

**2013 DRAFTING REQUEST**

**Bill**

Received: 9/26/2013 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Jon Erpenbach (608) 266-6670 By/Representing: Julie  
May Contact: Drafter: chanaman  
Subject: Employ Pub - collective bargain Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Erpenbach@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employees of University of Wisconsin Hospitals and Clinics Authority to bargain collectively as public employees

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 1/24/2014	kfollett 1/24/2014	jmurphy 1/23/2014	_____	srose 1/23/2014		
/1				_____	lparisi 1/24/2014	lparisi 1/24/2014	

FE Sent For:

NOT NEEDED

<END>

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/P1	chanaman 1/23/2014	kfollett 1/23/2014	jmurphy 1/23/2014	_____	srose 1/23/2014		

FE Sent For:

1/15/14  
1/24  
1/15/14  
1/24  
<END>

JACKET FOR SEN

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/P1	chanaman 10/2/2013	kfollett 10/4/2013	jfrantze 10/4/2013	_____	lparisi 10/4/2013		

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1/15/13  
1/23

Jan  
1/23

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/P1	chanaman						
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10/4  
/P1/SF  
Jb  
10/7

FE Sent For:

<END>

## Hanaman, Cathlene

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**From:** Laundrie, Julie  
**Sent:** Thursday, September 26, 2013 9:43 AM  
**To:** Hanaman, Cathlene  
**Cc:** Rose, Laura  
**Subject:** UW employees

Hi Cathlene,

Well Senator Erpenbach's amendment did not pass last week on UWHC employees. I got some feedback from the majority party, and even if it does not mean that we can succeed, I would like to try to take the main argument against Jon's plan off the table by addressing it.

The reaction was – you are adding 5,000 state employees. The numbers are bad.

So can we create a new section of the statute just for UWHC "state authority" employees and give them the right to bargain for salary and whatever other state employees have?

Copied Laura because Jessica is at home with a new baby.

Let me know what you think and if you want to meet about this.

Julie

**Julie Laundrie**  
**Office of Senator Jon Erpenbach**  
**608-266-6670 104 South**  
**media contact cell 608-772-0110**



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3263/P1

CMH:...

lf

today please per requester

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

(lf)

1 **AN ACT** <sup>~ amend</sup>; **relating to:** collective bargaining for employees of the University of  
2 Wisconsin Hospitals and Clinics Authority.

***Analysis by the Legislative Reference Bureau***

This bill allows employees of the University of Wisconsin Hospitals and Clinics Authority (UWHCA) to collectively bargain with UWHCA. This bill limits the subjects on which the employees and UWHCA may collectively bargain to a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Under this bill, the term of a collective bargaining agreement covering the UWHCA employees must coincide with the fiscal year, and no collective bargaining agreement covering UWHCA employees may be for longer than one year or be extended.

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

term of a

3 **SECTION 1.** 19.82 (1) of the statutes is amended to read:

4 19.82 (1) "Governmental body" means a state or local agency, board,  
5 commission, committee, council, department or public body corporate and politic  
6 created by constitution, statute, ordinance, rule or order; a governmental or

1 quasi-governmental corporation except for the Bradley center sports and  
2 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
3 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
4 the foregoing, but excludes any such body or committee or subunit of such body which  
5 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
6 or V of ch. 111 or s. 233.10 (5).

History: 1975 c. 426; 1977 c. 364, 447; 1985 a. 26, 29, 332; 1987 a. 305; 1993 a. 215, 263, 456, 491; 1995 a. 27, 185; 1997 a. 79; 1999 a. 9; 2007 a. 20, 96; 2009 a. 28; 2011 a. 10.

7 **SECTION 2.** 19.86 of the statutes is amended to read:

8 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
9 19.82 (1), where notice has been given by either party to a collective bargaining  
10 agreement under subch. I, IV, or V of ch. 111 or s. 233.10 (5) to reopen such agreement  
11 at its expiration date, the employer shall give notice of such contract reopening as  
12 provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall  
13 be given by the employer's chief officer or such person's designee.

History: 1975 c. 426; 1987 a. 305; 1993 a. 215; 1995 a. 27; 2007 a. 20; 2009 a. 28; 2011 a. 10.

14 **SECTION 3.** 40.95 (1) (a) 3. of the statutes is amended to read:

15 40.95 (1) (a) 3. The employee has his or her compensation established in a  
16 collective bargaining agreement under subch. I of ch. 111 and the employee is  
17 employed by the University of Wisconsin Hospitals and Clinics Authority s. 233.10  
18 (5).

NOTE: NOTE: Collective bargaining under subch. I of ch. 111 for employees of the University of Wisconsin Hospitals and Clinics Authority was eliminated by 2011 Wis. Act 10. Corrective legislation is pending. NOTE:

History: 1995 a. 88, 89, 216; 2003 a. 33, 117, 326; 2009 a. 28; 2011 a. 10, 32.

19 **SECTION 4.** 73.03 (68) of the statutes is amended to read:

20 73.03 (68) At the request of the Wisconsin Employment Relations Commission,  
21 as provided under s. 111.91 (3q) or 233.10 (5) (g), to determine the average annual  
22 percentage change in the U.S. consumer price index for all urban consumers, U.S.  
23 city average, as determined by the federal department of labor, for the 12 months

1 immediately preceding the request from the Wisconsin Employment Relations  
2 Commission.

**History:** 1971 c. 40, 215; 1973 c. 90; 1975 c. 39; 1977 c. 143; 1977 c. 196 s. 130 (7); 1977 c. 313; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221, 350; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 275 s. 15 (4); 1983 a. 524; 1983 a. 538 s. 269 (3); 1985 a. 12, 29, 273; 1987 a. 4, 27, 186; 1987 a. 312 s. 17; 1987 a. 328, 378, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 74, 335; 1991 a. 39, 219, 313, 316; 1993 a. 16, 112, 205, 490; 1995 a. 27 ss. 3434g to 3440m, 9145 (1); 1995 a. 209, 233; 1997 a. 27, 35, 191, 237, 252; 1999 a. 9, 31, 185; 2001 a. 16, 44, 104, 107, 109; 2003 a. 33, 127; 2005 a. 25, 259; 2007 a. 20, 86; 2009 a. 2, 28, 180, 401; 2011 a. 10, 32, 257; 2013 a. 20.

3 **SECTION 5.** 233.04 (8) of the statutes is created to read:

4 233.04 (8) If employees comprising a collective bargaining unit under s. 233.10  
5 (5) (c) choose a representative for collective bargaining purposes, negotiate and  
6 administer collective bargaining agreements, as provided under s. 233.10 (5).

7 **SECTION 6.** 233.10 (2) (a) of the statutes is amended to read:

8 233.10 (2) (a) The Subject to sub. (5), the compensation of the employees of the  
9 authority.

**History:** 1995 a. 27; 1997 a. 252; 2001 a. 16, 103; 2003 a. 33 ss. 2441, 2442, 9160; 2007 a. 109; 2011 a. 10.

10 **SECTION 7.** 233.10 (5) of the statutes is created to read:

11 233.10 (5) (a) In this subsection:

12 1. “Collective bargaining” means the performance of the mutual obligation of  
13 the authority and the representatives of its employees to meet and confer at  
14 reasonable times, in good faith, with respect to the subjects of bargaining provided  
15 in par. (f), with the intention of reaching an agreement, or to resolve questions arising  
16 under such an agreement. The duty to bargain does not compel either party to agree  
17 to a proposal or require the making of a concession. Collective bargaining includes  
18 the reduction of any agreement reached to a written and signed document.

19 2. “Commission” means the employment relations commission.

20 (b) Employees of the authority have the right of self-organization and the right  
21 to form, join, or assist labor organizations, to bargain collectively through  
22 representatives of their own choosing, and to engage in lawful, concerted activities  
23 for the purpose of collective bargaining or other mutual aid or protection. Employees



1 also have the right to refrain from any such activities. An employee has the right to  
2 refrain from paying dues while remaining a member of a collective bargaining unit.

3 (c) Collective bargaining units for employees who are employed by the  
4 authority are structured with one collective bargaining unit for each of the following  
5 occupational groups:

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

14 (d) A representative chosen for the purposes of collective bargaining by a  
15 majority of the employees voting in a collective bargaining unit is the exclusive  
16 representative of all of the employees in the unit for the purposes of collective  
17 bargaining.

18 (e) 1. It is an unfair labor practice for the authority to do any of the following:

19 a. Interfere with, restrain, or coerce employees in the exercise of their rights  
20 guaranteed in par. (b).

21 b. Initiate, create, dominate, or interfere with the formation or administration  
22 of any labor or employee organization or contribute financial support to it. It is not  
23 an unfair labor practice for the authority to reimburse an employee at his or her  
24 prevailing wage rate for the time spent during the employee's regularly scheduled

1 hours conferring with the authority's officers or agents and for attendance at  
2 commission or court hearings necessary for the administration of this subsection. ✓

3 c. Encourage or discourage membership in any labor organization by  
4 discrimination in regard to hiring, tenure, or other terms or conditions of  
5 employment.

6 d. Refuse to bargain collectively on matters set forth in par. (f) with a ✓  
7 representative of its employees in an appropriate collective bargaining unit or refuse  
8 to execute a collective bargaining agreement previously orally agreed upon.

9 e. Violate any collective bargaining agreement previously agreed upon by the  
10 parties.

11 f. Use any moneys received for any purpose to discourage, to train any  
12 supervisor, management employee, or other employee to discourage, or to contract  
13 with any person for the purposes of discouraging, employees in the exercise of their  
14 rights guaranteed under par. (b). ✓

15 2. It is an unfair labor practice for an employee individually or in concert with  
16 others to do any of the following:

17 a. Coerce or intimidate an employee in the enjoyment of the employee's legal  
18 rights.

19 b. Coerce, intimidate, or induce any officer or agent of the authority to interfere  
20 with any of the authority's employees in the enjoyment of their legal rights or to  
21 engage in any practice with regard to its employees which would constitute an unfair  
22 labor practice if undertaken by the officer or agent on the officer's or agent's own  
23 initiative.

1 c. Refuse to bargain collectively on matters set forth in par. (f) with the  
2 authority or refuse to execute a collective bargaining agreement previously orally  
3 agreed upon.

4 d. Engage in or induce or encourage any employees to engage in a strike, or a  
5 concerted refusal to work or perform their usual duties as employees.

6 3. It is an unfair labor practice for any person to do or cause to be done on behalf  
7 of or in the interest of the authority or the employees of the authority any act  
8 prohibited by subd. 1. or 2.

9 4. A controversy concerning unfair labor practices may be submitted to the  
10 commission in the manner described under s. 111.07.

11 (f) The authority may not bargain with a collective bargaining unit with respect  
12 to any of the following:

13 1. Any factor or condition of employment except wages, which includes only  
14 total base wages and excludes any other compensation, which includes, but is not  
15 limited to, overtime, premium pay, merit pay, performance pay, supplemental  
16 compensation, pay schedules, and automatic pay progressions.

17 2. Any proposal that does any of the following:

18 a. If there is an increase in the consumer price index change, provides for total  
19 base wages for authorized positions in the proposed collective bargaining agreement  
20 that exceeds the total base wages for authorized positions 180 days before the  
21 expiration of the previous collective bargaining agreement by a greater percentage  
22 than the consumer price index change.

23 b. If there is a decrease or no change in the consumer price index change,  
24 provides for any change in total base wages for authorized positions in the proposed

1 collective bargaining agreement from the total base wages for authorized positions  
2 180 days before the expiration of the previous collective bargaining agreement.

3 (g) For purposes of determining compliance with par. (f), the commission shall  
4 provide, upon request, to the authority or to a representative of a collective  
5 bargaining unit, the consumer price index change during any 12-month period. The  
6 commission may get the information from the department of revenue.

7 (h) Any tentative agreement reached between the authority and any labor  
8 organization representing a collective bargaining unit shall, after official ratification  
9 by the labor organization, be executed by the parties.

10 (i) No collective bargaining agreement under this subsection may cover a  
11 period that exceeds one year, no such collective bargaining agreement may be  
12 extended, and each such collective bargaining agreement must coincide with the  
13 fiscal year.

14 (j) The authority may not deduct labor organization dues from an employee's  
15 earnings.

16

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3263/P1  
CMH:kjf:jf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*today  
please  
no changes*

*negot  
cat*

1 **AN ACT** *to amend* 19.82 (1), 19.86, 40.95 (1) (a) 3., 73.03 (68) and 233.10 (2) (a);  
2 and *to create* 233.04 (8) and 233.10 (5) of the statutes; **relating to:** collective  
3 bargaining for employees of the University of Wisconsin Hospitals and Clinics  
4 Authority.

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***Analysis by the Legislative Reference Bureau***

This bill allows employees of the University of Wisconsin Hospitals and Clinics Authority (UWHCA) to collectively bargain with UWHCA. This bill limits the subjects on which the employees and UWHCA may collectively bargain to a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Under this bill, the term of a collective bargaining agreement covering the UWHCA employees must coincide with the fiscal year, and no term of a collective bargaining agreement covering UWHCA employees may be for longer than one year or be extended.

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7 commission, committee, council, department or public body corporate and politic

1 created by constitution, statute, ordinance, rule or order; a governmental or  
2 quasi-governmental corporation except for the Bradley center sports and  
3 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
4 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
5 the foregoing, but excludes any such body or committee or subunit of such body which  
6 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
7 or V of ch. 111 or s. 233.10 (5).

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1           c. Encourage or discourage membership in any labor organization by  
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3 employment.

4           d. Refuse to bargain collectively on matters set forth in par. (f) with a  
5 representative of its employees in an appropriate collective bargaining unit or refuse  
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9           f. Use any moneys received for any purpose to discourage, to train any  
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6           4. A controversy concerning unfair labor practices may be submitted to the  
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12 limited to, overtime, premium pay, merit pay, performance pay, supplemental  
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14           2. Any proposal that does any of the following:

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22 collective bargaining agreement from the total base wages for authorized positions  
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24           (g) For purposes of determining compliance with par. (f), the commission shall  
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2 commission may get the information from the department of revenue.

3 (h) Any tentative agreement reached between the authority and any labor  
4 organization representing a collective bargaining unit shall, after official ratification  
5 by the labor organization, be executed by the parties.

6 (i) No collective bargaining agreement under this subsection may cover a  
7 period that exceeds one year, no such collective bargaining agreement may be  
8 extended, and each such collective bargaining agreement must coincide with the  
9 fiscal year.

10 (j) The authority may not deduct labor organization dues from an employee's  
11 earnings.

12 (END)