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1 **SECTION 75.** 66.0508 of the statutes is repealed.

2 **SECTION 76.** 66.0509 (1m) of the statutes is repealed.

3 **SECTION 77.** 70.11 (41s) of the statutes is created to read:

4 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
5 the Wisconsin Quality Home Care Authority, provided that use of the property is
6 primarily related to the purposes of the authority.

7 **SECTION 78.** 71.26 (1) (be) of the statutes, as affected by 2013 Wisconsin Act 20,
8 is amended to read:

9 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
10 Hospitals and Clinics Authority, of the Wisconsin Quality Home Care Authority, of
11 the Fox River Navigational System Authority, of the Wisconsin Economic
12 Development Corporation, and of the Wisconsin Aerospace Authority.

13 **SECTION 79.** 73.03 (68) of the statutes is repealed.

14 **SECTION 80.** 77.54 (9a) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
15 is amended to read:

16 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
17 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
18 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
19 and the Fox River Navigational System Authority.

20 **SECTION 81.** 100.45 (1) (dm) of the statutes is amended to read:

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

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

6 **SECTION 82.** 109.03 (1) (b) of the statutes is amended to read:

7 109.03 (1) (b) School district and private school employees who voluntarily
8 request payment over a 12-month period for personal services performed during the
9 school year, unless, ~~with respect to private school employees, the~~ such employees are
10 covered under a valid collective bargaining agreement which precludes this method
11 of payment.

12 **SECTION 83.** 111.02 (1) of the statutes is amended to read:

13 111.02 (1) “All-union agreement” means an agreement between an employer
14 other than the University of Wisconsin Hospitals and Clinics Authority and the
15 representative of the employer’s employees in a collective bargaining unit whereby
16 all or any of the employees in such unit are required to be members of a single labor
17 organization.

18 **SECTION 84.** 111.02 (2) of the statutes is amended to read:

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

25 **SECTION 85.** 111.02 (3) of the statutes is amended to read:

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1 111.02 (3) “Collective bargaining unit” means all of the employees of one
2 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
3 except that where a majority of the employees engaged in a single craft, division,
4 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
5 constitute such group a separate bargaining unit they shall be so considered, but, in
6 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
7 111.19, the commission may find, where agreeable to all parties affected in any way
8 thereby, an industry, trade or business comprising more than one employer in an
9 association in any geographical area to be a “collective bargaining unit”. A collective
10 bargaining unit thus established by the commission shall be subject to all rights by
11 termination or modification given by ss. 111.01 to 111.19 in reference to collective
12 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
13 collective bargaining units may bargain collectively through the same
14 representative where a majority of the employees in each separate unit have voted
15 by secret ballot as provided in s. 111.05 (2) so to do.

16 **SECTION 86.** 111.02 (6) (am) of the statutes is created to read:

17 111.02 (6) (am) “Employee” includes a child care provider certified under s.
18 48.651 and a child care provider licensed under s. 48.65 who provides care and
19 supervision for not more than 8 children who are not related to the child care
20 provider.

21 **SECTION 87.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
22 and amended to read:

23 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
24 an employee, and includes ~~a~~ all of the following:

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

3 **SECTION 88.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

4 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

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

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

9 **SECTION 89.** 111.02 (7) (b) 1. of the statutes is amended to read:

10 111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political
11 subdivision thereof.

12 **SECTION 90.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

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

20 **(9m)** “Maintenance of membership agreement” means any of the following:

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

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1 from the earnings of all employees who are hired on or after the effective date of the
2 agreement.

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

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

15 **SECTION 91.** 111.05 (2) of the statutes is amended to read:

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

22 **SECTION 92.** 111.05 (5) of the statutes is created to read:

23 111.05 (5) (a) Collective bargaining units for representation of the employees
24 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
25 for employees engaged in each of the following functions:

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

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

18 **SECTION 93.** 111.05 (6) of the statutes is created to read:

19 111.05 (6) If a single representative is recognized or certified to represent more
20 than one of the collective bargaining units specified in sub. (5), that representative
21 and the employer may jointly agree to combine the collective bargaining units,
22 subject to the right of the employees in any of the collective bargaining units that
23 were combined to petition for an election under sub. (3). Any agreement under this
24 subsection is effective when the parties provide written notice of the agreement to
25 the commission and terminates when the party provides written notice of

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1 termination to the commission or when the representative entering into the
2 agreement is decertified as representative of one of the combined collective
3 bargaining units, whichever occurs first.

4 **SECTION 94.** 111.05 (7) of the statutes is created to read:

5 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
6 bargaining unit.

7 **SECTION 95.** 111.06 (1) (c) 1. of the statutes is amended to read:

8 111.06 (1) (c) 1. To encourage or discourage membership in any labor
9 organization, employee agency, committee, association, or representation plan by
10 discrimination in regard to hiring, tenure, or other terms or conditions of
11 employment except in a collective bargaining unit where an all-union, fair-share,
12 or maintenance of membership agreement is in effect. An employer may enter into
13 an all-union agreement with the voluntarily recognized representative of the
14 employees in a collective bargaining unit, where at least a majority of such employees
15 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement
16 in a referendum conducted by the commission, except that where the bargaining
17 representative has been certified by either the commission or the national labor
18 relations board as the result of a representation election, no referendum is required
19 to authorize the entry into an all-union agreement. An authorization of an all-union
20 agreement continues, subject to the right of either party to the all-union agreement
21 to petition the commission to conduct a new referendum on the subject. Upon receipt
22 of the petition, if the commission determines there is reasonable ground to believe
23 that the employees concerned have changed their attitude toward the all-union
24 agreement, the commission shall conduct a referendum. If the continuance of the
25 all-union agreement is supported on a referendum by a vote at least equal to that

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1 provided in this subdivision for its initial authorization, it may continue, subject to
2 the right to petition for a further vote by the procedure under this subdivision. If the
3 continuance of the all-union agreement is not supported on a referendum, it
4 terminates at the expiration of the contract of which it is then a part or at the end
5 of one year from the date of the announcement by the commission of the result of the
6 referendum, whichever is earlier. The commission shall declare any all-union
7 agreement terminated whenever it finds that the labor organization involved has
8 unreasonably refused to receive as a member any employee of such employer. An
9 interested person may, as provided in s. 111.07, request the commission to perform
10 this duty. Any all-union agreement in effect on October 4, 1975, made in accordance
11 with the law in effect at the time it is made is valid.

12 **SECTION 96.** 111.06 (1) (d) of the statutes is amended to read:

13 111.06 (1) (d) To refuse to bargain collectively with the representative of a
14 majority of the employer's employees in any collective bargaining unit with respect
15 to representation or terms and conditions of employment, except as provided under
16 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
17 the commission a petition requesting a determination as to majority representation,
18 the employer shall not be deemed to have has not refused to bargain until an election
19 has been held and the commission has certified the result thereof has been certified
20 to the employer by the commission.

21 **SECTION 97.** 111.06 (1) (i) of the statutes is amended to read:

22 111.06 (1) (i) To deduct labor organization dues or assessments from an
23 employee's earnings, unless the employer has been presented with an individual
24 order therefor, signed by the employee personally, and terminable at the end of any
25 year of its life by the employee giving at least thirty days' written notice of such the

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1 termination unless there is an all-union fair-share, or maintenance of membership
2 agreement in effect. The employer shall give notice to the labor organization of
3 receipt of such a notice of termination.

4 **SECTION 98.** 111.06 (1) (m) of the statutes is created to read:

5 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
6 provided in s. 111.115 (2).

7 **SECTION 99.** 111.06 (2) (i) of the statutes is amended to read:

8 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
9 in s. 111.115 (2) or (3).

10 **SECTION 100.** 111.075 of the statutes is created to read:

11 **111.075 Fair-share and maintenance of membership agreements. (1)**

12 (a) No fair-share or maintenance of membership agreement is effective unless
13 authorized by a referendum. The commission shall order a referendum whenever it
14 receives a petition supported by proof that at least 30 percent of the employees in a
15 collective bargaining unit desire that a fair-share or maintenance of membership
16 agreement be entered into between the employer and a labor organization. If the
17 petition requests a referendum on a maintenance of membership agreement only, the
18 ballot shall be limited to that question.

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

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1 (c) If a fair-share or maintenance of membership agreement is authorized
2 under par. (b), the employer shall enter into a fair-share or maintenance of
3 membership agreement with the labor organization named on the ballot in the
4 referendum. Each fair-share or maintenance of membership agreement must
5 require the employer to deduct the amount of dues as certified by the labor
6 organization from the earnings of the employees affected by the agreement and to
7 pay the amount deducted to the labor organization. Unless the parties agree to an
8 earlier date, the agreement takes effect 60 days after certification by the commission
9 that the referendum vote authorized the agreement. The employer shall be held
10 harmless against any claims, demands, suits, and other forms of liability made by
11 employees or local labor organizations which may arise for actions the employer
12 takes in compliance with this section. All lawful claims, demands, suits, and other
13 forms of liability are the responsibility of the labor organization entering into the
14 agreement.

15 (d) Under each fair-share or maintenance of membership agreement, an
16 employee who has religious convictions against dues payments to a labor
17 organization may request the labor organization to pay his or her dues to a charity
18 mutually agreed upon by the employee and the labor organization. Any dispute
19 under this paragraph may be submitted to the commission for adjudication.

20 (2) (a) Once authorized, a fair-share or maintenance of membership
21 agreement continues, subject to the right of the employer or labor organization
22 concerned to petition the commission to conduct a new referendum. If the
23 commission receives a petition and finds that at least 30 percent of the employees in
24 the collective bargaining unit want to discontinue the fair-share or maintenance of
25 membership agreement, the commission shall conduct a new referendum. If the

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1 continuance of the fair-share or maintenance of membership agreement is approved
2 in the referendum by at least the percentage of eligible voting employees required
3 for its initial authorization, it shall continue, subject to the right of the employer or
4 labor organization to later initiate a further vote following the procedure prescribed
5 in this subsection. If the continuation of the agreement is not supported in any
6 referendum, it terminates at the expiration of the collective bargaining agreement,
7 or one year from the date of the certification of the result of the referendum,
8 whichever is earlier.

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

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

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

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

25 **SECTION 101.** 111.115 (title) of the statutes is amended to read:

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1 **111.115 (title) Notice of certain proposed lockouts or strikes.**

2 **SECTION 102.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and
3 amended to read:

4 111.115 (1) (intro.) In this section, ~~“strike”~~ subsection:

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

9 **SECTION 103.** 111.115 (1) (a) of the statutes is created to read:

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

16 **SECTION 104.** 111.115 (2) of the statutes is created to read:

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

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1 **SECTION 105.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended
2 to read:

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

6 **(1)** In any situation ~~where~~ in which the provisions of this subchapter cannot
7 be validly enforced the provisions of such other statutes or laws ~~shall~~ apply.

8 **SECTION 106.** 111.17 (2) of the statutes is created to read:

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

20 **SECTION 107.** 111.70 (1) (a) of the statutes is amended to read:

21 **111.70 (1) (a)** “Collective bargaining” means the performance of the mutual
22 obligation of a municipal employer, through its officers and agents, and the
23 representative of its municipal employees in a collective bargaining unit, to meet and
24 confer at reasonable times, in good faith, with the intention of reaching an
25 agreement, or to resolve questions arising under such an agreement, with respect to

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1 wages, hours, and conditions of employment for ~~public safety employees or transit~~
2 ~~employees and with respect to wages for general municipal employees~~, and with
3 respect to a requirement of the municipal employer for a municipal employee to
4 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13
5 (2e) and for a school district with respect to any matter under sub. (4) (n), except as
6 provided in ~~sub. subs. (3m), (3p), and (4) (mb) (m) and (mc)~~ and s. 40.81 (3) and except
7 that a municipal employer shall not meet and confer with respect to any proposal to
8 diminish or abridge the rights guaranteed to any ~~public safety~~ municipal employees
9 under ch. 164. Collective bargaining includes the reduction of any agreement
10 reached to a written and signed document.

11 **SECTION 108.** 111.70 (1) (cm) of the statutes is repealed.

12 **SECTION 109.** 111.70 (1) (f) of the statutes is amended to read:

13 111.70 (1) (f) “Fair-share agreement” means an agreement between a
14 municipal employer and a labor organization ~~that represents public safety~~
15 ~~employees or transit employees~~ under which all or any of the ~~public safety~~ municipal
16 ~~employees or transit employees~~ in the collective bargaining unit are required to pay
17 their proportionate share of the cost of the collective bargaining process and contract
18 administration measured by the amount of dues uniformly required of all members.

19 **SECTION 110.** 111.70 (1) (fm) of the statutes is repealed.

20 **SECTION 111.** 111.70 (1) (j) of the statutes is amended to read:

21 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
22 metropolitan sewerage district, school district, long-term care district, ~~transit~~
23 ~~authority under s. 59.58 (7) or 66.1039, local cultural arts district created under~~
24 ~~subch. V of ch. 229, or any other political subdivision of the state, or instrumentality~~
25 of one or more political subdivisions of the state, that engages the services of an

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1 employee and includes any person acting on behalf of a municipal employer within
2 the scope of the person's authority, express or implied, but does not include a local
3 cultural arts district created under subch. V of ch. 229.

4 **SECTION 112.** 111.70 (1) (n) of the statutes is amended to read:

5 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
6 in which ~~public safety employees or transit~~ municipal employees in a collective
7 bargaining unit may cast a secret ballot on the question of authorizing a labor
8 organization and the employer to continue a fair-share agreement.

9 **SECTION 113.** 111.70 (1g) of the statutes is created to read:

10 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
11 disputes arising in municipal employment is to encourage voluntary settlement
12 through the procedures of collective bargaining. Accordingly, it is in the public
13 interest that municipal employees be given an opportunity to bargain collectively
14 with the municipal employer through a labor organization or other representative
15 of the employees' own choice. If such procedures fail, the parties should have
16 available to them a fair, speedy, effective and, above all, peaceful procedure for
17 settlement as provided in this subchapter.

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

24 **SECTION 114.** 111.70 (2) of the statutes is amended to read:

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1 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
2 of self-organization, and the right to form, join, or assist labor organizations, to
3 bargain collectively through representatives of their own choosing, and to engage in
4 lawful, concerted activities for the purpose of collective bargaining or other mutual
5 aid or protection. Municipal employees have the right to refrain from any and all
6 such activities. ~~A general municipal employee has the right to refrain from paying~~
7 ~~dues while remaining a member of a collective bargaining unit. A public safety~~
8 ~~employee or a transit employee, however, except that an employee may be required~~
9 to pay dues in the manner provided in a fair-share agreement; a fair-share
10 agreement ~~covering a public safety employee or a transit employee~~ must contain a
11 ~~provision requiring~~ require the municipal employer to deduct the amount of dues as
12 certified by the labor organization from the earnings of the employee affected by the
13 fair-share agreement and to pay the amount deducted to the labor organization. A
14 fair-share agreement ~~covering a public safety employee or transit employee~~ is
15 subject to the right of the municipal employer or a labor organization to petition the
16 commission to conduct a referendum. Such petition must be supported by proof that
17 at least 30% of the employees in the collective bargaining unit desire that the
18 fair-share agreement be terminated. Upon so finding, the commission shall conduct
19 a referendum. If the continuation of the agreement is not supported by at least the
20 majority of the eligible employees, it shall terminate. The commission shall declare
21 suspend any fair-share agreement ~~suspended~~ upon such conditions and for such
22 time as the commission decides whenever it finds that the labor organization
23 involved has refused on the basis of race, color, sexual orientation, creed, or sex to
24 receive as a member any ~~public safety employee or transit~~ employee of the municipal
25 employer in the bargaining unit involved, and such agreement is subject to this duty

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1 of the commission. Any of the parties to such agreement or any ~~public safety~~
2 ~~employee or transit~~ municipal employee covered by the agreement may come before
3 the commission, as provided in s. 111.07, and ask the performance of this duty.

4 **SECTION 115.** 111.70 (3) (a) 3. of the statutes is amended to read:

5 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
6 organization by discrimination in regard to hiring, tenure, or other terms or
7 conditions of employment; but the prohibition shall not apply to a fair-share
8 agreement ~~that covers public safety employees or transit employees.~~

9 **SECTION 116.** 111.70 (3) (a) 5. of the statutes is amended to read:

10 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
11 agreed upon by the parties with respect to wages, hours and conditions of
12 employment affecting ~~public safety employees or transit~~ municipal employees,
13 including an agreement to arbitrate questions arising as to the meaning or
14 application of the terms of a collective bargaining agreement or to accept the terms
15 of such arbitration award, where previously the parties have agreed to accept such
16 award as final and binding upon them ~~or to violate any collective bargaining~~
17 ~~agreement affecting general municipal employees, that was previously agreed upon~~
18 ~~by the parties with respect to wages.~~

19 **SECTION 117.** 111.70 (3) (a) 6. of the statutes is amended to read:

20 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a ~~public~~
21 ~~safety employee or a transit~~ municipal employee, unless the municipal employer has
22 been presented with an individual order therefor, signed by the employee personally,
23 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~
24 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such

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1 termination to the municipal employer and to the representative organization,
2 except when a fair-share agreement is in effect.

3 **SECTION 118.** 111.70 (3) (a) 7. of the statutes is created to read:

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

6 **SECTION 119.** 111.70 (3) (a) 7m. of the statutes is repealed.

7 **SECTION 120.** 111.70 (3) (a) 9. of the statutes is amended to read:

8 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
9 ~~employee or transit employee, after~~ After a collective bargaining agreement expires
10 and before another collective bargaining agreement takes effect, to fail to follow any
11 fair-share agreement in the expired collective bargaining agreement.

12 **SECTION 121.** 111.70 (3) (b) 6. of the statutes is created to read:

13 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
14 lawfully made under sub. (4) (cm).

15 **SECTION 122.** 111.70 (3) (b) 6m. of the statutes is repealed.

16 **SECTION 123.** 111.70 (3g) of the statutes is repealed.

17 **SECTION 124.** 111.70 (3m) of the statutes is created to read:

18 111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective
19 bargaining agreement that covers municipal employees performing services for the
20 Milwaukee County enrollment services unit under s. 49.825 must contain a provision
21 that permits the terms of the agreement to be modified with respect to hours and
22 conditions of employment by a memorandum of understanding under s. 49.825 (3)
23 (b) 4.

24 **SECTION 125.** 111.70 (3p) of the statutes is created to read:

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1 111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining
2 agreement that covers municipal employees performing services for the child care
3 provider services unit under s. 49.826 must contain a provision that permits the
4 terms of the agreement to be modified with respect to hours and conditions of
5 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

6 **SECTION 126.** 111.70 (4) (c) (title) of the statutes is amended to read:

7 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; public safety*
8 *employees law enforcement and fire fighting personnel.*

9 **SECTION 127.** 111.70 (4) (c) 1. of the statutes is renumbered 111.70 (4) (c) 1m.
10 and amended to read:

11 111.70 (4) (c) 1m. ‘Mediation.’ The commission may function as a mediator in
12 labor disputes involving a collective bargaining unit containing a public safety
13 employee. Such mediation may be carried on by a person designated to act by the
14 commission upon request of one or both of the parties or upon initiation of the
15 commission. The function of the mediator is to encourage voluntary settlement by
16 the parties but no mediator has the power of compulsion.

17 **SECTION 128.** 111.70 (4) (c) 1g. of the statutes is created to read:

18 111.70 (4) (c) 1g. ‘Applicability.’ This paragraph applies only to municipal
19 employees who are engaged in law enforcement or fire fighting functions.

20 **SECTION 129.** 111.70 (4) (c) 2. of the statutes is amended to read:

21 111.70 (4) (c) 2. ‘Arbitration.’ Parties to a dispute pertaining to the meaning
22 or application of the terms of a written collective bargaining agreement involving a
23 collective bargaining unit containing a public safety employee may agree in writing
24 to have the commission or any other appropriate agency serve as arbitrator or may
25 designate any other competent, impartial and disinterested person to so serve.

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1 **SECTION 130.** 111.70 (4) (c) 3. (intro.) of the statutes is amended to read:

2 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute
3 involving a collective bargaining unit containing a public safety employee has not
4 been settled after a reasonable period of negotiation and after the settlement
5 procedures, if any, established by the parties have been exhausted, and the parties
6 are deadlocked with respect to any dispute between them arising in the collective
7 bargaining process, either party, or the parties jointly, may petition the commission,
8 in writing, to initiate fact-finding, and to make recommendations to resolve the
9 deadlock, as follows:

10 **SECTION 131.** 111.70 (4) (cg) of the statutes is repealed.

11 **SECTION 132.** 111.70 (4) (cm) (title) of the statutes is amended to read:

12 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*
13 *municipal employees other personnel.*

14 **SECTION 133.** 111.70 (4) (cm) 1. of the statutes is renumbered 111.70 (4) (cm)
15 1m. and amended to read:

16 111.70 (4) (cm) 1m. 'Notice of commencement of contract negotiations.' For the
17 purpose of advising the commission of the commencement of contract negotiations
18 involving a collective bargaining unit containing general municipal employees,
19 whenever either party requests the other to reopen negotiations under a binding
20 collective bargaining agreement, or the parties otherwise commence negotiations if
21 no such agreement exists, the party requesting negotiations shall immediately notify
22 the commission in writing. Upon failure of the requesting party to provide such
23 notice, the other party may so notify the commission. The notice shall specify the
24 expiration date of the existing collective bargaining agreement, if any, and shall set

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1 forth any additional information the commission may require on a form provided by
2 the commission.

3 **SECTION 134.** 111.70 (4) (cm) 1g. of the statutes is created to read:

4 111.70 (4) (cm) 1g. ‘Application.’

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

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

8 **SECTION 135.** 111.70 (4) (cm) 2., 3. and 4. of the statutes are amended to read:

9 111.70 (4) (cm) 2. ‘Presentation of initial proposals; open meetings.’ The
10 meetings between parties to a collective bargaining agreement or proposed collective
11 bargaining agreement under this subchapter that ~~involve a collective bargaining~~
12 ~~unit containing a general municipal employee and that~~ are held for the purpose of
13 presenting initial bargaining proposals, along with supporting rationale, ~~shall be~~ are
14 open to the public. Each party shall submit its initial bargaining proposals to the
15 other party in writing. Failure to comply with this subdivision is not cause to
16 invalidate a collective bargaining agreement under this subchapter.

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

22 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or
23 application of the terms of a written collective bargaining agreement ~~involving a~~
24 ~~collective bargaining unit containing a general municipal employee~~ may agree in
25 writing to have the commission or any other appropriate agency serve as arbitrator

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1 or may designate any other competent, impartial and disinterested person to so
2 serve.

3 **SECTION 136.** 111.70 (4) (cm) 5. of the statutes is created to read:

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

16 **SECTION 137.** 111.70 (4) (cm) 6. of the statutes is created to read:

17 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
18 a dispute relating to any issue has not been settled after a reasonable period of
19 negotiation and after mediation by the commission under subd. 3. and other
20 settlement procedures, if any, established by the parties have been exhausted, and
21 the parties are deadlocked with respect to any dispute between them over wages,
22 hours, or conditions of employment to be included in a new collective bargaining
23 agreement, either party, or the parties jointly, may petition the commission, in
24 writing, to initiate compulsory, final, and binding arbitration, as provided in this
25 paragraph. At the time the petition is filed, the petitioning party shall submit in

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1 writing to the other party and the commission its preliminary final offer containing
2 its latest proposals on all issues in dispute. Within 14 calendar days after the date
3 of that submission, the other party shall submit in writing its preliminary final offer
4 on all disputed issues to the petitioning party and the commission. If a petition is
5 filed jointly, both parties shall exchange their preliminary final offers in writing and
6 submit copies to the commission at the time the petition is filed.

7 am. Upon receipt of a petition to initiate arbitration, the commission shall
8 investigate, with or without a formal hearing, whether arbitration should be
9 commenced. If in determining whether an impasse exists the commission finds that
10 the procedures under this paragraph have not been complied with and that the
11 compliance would tend to result in a settlement, it may order compliance before
12 ordering arbitration. The validity of any arbitration award or collective bargaining
13 agreement is not affected by failure to comply with the procedures. Prior to the close
14 of the investigation each party shall submit in writing to the commission its single
15 final offer containing its final proposals on all issues in dispute that are subject to
16 interest arbitration under this subdivision. If a party fails to submit a single final
17 offer, the commission shall close the investigation based on the last written position
18 of the party. Such final offers may include only mandatory subjects of bargaining,
19 except that a permissive subject of bargaining may be included by a party if the other
20 party does not object and shall then be treated as a mandatory subject. The parties
21 shall also submit to the commission a written stipulation with respect to all matters
22 that are agreed upon for inclusion in the new or amended collective bargaining
23 agreement. The commission, after receiving a report from its investigator and
24 determining that arbitration should be commenced, shall issue an order requiring
25 arbitration and immediately submit to the parties a list of 7 arbitrators. The parties

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1 shall alternately strike names from the list until a single name is left, who shall be
2 appointed as arbitrator. The petitioning party shall notify the commission in writing
3 of the identity of the arbitrator selected. Upon receipt of the notice, the commission
4 shall formally appoint the arbitrator and submit to him or her the final offers of the
5 parties. The final offers are public documents and the commission shall make them
6 available. In lieu of a single arbitrator and upon request of both parties, the
7 commission shall appoint a tripartite arbitration panel consisting of one member
8 selected by each of the parties and a neutral person designated by the commission
9 who shall serve as a chairperson. An arbitration panel has the same powers and
10 duties as provided in this section for any other appointed arbitrator, and all
11 arbitration decisions by a panel shall be determined by majority vote. In place of
12 selection of the arbitrator by the parties and upon request of both parties, the
13 commission shall establish a procedure for randomly selecting names of arbitrators.
14 Under the procedure, the commission shall submit a list of 7 arbitrators to the
15 parties. Each party shall strike one name from the list. From the remaining 5
16 names, the commission shall randomly appoint an arbitrator. Unless both parties
17 to an arbitration proceeding otherwise agree in writing, every individual whose
18 name is submitted by the commission for appointment as an arbitrator must be a
19 resident of this state at the time of submission and every individual who is
20 designated as an arbitration panel chairperson must be a resident of this state at the
21 time of designation.

22 b. The arbitrator shall, within 10 days of his or her appointment, establish a
23 date and place for the arbitration hearing. Upon petition of at least 5 citizens of the
24 jurisdiction served by the municipal employer, filed within 10 days after the date on
25 which the arbitrator is appointed, the arbitrator shall hold a public hearing in the

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1 jurisdiction to provide the opportunity to both parties to explain or present
2 supporting arguments for their positions and to members of the public to offer their
3 comments and suggestions. The final offers of the parties, as transmitted by the
4 commission to the arbitrator, are the basis for any continued negotiations between
5 the parties with respect to the issues in dispute. At any time prior to the arbitration
6 hearing, either party, with the consent of the other party, may modify its final offer
7 in writing.

8 c. Prior to the arbitration hearing, either party may, within a time limit
9 established by the arbitrator, withdraw its final offer and any mutually agreed upon
10 modifications and shall immediately provide written notice of any withdrawal to the
11 other party, the arbitrator, and the commission. If both parties withdraw their final
12 offers and mutually agreed upon modifications, the labor organization, after giving
13 10 days' written notice to the municipal employer and the commission, may strike.
14 Unless both parties withdraw their final offers and mutually agreed upon
15 modifications, the final offer of neither party is considered withdrawn and the
16 arbitrator shall proceed to resolve the dispute by final and binding arbitration as
17 provided in this paragraph.

18 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or
19 her own motion or at the request of either party, conduct a meeting open to the public
20 to provide to both parties the opportunity to explain or present supporting
21 arguments for their complete offer on all matters to be covered by the proposed
22 agreement. The arbitrator shall adopt without modification the final offer of one of
23 the parties on all disputed issues submitted under subd. 6. am., except those items
24 that the commission determines not to be mandatory subjects of bargaining and
25 those items that have not been treated as mandatory subjects by the parties, and

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1 including any prior modifications of the offer mutually agreed upon by the parties
2 under subd. 6. b. The decision is final and binding on both parties and shall be
3 incorporated into a written collective bargaining agreement. The arbitrator shall
4 serve a copy of his or her decision on both parties and the commission.

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

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

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

17 **SECTION 138.** 111.70 (4) (cm) 7. of the statutes is created to read:

18 111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under
19 the arbitration procedures authorized by this paragraph, except for any decision
20 involving a collective bargaining unit consisting of school district employees, the
21 arbitrator or arbitration panel shall give the greatest weight to any state law or
22 directive lawfully issued by a state legislative or administrative officer, body, or
23 agency that limits expenditures that may be made or revenues that may be collected
24 by a municipal employer. The arbitrator or arbitration panel shall give an
25 accounting of the consideration of this factor in the decision.

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1 **SECTION 139.** 111.70 (4) (cm) 7g. of the statutes is created to read:

2 111.70 (4) (cm) 7g. ‘Factor given greater weight.’ In making any decision under
3 the arbitration procedures authorized by this paragraph, except for any decision
4 involving a collective bargaining unit consisting of school district employees, the
5 arbitrator or arbitration panel shall give greater weight to economic conditions in the
6 jurisdiction of the municipal employer than to any of the factors specified in subd.
7 7r.

8 **SECTION 140.** 111.70 (4) (cm) 7r. of the statutes is created to read:

9 111.70 (4) (cm) 7r. ‘Other factors considered.’ In making any decision under the
10 arbitration procedures authorized by this paragraph, the arbitrator or arbitration
11 panel shall give weight to the following factors:

12 a. The lawful authority of the municipal employer.

13 b. Stipulations of the parties.

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

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

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

23 f. Comparison of the wages, hours, and conditions of employment of the
24 municipal employees involved in the arbitration proceedings with the wages, hours,

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1 and conditions of employment of other employees in private employment in the same
2 community and in comparable communities.

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

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

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

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

16 **SECTION 141.** 111.70 (4) (cm) 8. of the statutes is created to read:

17 111.70 (4) (cm) 8. ‘Rule making.’ The commission shall adopt rules for the
18 conduct of all arbitration proceedings under subd. 6., including rules for all of the
19 following:

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

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

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

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1 d. Proceedings for the enforcement of arbitration decisions.

2 **SECTION 142.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

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

19 **SECTION 143.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

20 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
21 bargaining unit for the purpose of collective bargaining and shall whenever possible
22 avoid fragmentation by maintaining as few collective bargaining units as practicable
23 in keeping with the size of the total municipal workforce. The commission may
24 decide whether, in a particular case, the municipal employees in the same or several
25 departments, divisions, institutions, crafts, professions, or other occupational

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1 groupings constitute a collective bargaining unit. Before making its determination,
2 the commission may provide an opportunity for the municipal employees concerned
3 to determine, by secret ballot, whether they desire to be established as a separate
4 collective bargaining unit. The commission may not decide, ~~however,~~ that any group
5 of municipal employees constitutes an appropriate collective bargaining unit if the
6 group includes both professional employees and nonprofessional employees, unless
7 a majority of the professional employees vote for inclusion in the unit. The
8 commission may not decide that any group of municipal employees constitutes an
9 appropriate collective bargaining unit if the group includes both school district
10 employees and general municipal employees who are not school district employees.
11 ~~The commission may not decide that any group of municipal employees constitutes~~
12 ~~an appropriate collective bargaining unit if the group includes both public safety~~
13 ~~employees and general municipal employees, if the group include includes both~~
14 ~~transit employees and general municipal employees, or if the group includes both~~
15 ~~transit employees and public safety employees.~~ The commission may not decide that
16 any group of municipal employees constitutes an appropriate collective bargaining
17 unit if the group includes both craft employees and noncraft employees unless a
18 majority of the craft employees vote for inclusion in the unit. The commission shall
19 place the professional employees who are assigned to perform any services at a
20 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
21 from a unit that includes any other professional employees whenever at least 30%
22 of those professional employees request an election to be held to determine that issue
23 and a majority of the professional employees at the charter school who cast votes in
24 the election decide to be represented in a separate collective bargaining unit.

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1 **SECTION 144.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated,
2 renumbered 111.70 (4) (d) 3. and amended to read:

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

12 **SECTION 145.** 111.70 (4) (d) 3. b. of the statutes is repealed.

13 **SECTION 146.** 111.70 (4) (L) of the statutes is amended to read:

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

19 **SECTION 147.** 111.70 (4) (m) of the statutes is created to read:

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

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

BILL**SECTION 147**

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

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

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

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

15 **SECTION 148.** 111.70 (4) (mb) of the statutes is repealed.

16 **SECTION 149.** 111.70 (4) (mbb) of the statutes is repealed.

17 **SECTION 150.** 111.70 (4) (mc) (intro.) and 5. of the statutes are amended to read:

18 111.70 (4) (mc) *Prohibited subjects of bargaining; ~~public safety employees.~~*

19 (intro.) The municipal employer is prohibited from bargaining collectively ~~with a~~
20 ~~collective bargaining unit containing a public safety employee~~ with respect to any of
21 the following:

22 5. ~~If the collective bargaining unit contains a public safety employee who is~~
23 ~~initially employed on or after July 1, 2011, the~~ The requirement under ss. 40.05 (1)
24 (b), 59.875, and 62.623 that the municipal employer may not pay, on behalf of ~~that~~
25 ~~public safety~~ a municipal employee, any employee required contributions or the

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1 employee share of required contributions, and the impact of this requirement on the
2 wages, hours, and conditions of employment of ~~that public safety~~ the municipal
3 employee. If This subdivision does not apply to a transit employee or to a public
4 safety employee who is initially employed by a municipal employer before July 1,
5 2011, and this subdivision does not apply to that a public safety employee who is
6 initially employed by a municipal employer before July 1, 2011, if he or she is
7 employed as a public safety employee by a successor municipal employer in the event
8 of a combined department that is created on or after that date.

9 **SECTION 151.** 111.70 (4) (mc) 3. of the statutes is created to read:

10 111.70 (4) (mc) 3. If the municipal employee is a clerk who is not an employee
11 of a city of the first class, the judge's authority over the supervisory tasks provided
12 in s. 755.10.

13 **SECTION 152.** 111.70 (4) (mc) 6. of the statutes, as affected by 2013 Wisconsin
14 Act 20, is amended to read:

15 111.70 (4) (mc) 6. Except for the employee premium contribution, all costs and
16 payments associated with health care coverage plans and the design and selection
17 of health care coverage plans by the municipal employer ~~for public safety employees,~~
18 and the impact of such costs and payments and the design and selection of the health
19 care coverage plans on the wages, hours, and conditions of employment of the ~~public~~
20 safety municipal employee. This subdivision does not apply to a transit employee.

21 **SECTION 153.** 111.70 (4) (n) of the statutes is created to read:

22 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
23 to any subject of bargaining on which the municipal employer is required to bargain
24 under sub. (1) (a), the municipal employer is required to bargain collectively with
25 respect to all of the following:

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1 1. Time spent during the school day, separate from pupil contact time, to
2 prepare lessons, labs, or educational materials, to confer or collaborate with other
3 staff, or to complete administrative duties.

4 2. The development of or any changes to a teacher evaluation plan under s.
5 118.225.

6 **SECTION 154.** 111.70 (4) (p) of the statutes is amended to read:

7 111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety and~~*
8 *transit employees.* A municipal employer is not required to bargain with ~~public safety~~
9 ~~employees or transit employees~~ on subjects reserved to management and direction
10 of the governmental unit except insofar as the manner of exercise of such functions
11 affects the wages, hours, and conditions of employment of the ~~public safety~~
12 ~~employees or of the transit~~ municipal employees in a collective bargaining unit.

13 **SECTION 155.** 111.70 (7) of the statutes is created to read:

14 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
15 injunction against a strike has been issued shall be fined \$10. After the injunction
16 has been issued, any employee who is absent from work because of purported illness
17 is presumed to be on strike unless the illness is verified by a written report from a
18 physician to the employer. Each day of continued violation constitutes a separate
19 offense. The court shall order that any fine imposed under this subsection be paid
20 by means of a salary deduction at a rate to be determined by the court.

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

23 **SECTION 156.** 111.70 (7m) (a) of the statutes is renumbered 111.70 (7m) (ar).

24 **SECTION 157.** 111.70 (7m) (ag) of the statutes is created to read:

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1 111.70 (7m) (ag) *Application*. This subsection does not apply to strikes
2 involving municipal employees who are engaged in law enforcement or fire fighting
3 functions.

4 **SECTION 158.** 111.70 (7m) (b) of the statutes is created to read:

5 111.70 (7m) (b) *Injunction; threat to public health or safety*. At any time after
6 a labor organization gives advance notice of a strike under sub. (4) (cm) that is
7 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
8 directly affected by the strike may petition the circuit court to enjoin the strike. If
9 the court finds that the strike poses an imminent threat to the public health or safety,
10 the court shall, within 48 hours after the receipt of the petition but after notice to the
11 parties and after holding a hearing, issue an order immediately enjoining the strike,
12 and shall order the parties to submit a new final offer on all disputed issues to the
13 commission for final and binding arbitration as provided in sub. (4) (cm). The
14 commission, upon receipt of the final offers of the parties, shall transmit them to the
15 arbitrator or a successor designated by the commission. The arbitrator shall omit
16 preliminary steps and shall commence immediately to arbitrate the dispute.

17 **SECTION 159.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

18 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety~~
19 ~~employees or transit employees which~~ violates sub. (4) (L) may not collect any dues
20 under a collective bargaining agreement or under a fair-share agreement from any
21 municipal employee covered by either agreement for a period of one year. At the end
22 of the period of suspension, ~~any such~~ the agreement shall be reinstated unless the
23 labor organization is no longer authorized to represent the ~~public safety employees~~
24 ~~or transit~~ municipal employees covered by the collective bargaining agreement or
25 fair-share agreement or the agreement is no longer in effect.

BILL**SECTION 160**

1 **SECTION 160.** 111.70 (7m) (c) 3. of the statutes is created to read:

2 111.70 (7m) (c) 3. ‘Strike in violation of award.’ Any person who authorizes or
3 participates in a strike after a final and binding arbitration award or decision under
4 sub. (4) (cm) is issued and before the end of the term of the agreement which the
5 award or decision amends or creates shall forfeit \$15 per offense. Each day of
6 continued violation constitutes a separate offense.

7 **SECTION 161.** 111.70 (7m) (e) of the statutes is created to read:

8 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
9 award or decision under sub. (4) (cm) in a written collective bargaining agreement
10 or failing to implement the award or decision, unless good cause is shown, is liable
11 for attorney fees, interest on delayed monetary benefits, and other costs incurred in
12 any action by the nonoffending party to enforce the award or decision.

13 **SECTION 162.** 111.70 (8) (a) of the statutes is amended to read:

14 111.70 (8) (a) This section, except sub. subs. (1) (nm), (4) ~~(eg)~~ and (cm), and (7m),
15 applies to law enforcement supervisors employed by a 1st class city. This section,
16 except sub. subs. (1) (nm), (4) (cm) and (jm), and (7m) applies to law enforcement
17 supervisors employed by a county having a population of 500,000 or more. For
18 purposes of such application, the terms term “municipal employee” and “public
19 ~~safety employee~~” include ~~includes~~ such a supervisor.

20 **SECTION 163.** 111.71 (2) of the statutes is amended to read:

21 111.71 (2) The commission shall assess and collect a filing fee for filing a
22 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
23 The commission shall assess and collect a filing fee for filing a request that the
24 commission act as an arbitrator to resolve a dispute involving the interpretation or
25 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., ~~(eg) 4.~~, or

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

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1 not prohibit the commission from initiating such the arbitration. The commission
2 may initiate collection proceedings against the respondent party for the payment of
3 the filing fee. Fees collected under this subsection shall be credited to the
4 appropriation account under s. 20.425 (1) (i).

5 **SECTION 164.** 111.71 (4) of the statutes is created to read:

6 111.71 (4) The commission shall collect on a systematic basis information on
7 the operation of the arbitration law under s. 111.70 (4) (cm) and shall annually
8 submit a report on the opinion to the chief clerk of each house of the legislature for
9 distribution to the legislature under s. 13.172 (2).

10 **SECTION 165.** 111.71 (4m) of the statutes is repealed.

11 **SECTION 166.** 111.71 (5) of the statutes is created to read:

12 111.71 (5) The commission shall, on a regular basis, provide training programs
13 to prepare individuals to arbitrate under s. 111.70 (4) (cm). The commission shall
14 promote the programs to and recruit participation throughout the state, including
15 at least 10 residents of each congressional district. The commission may also provide
16 training programs to individuals and organizations on other aspects of collective
17 bargaining, including on areas of management and labor cooperation directly or
18 indirectly affecting collective bargaining. The commission may charge a reasonable
19 fee to participate in the programs.

20 **SECTION 167.** 111.71 (5m) of the statutes is repealed.

21 **SECTION 168.** 111.77 (intro.) of the statutes is amended to read:

22 **111.77 Settlement of disputes in collective bargaining units composed**
23 **of law enforcement personnel and fire fighters.** (intro.) Municipal In fire
24 departments and city and county law enforcement agencies municipal employers
25 and public safety employees, as provided in sub. (8), have the duty to bargain

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1 collectively in good faith including the duty to refrain from strikes or lockouts and
2 to comply with the following:

3 **SECTION 169.** 111.77 (8) (a) of the statutes is amended to read:

4 111.77 (8) (a) This section applies to ~~public safety employees who are law~~
5 enforcement supervisors employed by a county having a population of 500,000 or
6 more. For purposes of such application, the term "municipal employee" includes
7 such a supervisor.

8 **SECTION 170.** 111.77 (9) of the statutes is amended to read:

9 111.77 (9) Section 111.70 (4) (c) 3., ~~(eg),~~ and (cm) does not apply to employments
10 covered by this section.

11 **SECTION 171.** 111.80 of the statutes is created to read:

12 **111.80 Declaration of policy.** The public policy of the state as to labor
13 relations and collective bargaining in state employment, in the furtherance of which
14 this subchapter is enacted, is as follows:

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

19 (2) Orderly and constructive employment relations for employees and the
20 efficient administration of state government are promotive of all these interests.
21 They are largely dependent upon the maintenance of fair, friendly, and mutually
22 satisfactory employee management relations in state employment, and the
23 availability of suitable machinery for fair and peaceful adjustment of whatever
24 controversies may arise. It is recognized that whatever may be the rights of
25 disputants with respect to each other in any controversy regarding state

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1 employment relations, neither party has any right to engage in acts or practices that
2 jeopardize the public safety and interest and interfere with the effective conduct of
3 public business.

4 (3) Where permitted under this subchapter, negotiations of terms and
5 conditions of state employment should result from voluntary agreement between the
6 state and its agents as employer, and its employees. For that purpose an employee
7 may, if the employee desires, associate with others in organizing and in bargaining
8 collectively through representatives of the employee's own choosing without
9 intimidations or coercion from any source.

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

17 **SECTION 172.** 111.81 (1) of the statutes is amended to read:

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

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1 concession. Collective bargaining includes the reduction of any agreement reached
2 to a written and signed document.

3 **SECTION 173.** 111.81 (3h) of the statutes is created to read:

4 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

5 **SECTION 174.** 111.81 (3n) of the statutes is repealed.

6 **SECTION 175.** 111.81 (7) (g) of the statutes is created to read:

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

10 **SECTION 176.** 111.81 (9) of the statutes is amended to read:

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

17 **SECTION 177.** 111.81 (9g) of the statutes is repealed.

18 **SECTION 178.** 111.81 (9k) of the statutes is created to read:

19 111.81 (9k) "Home care provider" means a qualified provider under s. 46.2898
20 (1) (f).

21 **SECTION 179.** 111.81 (12) (intro.) of the statutes is amended to read:

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

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

3 **SECTION 180.** 111.81 (12m) of the statutes is amended to read:

4 111.81 (12m) “Maintenance of membership agreement” means an agreement
5 between the employer and a labor organization representing ~~public safety~~ employees
6 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~
7 employees or supervisors whose dues are being deducted from earnings under s.
8 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
9 have dues deducted for the duration of the agreement, and that dues shall be
10 deducted from the earnings of all ~~public safety~~ employees or supervisors who are
11 hired on or after the effective date of the agreement.

12 **SECTION 181.** 111.81 (16) of the statutes is amended to read:

13 111.81 (16) “Referendum” means a proceeding conducted by the commission in
14 which ~~public safety~~ employees, or supervisors specified in s. 111.825 (5), in a
15 collective bargaining unit may cast a secret ballot on the question of directing the
16 labor organization and the employer to enter into a fair-share or maintenance of
17 membership agreement or to terminate such an agreement.

18 **SECTION 182.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
19 is renumbered 111.815 (1) (a) and amended to read:

20 111.815 (1) (a) In the furtherance of this subchapter, the state shall be
21 considered as a single employer and employment relations policies and practices
22 throughout the state service shall be as consistent as practicable. The office shall
23 negotiate and administer collective bargaining agreements, except that the
24 department of health services, subject to the approval of the federal centers for
25 medicare and medicaid services to use collective bargaining as the method of setting

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1 rates for reimbursement of home care providers, shall negotiate and administer
2 collective bargaining agreements entered into with the collective bargaining unit
3 specified in s. 111.825 (2g). To coordinate the employer position in the negotiation
4 of agreements, the office shall maintain close liaison with the legislature relative to
5 the negotiation of agreements and the fiscal ramifications of those agreements.

6 (b) 1. Except with respect to the collective bargaining unit specified in s.
7 111.825 (1r), (1t), and (2g), the office is responsible for the employer functions of the
8 executive branch under this subchapter, and shall coordinate its collective
9 bargaining activities with operating state agencies on matters of agency concern.
10 The legislative branch shall act upon those portions of tentative agreements
11 negotiated by the office that require legislative action.

12 2. With respect to the collective bargaining units specified in s. 111.825 (1r), the
13 Board of Regents of the University of Wisconsin System is responsible for the
14 employer functions under this subchapter.

15 3. With respect to the collective bargaining units specified in s. 111.825 (1t), the
16 chancellor of the University of Wisconsin–Madison is responsible for the employer
17 functions under this subchapter.

18 4. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef),
19 the governing board of the charter school established by contract under s. 118.40 (2r)
20 (cm) is responsible for the employer functions under this subchapter.

21 **SECTION 183.** 111.815 (1) (b) 5. of the statutes is created to read:

22 111.815 (1) (b) 5. With respect to the collective bargaining unit specified in s.
23 111.825 (2g), the department of health services is responsible for the employer
24 functions of the executive branch under this subchapter.

BILL**SECTION 184**

1 **SECTION 184.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

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

10 **SECTION 185.** 111.82 of the statutes is amended to read:

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

18 **SECTION 186.** 111.825 (1) (g) of the statutes is repealed.

19 **SECTION 187.** 111.825 (2g) of the statutes is created to read:

20 111.825 (2g) A collective bargaining unit for employees who are home care
21 providers shall be structured as a single statewide collective bargaining unit.

22 **SECTION 188.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 111.825 (3) The commission shall assign employees to the appropriate
25 collective bargaining units set forth in subs. (1), (1r), (1t), and (2), and (2g).

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1 **SECTION 189.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 111.825 (4) Any labor organization may petition for recognition as the exclusive
4 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), ~~or (2), or~~
5 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
6 petition is accompanied by a 30% showing of interest in the form of signed
7 authorization cards. Each additional labor organization seeking to appear on the
8 ballot shall file petitions within 60 days of the date of filing of the original petition
9 and prove, through signed authorization cards, that at least 10% of the employees
10 in the collective bargaining unit want it to be their representative.

11 **SECTION 190.** 111.825 (5) of the statutes is amended to read:

12 111.825 (5) Although supervisors are not considered employees for purposes
13 of this subchapter, the commission may consider a petition for a statewide collective
14 bargaining unit of professional supervisors or a statewide unit of nonprofessional
15 supervisors in the classified service, but the representative of supervisors may not
16 be affiliated with any labor organization representing employees. For purposes of
17 this subsection, affiliation does not include membership in a national, state, county
18 or municipal federation of national or international labor organizations. The
19 certified representative of supervisors ~~who are not public safety employees~~ may not
20 bargain collectively with respect to any matter other than wages and fringe benefits
21 as provided in s. ~~111.91 (3), and the certified representative of supervisors who are~~
22 ~~public safety employees may not bargain collectively with respect to any matter other~~
23 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

24 **SECTION 191.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
25 32, is renumbered 111.825 (6).

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1 **SECTION 192.** 111.825 (6) (b) of the statutes is repealed.

2 **SECTION 193.** 111.83 (1) of the statutes is amended to read:

3 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
4 chosen for the purposes of collective bargaining by a majority of the employees voting
5 in a collective bargaining unit shall be the exclusive representative of all of the
6 employees in such unit for the purposes of collective bargaining. Any individual
7 employee, or any minority group of employees in any collective bargaining unit, may
8 present grievances to the employer in person, or through representatives of their own
9 choosing, and the employer shall confer with said employee or group of employees in
10 relation thereto if the majority representative has been afforded the opportunity to
11 be present at the conference. Any adjustment resulting from such a conference may
12 not be inconsistent with the conditions of employment established by the majority
13 representative and the employer.

14 **SECTION 194.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

15 **SECTION 195.** 111.83 (3) (b) of the statutes is repealed.

16 **SECTION 196.** 111.83 (4) of the statutes is amended to read:

17 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
18 the name of more than one proposed representative appears on the ballot and results
19 in no conclusion, the commission may, if requested by any party to the proceeding
20 within 30 days from the date of the certification of the results of the election, conduct
21 a runoff election. In that runoff election, the commission shall drop from the ballot
22 the name of the representative who received the least number of votes at the original
23 election. The commission shall drop from the ballot the privilege of voting against
24 any representative if the least number of votes cast at the first election was against
25 representation by any named representative.