** 111.91 (2c) of the statutes is created to read:

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

(a) Policies.

(b) Work rules.

(c) Hours of employment.

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

**SECTION 234.** 111.91 (3) of the statutes, as affected by 2011 Wisconsin Acts 10, and 32 is repealed.

**SECTION 235.** 111.91 (3q) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

**SECTION 236.** 111.92 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
111.92 (1) (a) Any tentative agreement reached between the office, or, as provided in s. 111.815 (1), the department of health services, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) or (2) shall, after official ratification by the labor organization, be submitted by the office or department of health services to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee’s concurrence with the matters under consideration and which recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

SECTION 237. 111.92 (2m) of the statutes is created to read:
111.92 (2m) A collective bargaining agreement entered into by a collective
bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

**SECTION 238.** 111.92 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
10, is renumbered 111.92 (3) and amended to read:

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

**SECTION 239.** 111.92 (3) (b) of the statutes, as created by 2011 Wisconsin Act
10, is repealed.

**SECTION 240.** 111.93 (3) (intro.) and (a) of the statutes, as affected by 2011
Wisconsin Act 10, are consolidated, renumbered 111.93 (3) and amended to read:

111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), all of the following apply: (a) If a
collective bargaining agreement exists between the employer and a labor
organization representing employees in a collective bargaining unit under s. 111.825
(1) (g), the provisions of that agreement shall supersede the provisions of civil service
and other applicable statutes, as well as rules and policies of the board of regents of
the University of Wisconsin System, related to wages, fringe benefits, hours, and
conditions of employment whether or not the matters contained in those statutes,
rules, and policies are set forth in the collective bargaining agreement.

**SECTION 241.** 111.93 (3) (b) of the statutes, as created by 2011 Wisconsin Act
10, is repealed.

**SECTION 242.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
created to read:

**CHAPTER 111**

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

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

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

111.96 Definitions. In this subchapter:

(1) “Academic staff” means academic staff under s. 36.15, but does not include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is appointed to a visiting faculty position.

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

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

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

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

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

(7) “Employee” includes:

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

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

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

(9) “Faculty” means faculty under s. 36.13, except for an individual holding an appointment under s. 36.15.

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

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

(12) “Labor dispute” means any controversy with respect to the subjects of bargaining provided in this subchapter.
(13) “Labor organization” means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters pertaining to terms and conditions of employment, but does not include any organization that does any of the following:

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

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

(14) “Maintenance of membership agreement” means an agreement between the employer and a labor organization representing employees that requires that all of the employees whose dues are being deducted from earnings under s. 20.921 (1) or 111.992 at or after the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

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

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

(17) “Referendum” means a proceeding conducted by the commission in which employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share agreement or to terminate a fair-share agreement.
(18) “Representative” includes any person chosen by an employee to represent the employee.

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

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

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

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

(2) The board shall establish a collective bargaining capacity and shall represent the state in its responsibility as an employer under this subchapter. The board shall coordinate its actions with the director of the office.
111.97 Rights of employees. Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees shall also have the right to refrain from any such activities.

111.98 Collective bargaining units. (1) Collective bargaining units for faculty and staff shall be structured with a collective bargaining unit for each of the following groups:

(a) Faculty of the University of Wisconsin–Madison.
(b) Faculty of the University of Wisconsin–Milwaukee.
(c) Faculty of the University of Wisconsin–Extension.
(cm) Faculty of the University of Wisconsin–Eau Claire.
(d) Faculty of the University of Wisconsin–Green Bay.
(dm) Faculty of the University of Wisconsin–La Crosse.
(e) Faculty of the University of Wisconsin–Oshkosh.
(em) Faculty of the University of Wisconsin–Parkside.
(f) Faculty of the University of Wisconsin–Platteville.
(fm) Faculty of the University of Wisconsin–River Falls.
(g) Faculty of the University of Wisconsin–Stevens Point.
(gm) Faculty of the University of Wisconsin–Stout.
(h) Faculty of the University of Wisconsin–Superior.
(hm) Faculty of the University of Wisconsin–Whitewater.
(i) Faculty of the University of Wisconsin Colleges.
(j) Academic staff of the University of Wisconsin–Madison.
(jk) Academic staff employed at the University of Wisconsin System administration.

(jm) Academic staff of the University of Wisconsin–Milwaukee.

(k) Academic staff of the University of Wisconsin–Extension.

(km) Academic staff of the University of Wisconsin–Eau Claire.

(L) Academic staff of the University of Wisconsin–Green Bay.

(Lm) Academic staff of the University of Wisconsin–La Crosse.

(n) Academic staff of the University of Wisconsin–Oshkosh.

(nm) Academic staff of the University of Wisconsin–Parkside.

(o) Academic staff of the University of Wisconsin–Platteville.

(om) Academic staff of the University of Wisconsin–River Falls.

(p) Academic staff of the University of Wisconsin–Stevens Point.

(pm) Academic staff of the University of Wisconsin–Stout.

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

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

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

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

(b) If 2 or more collective bargaining units have combined under par. (a), the
commission shall, upon petition of at least 30 percent of the employees in any of the
original units, hold an election of the employees in the original unit to determine
whether the employees in that unit desire to withdraw from the combined collective
bargaining unit. If a majority of the employees voting desire to withdraw from the
combined collective bargaining unit, separate units consisting of the unit in which
the election was held and a unit composed of the remainder of the combined unit shall
be formed. The new collective bargaining units shall be formed immediately if there
is no collective bargaining agreement in force for the combined unit. If there is a
collective bargaining agreement in force for the combined collective bargaining unit,
the new units shall be formed upon the expiration of the agreement. While there is
a collective bargaining agreement in force for the combined collective bargaining
unit, a petition for an election under this paragraph may be filed only during October
in the calendar year prior to the expiration of the agreement.

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

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

111.990 Representatives and elections. (1) A representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present any grievance to the employer in person, or through representatives of their own choosing, and the employer shall confer with the individual employee or group of employees with respect to the grievance if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

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

(b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative qualifies to appear on the ballot, the ballot shall be so prepared as to provide separate votes on 2 questions. The first question shall be: “Shall the employees of the .... (name of collective bargaining unit) participate in collective bargaining?” The 2nd question shall be: “If the employees of the .... (name of collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?” The 2nd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on both questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for representatives shall be counted.

2. For elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative
qualifies to appear on the ballot and a question of whether to combine collective bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot, the ballot shall be so prepared as to provide separate votes on 3 questions and each ballot shall identify the collective bargaining unit to which each voter currently belongs. The first question shall be: “Shall the employees of the .... (name of the voter’s current collective bargaining unit) participate in collective bargaining?” The 2nd question shall be “Shall the employees of the .... (names of all of the collective bargaining units that qualify to appear on the ballot, including the name of the voter’s current collective bargaining unit) combine to participate in collective bargaining?” The 3rd question shall be: “If the employees of the .... (name of the voter’s current collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?” The 3rd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on all questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for combination or for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for combination shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the ballot vote to combine, then the ballots for representatives of the combined collective bargaining unit shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the ballot do not vote to combine, then the ballots for representatives of each current collective bargaining unit shall be counted.
(c) The commission’s certification of the results of any election is conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

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

(4) While a collective bargaining agreement between a labor organization and an employer is in force under this subchapter, a petition for an election in the collective bargaining unit to which the agreement applies may be filed only during October in the calendar year prior to the expiration of that agreement. An election held under that petition may be held only if the petition is supported by proof that at least 30 percent of the employees in the collective bargaining unit desire a change or discontinuance of existing representation. Within 60 days of the time that an original petition is filed, another petition may be filed supported by proof that at least 10 percent of the employees in the same collective bargaining unit desire a different representative. If a majority of the employees in the collective bargaining unit vote for a change or discontinuance of representation by any named representative, the decision takes effect upon expiration of any existing collective bargaining agreement between the employer and the existing representative.

111.991 Unfair labor practices. (1) It is an unfair labor practice for an employer individually or in concert with others:
(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed under s. 111.97.

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

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

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

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

(f) To deduct labor organization dues from an employee’s earnings, unless the
employer has been presented with an individual order therefor, signed by the
employee personally, and terminable by at least the end of any year of its life or
earlier by the employee giving at least 30 but not more than 120 days’ written notice
of such termination to the employer and to the representative labor organization,
except if there is a fair−share or maintenance of membership agreement in effect.
The employer shall give notice to the labor organization of receipt of such notice of
termination.

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

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

(2) It is unfair practice for an employee individually or in concert with others:
(a) To coerce or intimidate an employee in the enjoyment of the employee’s legal
rights, including those guaranteed under s. 111.97.
(b) To coerce, intimidate, or induce any officer or agent of the employer to
interfere with any of the employer’s employees in the enjoyment of their legal rights
including those guaranteed under s. 111.97 or to engage in any practice with regard
to its employees which would constitute an unfair labor practice if undertaken by the
officer or agent on the officer’s or agent’s own initiative.
(c) To refuse to bargain collectively on matters specified in s. 111.998 with the
authorized officer or agent of the employer that is the recognized or certified
exclusive collective bargaining representative of employees in an appropriate
collective bargaining unit. Such refusal to bargain shall include a refusal to execute
a collective bargaining agreement previously orally agreed upon.
(d) To violate the provisions of any written agreement with respect to terms and
conditions of employment affecting employees, including an agreement to arbitrate
or to accept the terms of an arbitration award, when previously the parties have
agreed to accept such awards as final and binding upon them.
(e) To engage in, induce, or encourage any employees to engage in a strike or
a concerted refusal to work or perform their usual duties as employees.
(f) To coerce or intimidate a supervisory employee, officer, or agent of the
employer, working at the same trade or profession as the employer’s employees, to
induce the person to become a member of or act in concert with the labor organization of which the employee is a member.

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

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

(4) Any controversy concerning unfair labor practices may be submitted to the commission as provided in s. 111.07, except that the commission shall schedule a hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after filing of a complaint, and notice shall be given to each party interested by service on the party personally, or by telegram, advising the party of the nature of the complaint and of the date, time, and place of hearing. The commission may appoint a substitute tribunal to hear unfair labor practice charges by either appointing a 3–member panel or submitting a 7–member panel to the parties and allowing each to strike 2 names. Any such panel shall report its finding to the commission for appropriate action.

111.992 Fair-share and maintenance of membership agreements. (1)

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

2. For a fair-share agreement to be authorized, at least a majority of the eligible employees or supervisors voting in a referendum shall vote in favor of the agreement.
(b) No maintenance of membership agreement may be effective unless authorized. For a maintenance of membership agreement to be authorized, the employer and the labor organization representing the employees must voluntarily agree to establish the maintenance of membership agreement.

(c) If a fair-share agreement is authorized in a referendum, the employer shall enter into a fair-share agreement with the labor organization named on the ballot in the referendum. If a maintenance of membership agreement is authorized under par. (b), the employer shall enter into the maintenance of membership agreement with the labor union that voluntarily agreed to establish the agreement. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, a fair-share agreement shall take effect 60 days after the commission certifies that the referendum vote authorized the fair-share agreement and a maintenance of membership agreement shall take effect 60 days after the commission certifies that the parties have voluntarily agreed to establish the maintenance of membership agreement. The employer shall be held harmless against any claims, demands, suits, and other forms of liability made by employees or supervisors or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits, and other forms of liability are the responsibility of the labor organization entering into the agreement.

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

(2) (a) 1. Once authorized, a fair-share agreement shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such a petition must be supported by proof that at least 30 percent of the employees or supervisors in the collective bargaining unit desire that the fair-share agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share agreement is approved in the referendum by at least the percentage of eligible voting employees or supervisors required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuance of the fair-share agreement is not supported in any referendum, it is considered terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

2. Once authorized, a maintenance of membership agreement shall continue in effect, subject to the right of the employer or the labor organization concerned to notify the commission that it no longer voluntarily agrees to continue the agreement. After the commission is notified, the maintenance of membership agreement is terminated at the termination of the collective bargaining agreement or one year from the notification, whichever is earlier.
(b) The commission shall declare any fair-share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, or creed to receive as a member any employee or supervisor in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any employee or supervisor covered under the agreement, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

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

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

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

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

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

**111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
period of negotiation and after the settlement procedures, if any, established by the
parties have been exhausted, the representative that has been certified by the
commission after an election, as the exclusive representative of employees in an
appropriate bargaining unit, and the employer, its officers, and agents, after a
reasonable period of negotiation, are deadlocked with respect to any dispute between
them arising in the collective bargaining process, either party, or the parties jointly,
may petition the commission, in writing, to initiate fact-finding under this section,
and to make recommendations to resolve the deadlock.

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

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

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

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

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

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

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

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

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

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

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

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

111.998 Subjects of bargaining. (1) (a) Except as provided in pars. (b) to (f), matters subject to collective bargaining to the point of impasse are salaries; fringe benefits consistent with sub. (2); and hours and conditions of employment.
(b) The board is not required to bargain on management rights under s. 111.997, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of bargaining.

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

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

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

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

(2) The board is prohibited from bargaining on:

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

(b) Amendments to this subchapter.

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

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

3.

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

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

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

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

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

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

(L) The maximum benefit limitations under s. 40.31

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

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

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

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

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

(r) The requirements under s. 609.10 related to offering a point-of-service option plan.
(s) The requirements related to internal grievance procedures under s. 632.83 and independent review of certain health benefit plan determinations under s. 632.835.

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

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

111.9991 Agreements. (1) Any tentative agreement reached between the board, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.98 shall, after official ratification by the labor organization, be submitted by the board to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions, or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee’s concurrence with the matters under consideration and that recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

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

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

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

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

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

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

(2) The commission shall assess and collect a filing fee for filing a complaint
alleging that an unfair labor practice has been committed under s. 111.991. The
commission shall assess and collect a filing fee for filing a request that the
commission act as an arbitrator to resolve a dispute involving the interpretation or
application of a collective bargaining agreement under s. 111.993. The commission
shall assess and collect a filing fee for filing a request that the commission initiate
fact-finding under s. 111.995. The commission shall assess and collect a filing fee
for filing a request that the commission act as a mediator under s. 111.994. For the
performance of commission actions under ss. 111.993, 111.994, and 111.995, the
commission shall require that the parties to the dispute equally share in the payment
of the fee and, for the performance of commission actions involving a complaint
alleging that an unfair labor practice has been committed under s. 111.991, the
commission shall require that the party filing the complaint pay the entire fee. If any
party has paid a filing fee requesting the commission to act as a mediator for a labor
dispute and the parties do not enter into a voluntary settlement of the labor dispute,
the commission may not subsequently assess or collect a filing fee to initiate
fact-finding to resolve the same labor dispute. If any request concerns issues arising
as a result of more than one unrelated event or occurrence, each such separate event
or occurrence shall be treated as a separate request. The commission shall
promulgate rules establishing a schedule of filing fees to be paid under this
subsection. Fees required to be paid under this subsection shall be paid at the time
of filing the complaint or the request for fact-finding, mediation, or arbitration. A
complaint or request for fact-finding, mediation, or arbitration is not filed until the
date such fee or fees are paid. Fees collected under this subsection shall be credited
to the appropriation account under s. 20.425 (1) (i).

**SECTION 243.** 111.965 of the statutes, as created by 2011 Wisconsin Act .... (this
act), is renumbered 111.965 (1m) and amended to read:

111.965 *(1m)* (a) In the furtherance of this subchapter, the state shall be
considered as a single employer. The With respect to a collective bargaining unit
specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall negotiate and administer
collective bargaining agreements. To coordinate the employer position in the
negotiation of agreements, the board shall maintain close liaison with the office
relative to the negotiation of agreements and the fiscal ramifications of those
agreements. The board shall coordinate its collective bargaining activities with the
office. The legislative branch shall act upon those portions of tentative agreements
negotiated by the board that require legislative action.

(b) The With respect to a collective bargaining unit specified in s. 111.98 (1) (b)
to (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall
represent the state in its responsibility as an employer under this subchapter. The
board shall coordinate its actions with the director of the office.

**SECTION 244.** 111.965 (2m) of the statutes is created to read:

111.965 *(2m)* (a) With respect to a collective bargaining unit specified in s.
111.98 (1) (a) or (j), the University of Wisconsin–Madison shall negotiate and
administer collective bargaining agreements. To coordinate the employer position
in the negotiation of agreements, the University of Wisconsin–Madison shall
maintain close liaison with the office relative to the negotiation of agreements and
the fiscal ramifications of those agreements. The University of Wisconsin–Madison
shall coordinate its collective bargaining activities with the office. The legislative branch shall act upon those portions of tentative agreements negotiated by the University of Wisconsin–Madison that require legislative action.

(b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison shall establish a collective bargaining capacity and shall represent the state in its responsibility as an employer under this subchapter. The University of Wisconsin–Madison shall coordinate its actions with the director of the office.

SECTION 245. 111.98 (2) (a) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

111.98 (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described under sub. (1) (a) (b) to (i) or (jk) to (r) may be combined into a single unit or the collective bargaining units described under sub. (1) (a) and (j) may be combined into a single unit. If 2 or more collective bargaining units seek to combine into a single collective bargaining unit, the commission shall, upon the petition of at least 30 percent of the employees in each unit, hold an election, or include on any ballot for an election held under s. 111.990 (2) the question of whether to combine units, to determine whether a majority of those employees voting in each unit desire to combine into a single unit. A combined collective bargaining unit shall be formed including all employees from each of those units in which a majority of the employees voting in the election approve a combined unit. The combined collective bargaining unit shall be formed immediately if there is no existing collective bargaining agreement in force in any of the units to be combined. If there is a collective bargaining agreement in force at the time of the election in any of the collective
bargaining units to be combined, the combined unit shall be formed upon expiration
of the last agreement for the units concerned.

**SECTION 246.** 111.997 (intro.) and (1) of the statutes, as created by 2011
Wisconsin Act .... (this act), are amended to read:

111.997 **Management rights.** (intro.) Nothing in this subchapter shall
interfere with the right of the board or of the University of Wisconsin–Madison, in
accordance with this subchapter, to do any of the following:

(1) Carry out the statutory mandate and goals assigned to the board or to the
University of Wisconsin–Madison by the most appropriate and efficient methods and
means and utilize personnel in the most appropriate and efficient manner possible.

**SECTION 247.** 111.998 (1) (b) of the statutes, as created by 2011 Wisconsin Act
.... (this act), is amended to read:

111.998 (1) (b) The With respect to a collective bargaining unit specified in s.
111.98 (1) (b) to (i) or (jk) to (r), the board and, with respect to a collective bargaining
unit specified in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison is not
required to bargain on management rights under s. 111.997, except that procedures
for the adjustment or settlement of grievances or disputes arising out of any type of
disciplinary action in s. 111.997 (2) is a subject of bargaining.

**SECTION 248.** 111.998 (1) (c) of the statutes, as created by 2011 Wisconsin Act
.... (this act), is amended to read:

111.998 (1) (c) The board is and the University of Wisconsin–Madison are
prohibited from bargaining on matters contained in sub. (2).

**SECTION 249.** 111.998 (1) (d) of the statutes, as created by 2011 Wisconsin Act
.... (this act), is amended to read:
111.998 (1) (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all actions of the board and of the University of Wisconsin–Madison that are authorized under any such law which apply to nonrepresented individuals employed by the state shall apply to similarly situated employees, unless otherwise specifically provided in a collective bargaining agreement that applies to those employees.

SECTION 250. 111.998 (1) (e) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

111.998 (1) (e) Demands relating to retirement and group insurance shall be submitted to the board or to the University of Wisconsin–Madison, whichever is appropriate, at least one year prior to commencement of negotiations.

SECTION 251. 111.998 (1) (f) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

111.998 (1) (f) Neither the board nor the University of Wisconsin–Madison is not required to bargain on matters related to employee occupancy of houses or other lodging provided by the state.

SECTION 252. 111.998 (2) (intro.) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

111.998 (2) (intro.) The board is and the University of Wisconsin–Madison are prohibited from bargaining on:

SECTION 253. 111.999 of the statutes, as created by 2011 Wisconsin Act .... (this act), is renumbered 111.999 (1) and amended to read:

111.999 (1) The With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall notify and consult with the joint committee on employment relations, in such form and detail as the committee
requests, regarding substantial changes in wages, employee benefits, personnel
management, and program policy contract provisions to be included in any contract
proposal to be offered to any labor organization by the state or to be agreed to by the
state before such proposal is actually offered or accepted.

Section 254. 111.999 (2) of the statutes is created to read:

111.999 (2) With respect to a collective bargaining unit specified in s. 111.98 (1)
(a) or (j), the University of Wisconsin–Madison shall notify and consult with the joint
committee on employment relations, in such form and detail as the committee
requests, regarding substantial changes in wages, employee benefits, personnel
management, and program policy contract provisions to be included in any contract
proposal to be offered to any labor organization or to be agreed to before such proposal
is actually offered or accepted.

Section 255. 111.9991 (1) of the statutes, as created by 2011 Wisconsin Act ....
(this act), is renumbered 111.9991 (1) (a) and amended to read:

111.9991 (1) (a) Any tentative agreement reached between the board, acting for
the state, and any labor organization representing a collective bargaining unit
specified in s. 111.98 (1) (b) to (i) or (jk) to (r) shall, after official ratification by the
labor organization, be submitted by the board to the joint committee on employment
relations, which shall hold a public hearing before determining its approval or
disapproval.

(c) If the committee approves the tentative agreement under par. (a) or (b),
it shall introduce in a bill or companion bills, to be put on the calendar or referred
to the appropriate scheduling committee of each house, that portion of the tentative
agreement which requires legislative action for implementation, such as salary and
wage adjustments, changes in fringe benefits, and any proposed amendments,
deletions, or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee’s concurrence with the matters under consideration and that recommends the passage of such legislation without change.

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

**SECTION 256.** 111.9991 (1) (b) of the statutes is created to read:

111.9991 (1) (b) Any tentative agreement reached between the University of Wisconsin-Madison, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official ratification by the labor organization, be submitted by the University of Wisconsin-Madison to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval.

**SECTION 257.** 118.22 (4) of the statutes is created to read:

118.22 (4) A collective bargaining agreement may modify, waive, or replace any of the provisions of this section as they apply to teachers in the collective bargaining unit, but neither the employer nor the bargaining agent for the employees is required to bargain such modification, waiver, or replacement.
SECTION 258. 118.223 of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 259. 118.23 (5) of the statutes is created to read:

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

SECTION 260. 118.245 of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 261. 118.40 (2r) (b) 3. a. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 262. 118.42 (3) (a) 4. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 263. 118.42 (5) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
118.42 (5) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and school district employees under federal or state law or under the terms of any applicable collective bargaining agreement.

SECTION 264. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

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

SECTION 265. 120.12 (4m) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 266. 120.12 (15) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. This subsection does not eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal that is primarily related to wages, hours, or conditions of employment.
SECTION 267. 120.18 (1) (gm) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 268. 230.01 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 269. 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
230.03 (3) “Agency” means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279. “Agency” does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 270. 230.046 (10) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 271. 230.10 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 272. 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:
230.12 (3) (e) 1. The director, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V or VI of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.
SECTION 273. 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 274. 230.35 (1s) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

230.35 (1s) Annual leave of absence with pay for instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm) shall be determined by the governing board of the charter school established by contract under s. 118.40 (2r) (cm), as approved by the chancellor of the University of Wisconsin–Parkside and subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff.

SECTION 275. 230.35 (2d) (e) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 276. 230.35 (3) (e) 6. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 277. 230.88 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 278. 233.02 (1) (h) of the statutes is created to read:

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

**SECTION 279.** 233.02 (8) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 280.** 233.03 (7) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

**SECTION 281.** 233.10 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

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

SECTION 282. 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 283. 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

285.59 (1) (b) “State agency” means any office, department, agency, institution
of higher education, association, society or other body in state government created
or authorized to be created by the constitution or any law which is entitled to expend
moneys appropriated by law, including the legislature and the courts, the Wisconsin
Housing and Economic Development Authority, the Bradley Center Sports and
Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
Development Corporation, and the Wisconsin Health and Educational Facilities
Authority.

SECTION 284. 704.31 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:

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

SECTION 285. 851.71 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
is amended to read:
851.71 (4) In counties having a population of 500,000 or more, the appointment
under subs. (1) and (2) shall be made as provided in those subsections but the judges
shall not remove the register in probate and deputy registers, except through charges
for dismissal made and sustained under s. 63.10 or an applicable collective
bargaining agreement.

SECTION 286. 904.085 (2) (a) of the statutes is amended to read:

904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation
under s. 111.54, mediation under s. 111.11, 111.70 (4) (cg) or (cm) 3. or 111.87,
mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
or s. 767.405, or any similar statutory, contractual or court-referred process
facilitating the voluntary resolution of disputes. “Mediation” does not include
binding arbitration or appraisal.

SECTION 287. 978.12 (1) (c) of the statutes, as affected by 2011 Wisconsin Act
10, is amended to read:

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

SECTION 288. 2011 Wisconsin Act 10, section 9132 is repealed.

SECTION 289. 2011 Wisconsin Act 10, section 9155 is repealed.
SECTION 290. Initial applicability.

(1) This act first applies to an employee who is covered by a collective bargaining agreement under subchapter I, IV, or V of chapter 111 of the statutes that contains provisions inconsistent with this act on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

SECTION 291. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal of section 20.865 (1) (cm), (im), and (sm) of the statutes, the renumbering and amendment of sections 111.965, 111.999, and 111.9991 (1) of the statutes, the amendment of sections 111.98 (2) (a), 111.997 (intro.) and (1), and 111.998 (1) (b), (c), (d), (e), and (f) and (2) (intro.) of the statutes, the repeal and recreation of sections 16.705 (3) (intro.), 36.09 (1) (j), 111.815 (1) and (2), and 111.825 (3) and (4) of the statutes, and the creation of sections 111.965 (2m), 111.999 (2), and 111.9991 (1) (b) of the statutes take effect on July 1, 2013.

(END)