



2013 SENATE BILL 347

October 14, 2013 – Introduced by Senators CARPENTER and L. TAYLOR, cosponsored by Representatives KESSLER and OHNSTAD. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to repeal* 111.70 (4) (jm); and *to amend* 111.70 (8) (a), 111.71 (2) and
2 111.77 (8) (b) of the statutes; **relating to:** resolution process for a dispute
3 between a first class city and the representative of police officers employed by
4 the first class city.

Analysis by the Legislative Reference Bureau

The Municipal Employment Relations Act (MERA) provides a process to resolve a dispute when a city of the first class (currently only Milwaukee) and the representative of the police officers employed by the city reach an impasse on the terms of a collective bargaining agreement. In this process, the arbitrator may determine many factors including all compensation, which includes base wages, insurance programs, pension programs, and overtime compensation; regular hours of work, which includes what constitutes overtime; the seniority system and its effects on wages, hours, and working conditions; criteria for merit increases; work rules; and systems of dispute resolution.

MERA also provides a process to resolve a dispute when a municipality that is not a city of the first class and the representative of its employees that are police officers reach an impasse on the terms of a collective bargaining agreement. Generally, unless both the employer and the representative of the employees agree to give the arbitrator power to determine all issues, an arbitrator must select the final offer of one of the parties without modification.

This bill eliminates the process to resolve a dispute between a city of the first class and the representative of the police officers employed by the city. Under the bill,

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a dispute between the city of the first class and the representative will follow the process for dispute resolutions followed by other municipalities and the representatives of police officers employed by them.

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

1 **SECTION 1.** 111.70 (4) (jm) of the statutes is repealed.

2 **SECTION 2.** 111.70 (8) (a) of the statutes is amended to read:

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

8 **SECTION 3.** 111.71 (2) of the statutes is amended to read:

9 111.71 (2) The commission shall assess and collect a filing fee for filing a
10 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
11 The commission shall assess and collect a filing fee for filing a request that the
12 commission act as an arbitrator to resolve a dispute involving the interpretation or
13 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., (cg) 4., or
14 (cm) 4. The commission shall assess and collect a filing fee for filing a request that
15 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
16 assess and collect a filing fee for filing a request that the commission act as a
17 mediator under s. 111.70 (4) (c) 1., (cg) 3., or (cm) 3. The commission shall assess and
18 collect a filing fee for filing a request that the commission initiate compulsory, final
19 and binding arbitration under s. 111.70 (4) (cg) 6. or (jm) or 111.77 (3). For the
20 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cg) 3., 4., and

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

23 **SECTION 4.** 111.77 (8) (b) of the statutes is amended to read:

