2021 ASSEMBLY BILL 438

July 1, 2021 - Introduced by Representatives SUBECK, S. RODRIGUEZ, MILROY, BROSTOFF, HEBL, SHELTON, POPE, CONLEY, BALDEH, HESSELBEIN, DOYLE, GOYKE, NEUBAUER, VRUWINK, B. MEYERS, VINING, BILLINGS, McGUIRE, ANDERSON, SHANKLAND, SNODGRASS, CONSIDINE, SPREITZER, RIERER, CABRERA, STUBBS, HINTZ, DRAKE, SINICKI, HONG, ORTIZ-VELEZ, EMERSON, L. MYERS, ANDRACA, HAYWOOD, MOORE OMOKUNDE and OHNSTAD, cosponsored by Senators AGARD, CARPENTER, BEWLEY, ROYS, RINGHAND, LARSON and ERPENBACH. Referred to Committee on Labor and Integrated Employment.

A N ACT to repeal 111.04 (2); to renumber and amend 111.02 (7) (a), 111.115 (1) (2), 111.02 (7) (a) 2.; 111.02 (9m), 111.02 (10m), 111.05 (5), 111.06 (1) (c), 111.06 (1) (m), 111.075, 111.115 (2), 111.13, 111.17 (2), 233.04 (2e), 233.04 (2m) and 233.04 (2s) of the statutes; relating to: collective bargaining for employees of the University of Wisconsin Hospitals and Clinics Authority.

Analysis by the Legislative Reference Bureau

This bill allows employees of the University of Wisconsin Hospitals and Clinics Authority to collectively bargain over wages, hours, and conditions of employment. Under current law, employers and employees are prohibited from collective bargaining except as expressly provided in the statutes.

Prior to changes made by 2011 Wisconsin Act 10, employees of the UWHCA had the right to collectively bargain over wages, hours, and conditions of employment,
and UWHCA was required to bargain over those subjects. The bill restores those rights and also authorizes UWHCA employees to enter into maintenance of membership agreements.

Current right-to-work law prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization. The bill removes these prohibitions with respect to employees of the UWHCA.

The bill also does the following:

1. Sets conditions under which the UWHCA may enter into an all-union agreement.

2. Provides that, when an all-union agreement between the UWHCA and the representative of a collective bargaining unit is in effect, it is not an unfair labor practice to deduct labor organization dues or assessments from an employee’s earnings.

3. Sets conditions for the continuation or termination of all-union agreements, including that, if the Wisconsin Employment Relations Commission determines there is reasonable grounds to believe employees in an all-union agreement have changed their attitude about the agreement, WERC is required to conduct a referendum to determine whether the employees wish to continue the agreement. WERC is required to terminate an all-union agreement if it finds the union unreasonably refused to admit an employee into the union.

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

SECTION 1. 20.921 (1) (a) 2g. of the statutes is created to read:

20.921 (1) (a) 2g. If the employee is an employee of the University of Wisconsin Hospitals and Clinics Authority, payment of dues to employee organizations.

SECTION 2. 40.02 (25) (b) 8. of the statutes is amended to read:

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

SECTION 3. 40.05 (4) (b) of the statutes is amended to read:
40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5) and subch. I or V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. Any supplemental compensation that is paid to a state employee who is classified under the state classified civil service as a teacher, teacher supervisor, or education director for the employee's completion of educational courses that have been approved by the employee's employer is considered as part of the employee's basic pay for purposes of this paragraph. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Upon conversion of an employee's unused sick leave to credits under this paragraph or par. (bf), the employee or, if the employee is deceased, the employee's surviving insured dependents may initiate deductions from those credits or may elect to delay initiation of deductions from those credits, but only if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the date on
which the employee or surviving insured dependents later elect to initiate
deductions from those credits. If an employee or an employee’s surviving insured
dependents elect to delay initiation of deductions from those credits, an employee or
the employee’s surviving insured dependents may only later elect to initiate
deductions from those credits during the annual enrollment period under par. (be).
A health insurance plan or policy is considered comparable if it provides hospital and
medical benefits that are substantially equivalent to the standard health insurance
plan established under s. 40.52 (1).

SECTION 4. 40.05 (5) (intro.) of the statutes is amended to read:

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

SECTION 5. 40.05 (5) (b) 4. of the statutes is amended to read:

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

SECTION 6. 40.05 (6) (a) of the statutes is amended to read:

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

**SECTION 7.** 40.62 (2) of the statutes is amended to read:

40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. Ior V of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

**SECTION 8.** 111.02 (1) of the statutes is amended to read:

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

**SECTION 9.** 111.02 (3) of the statutes is amended to read:

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

**SECTION 10.** 111.02 (4m) of the statutes is created to read:

111.02 (4m) “Confidential authorization card” means a signed card that
employees of the University of Wisconsin Hospitals and Clinics Authority complete
to indicate their preferences regarding collective bargaining. An employee's
preferences indicated on the confidential authorization card shall be held
confidential to only the employee and the commission in certifying results, as
applicable.

**SECTION 11.** 111.02 (5) of the statutes is amended to read:

111.02 (5) The term “election” shall mean a proceeding in which the employees
in a collective bargaining unit cast a secret ballot or submit a confidential
authorization card for collective bargaining representatives or for any other purpose
specified in this subchapter and shall include elections conducted by the commission,
or, unless the context clearly indicates otherwise, by any tribunal having competent
jurisdiction or whose jurisdiction was accepted by the parties.

**SECTION 12.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
and amended to read:

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

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

**SECTION 13.** 111.02 (7) (a) 2. of the statutes is created to read:
111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

SECTION 14. 111.02 (9m) of the statutes is created to read:

111.02 (9m) “Maintenance of membership agreement” means an agreement under s. 111.13 (2).

SECTION 15. 111.02 (10m) of the statutes is created to read:

111.02 (10m) “Referendum” means a proceeding conducted by the commission in which employees of the University of Wisconsin Hospitals and Clinics Authority in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a maintenance of membership agreement or to terminate such an agreement.

SECTION 16. 111.04 (2) of the statutes is repealed.

SECTION 17. 111.04 (3) (a) (intro.) of the statutes is amended to read:

111.04 (3) (a) (intro.) No Except as provided in ss. 111.05 (5), 111.075, and 111.13, no person may require, as a condition of obtaining or continuing employment, an individual to do any of the following:

SECTION 18. 111.05 (1) of the statutes is amended to read:

111.05 (1) Representatives chosen for the purposes of collective bargaining by a majority of the employees voting or, for employees of the University of Wisconsin Hospitals and Clinics Authority, submitting confidential authorization cards in a collective bargaining unit shall be the exclusive representatives of all of the employees in such unit for the purposes of collective bargaining, provided that any individual employee or any minority group of employees in any collective bargaining unit shall have the right at any time to present grievances to their employer in person or through representatives of their own choosing, and the employer shall confer with them in relation thereto.
SECTION 19. 111.05 (2) of the statutes is amended to read:

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

SECTION 20. 111.05 (3) of the statutes is amended to read:

111.05 (3) Whenever a question arises concerning the representation of employees in a collective bargaining unit the commission shall determine the representatives thereof by taking a secret ballot of employees or, for employees of the University of Wisconsin Hospitals and Clinics Authority, by collecting confidential authorization cards and certifying in writing the results thereof to the interested parties and to their employer or employers. There shall be included on any ballot or confidential authorization card for the election of representatives the names of all persons submitted by an employee or group of employees participating in the election, except that the commission may, in its discretion, exclude from the ballot or confidential authorization card a person who, at the time of the election, stands deprived of the person’s rights under this subchapter by reason of a prior adjudication of the person’s having engaged in an unfair labor practice. The ballot or confidential authorization card shall be so prepared as to permit of a vote against representation by anyone named on the ballot or confidential authorization card. The commission’s certification of the results of any election shall be conclusive as to the findings included therein unless reviewed in the same manner as provided by s. 111.07 (8) for review of orders of the commission.
SECTION 21. 111.05 (3m) of the statutes is amended to read:

111.05 (3m) Whenever an election has been conducted pursuant to sub. (3) in which the name of more than one proposed representative appears on the ballot or confidential authorization card and results in no conclusion, the commission may, in its discretion, if requested by any party to the proceeding within 30 days from the date of the certification of the results of such election, conduct a runoff election. In such runoff election, the commission may drop from the ballot or confidential authorization card the name of the representative that received the least number of votes at the original election, or the privilege of voting against any representative when the least number of votes cast at the first election was against representation by any named representative.

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

111.05 (5) (a) 1. Collective bargaining units for representation of the employees of the University of Wisconsin Hospitals and Clinics Authority shall include one unit for employees engaged in each of the following functions:

a. Clerical and related.

b. Blue collar and nonbuilding trades.

c. Building trades crafts.

d. Security and public safety.

e. Technical.

f. Fiscal and staff services.

g. Patient care.

h. Science.

2. Collective bargaining units for representation of the employees of the University of Wisconsin Hospitals and Clinics Authority who are engaged in a
function not specified in subd. 1. shall be determined in the manner provided in this section. The creation of any collective bargaining unit for the employees is subject to approval of the commission. The commission may not allow fragmentation of the collective bargaining units or creation of any collective bargaining unit that is too small to provide adequate representation of employees. In approving the collective bargaining units, the commission shall give primary consideration to the authority's need to fulfill its statutory obligation.

(b) If a single representative is certified to represent more than one of the collective bargaining units specified in par. (a) 1. or 2., that representative and the University of Wisconsin Hospitals and Clinics Authority may jointly agree to combine the collective bargaining units, subject to the right of the employees in any of the collective bargaining units that were combined to petition for a card collection under sub. (3). An agreement under this paragraph is effective upon written notice of the agreement by the parties to the commission and terminates upon written notice of the termination by the parties to the commission or upon decertification of the representative entering into the agreement as representative of one of the combined collective bargaining units, whichever occurs first.

(c) The commission shall establish a procedure whereby employees of the University of Wisconsin Hospitals and Clinics Authority may determine whether to form themselves into collective bargaining units under par. (a) 1. or 2. by confidential authorization cards in lieu of secret ballots. The procedure shall provide that once a majority of employees have indicated their preference on the confidential authorization cards to form themselves into a collective bargaining unit under par. (a) 1. or 2., the collective bargaining unit is established. The procedure shall provide all of the following:
1. A review of the confidential authorization cards submitted in support of a claim to represent a majority of the employees of a collective bargaining unit.

2. A comparison of the employee list provided by the University of Wisconsin Hospitals and Clinics Authority to the commission and to the collective bargaining unit under s. 233.04 (2m) at least 7 days before the scheduled count of the confidential authorization cards.

(d) If a majority of the employees under par. (c) have designated a representative as their collective bargaining unit representative, the commission shall certify that representative of the collective bargaining unit.

SECTION 23. 111.06 (1) (c) of the statutes is amended to read:

111.06 (1) (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment in a collective bargaining unit where an all-union agreement or maintenance of membership agreement is in effect as provided in s. 111.13.

SECTION 24. 111.06 (1) (cm) of the statutes is created to read:

111.06 (1) (cm) To explicitly or implicitly encourage or discourage membership in a collective bargaining unit that represents employees of the University of Wisconsin Hospitals and Clinics Authority. It is not an unfair labor practice for the University of Wisconsin Hospitals and Clinics Authority and a collective bargaining unit that represents employees of the University of Wisconsin Hospitals and Clinics Authority to issue joint statements regarding collective bargaining activities of the authority and the representatives.

SECTION 25. 111.06 (1) (d) of the statutes is amended to read:
111.06 (1) (d) To refuse to bargain collectively with the representative of a majority of the employer’s employees in any collective bargaining unit with respect to representation or terms and conditions of employment, except as provided under ss. 111.05 (5) and 111.17 (2), provided, however, that where an employer files with the commission a petition requesting a determination as to majority representation, the employer shall not be deemed to have refused to bargain until an election has been held and the result thereof has been certified to the employer by the commission.

SECTION 26. 111.06 (1) (e) of the statutes is amended to read:

111.06 (1) (e) To bargain collectively with the representatives of less than a majority of the employer’s employees in a collective bargaining unit, or, except as provided in s. 111.13, to enter into an all-union agreement.

SECTION 27. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee’s earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable by the employee giving to the employer at least 30 days’ written notice of the termination or unless there is an all-union agreement or maintenance of membership agreement in effect as provided in s. 111.13. This paragraph applies to the extent permitted under federal law.

SECTION 28. 111.06 (1) (m) of the statutes is created to read:

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

SECTION 29. 111.06 (2) (i) of the statutes is amended to read:
111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided in s. 111.115 (2) or (3).

SECTION 30. 111.075 of the statutes is created to read:

111.075 Maintenance of membership agreements. (1) This section only applies to collective bargaining units comprised of employees of the University of Wisconsin Hospitals and Clinics Authority.

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

(b) For a maintenance of membership agreement to be authorized, at least a majority of the eligible employees voting in a referendum must vote in favor of the agreement.

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

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

(2) (a) A maintenance of membership agreement, once authorized, continues in effect, subject to the right of the employer or labor organization to petition the commission to conduct a new referendum. The commission shall conduct a new referendum whenever it receives a petition supported by proof that at least 30 percent of the employees in a collective bargaining unit desire that the maintenance of membership agreement be discontinued. If, in the referendum, a number that is at least the percentage of eligible voting employees required for initial authorization approve the continuance of the maintenance of membership agreement, the membership is continued in effect, subject to the right of the employer or labor organization to initiate a further vote using the procedure in this subsection. If the continuation of the agreement is not supported in the referendum, the agreement terminates when the collective bargaining agreement terminates or one year from the date of the certification of the results of the referendum, whichever is earlier.

(b) The commission shall suspend any maintenance of membership agreement upon conditions and for the time as the commission decides if the commissioner finds
that the labor organization has refused on the basis of race, color, sexual orientation, or creed, to receive as a member any employee in the collective bargaining unit involved, and the agreement is subject to the findings and the orders of the commission. Any party to the agreement or any employee covered by the agreement may come before the commission, as provided in s. 111.07, and petition the commission to make a finding.

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

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

SECTION 31. 111.115 (title) of the statutes is amended to read:

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

SECTION 32. 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and amended to read:

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

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

SECTION 33. 111.115 (1) (a) of the statutes is created to read:

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

**SECTION 34.** 111.115 (2) of the statutes is created to read:

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

**SECTION 35.** 111.13 of the statutes is created to read:

111.13 **All-union agreements and maintenance of membership agreements.** (1) (a) This section only applies to collective bargaining units
comprised of employees of the University of Wisconsin Hospitals and Clinics
Authority.

(b) An employer may enter into an all-union agreement with the voluntarily
recognized representative of the employees in a collective bargaining unit where at
least a majority of the employees voting have voted affirmatively, by secret ballot, in
favor of an all-union agreement in a referendum conducted by the commission,
except that, if the bargaining representative has been certified by either the
commission or the national labor relations board as the result of a representation
election, no referendum is required to authorize the entry into an all-union
agreement.
(c) An all-union agreement remains in force, subject to the right of either party to the agreement to petition the commission to conduct a new referendum. If the commission receives a petition and subsequently determines that there are reasonable grounds to believe that the employees concerned have changed their attitude toward the all-union agreement, the commission shall conduct a referendum. If, in the referendum, the support for the continuance of the all-union agreement is at least equal to the support needed for initial authorization, the agreement remains in force, subject to the right to petition for a further vote under this paragraph. If the support for the continuance of the all-union agreement is less than the support needed for initial authorization, the agreement is terminated at the termination of the contract of which it is a part or at the end of one year from the date of the commission’s announcement of the referendum results, whichever is earlier. The commission shall terminate any all-union agreement whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer, and each all-union agreement is subject to the duty of the commission. Any interested person may come before the commission as provided in s. 111.07 and ask performance of this duty.

(2) The University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employees of that authority may enter into a maintenance of membership agreement that requires that all of the employees have dues deducted under s. 20.921 (1) or 111.06 (1) (i). Employees whose dues are being deducted from earnings at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement. Employees who are hired on or after the effective date of the agreement shall have dues deducted upon hiring for the duration of the agreement.
SECTION 36. 111.17 of the statutes is renumbered 111.17 (intro.) and amended to read:

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

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

SECTION 37. 111.17 (2) of the statutes is created to read:

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

SECTION 38. 233.03 (7) of the statutes is amended to read:

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

SECTION 39. 233.04 (2e) of the statutes is created to read:

233.04 (2e)  Allow representatives of collective bargaining units representing employees of the authority to present information for at least 30 minutes regarding the collective bargaining units, the selection of representatives, the work of the representatives, and the collective bargaining process at any mandatory orientation session provided by the authority to new employees. The authority shall provide 48 hours’ notice of such a mandatory orientation session to representatives of each collective bargaining unit that represents employees of the authority.

SECTION 40. 233.04 (2m) of the statutes is created to read:

233.04 (2m)  Provide an accurate list of all individuals employed by the authority to the employment relations commission and the representative of a collective bargaining unit when requested by the employment relations commission.

SECTION 41. 233.04 (2s) of the statutes is created to read:

233.04 (2s)  Allow representatives of collective bargaining units representing employees of the authority to meet with employees of the authority during nonwork periods in building areas typically used by employees during nonwork periods, such as break rooms, conference rooms, and cafeterias, for organizing activity. Representatives of collective bargaining units representing employees of the authority shall provide notice to the authority of such a meeting at least 8 hours before such a meeting. Not more than 5 representatives of a collective bargaining unit may attend such a meeting.

SECTION 42. 233.10 (2) (intro.) of the statutes is amended to read:
233.10 (2) (intro.) Subject to subs. (3), (3r) and (3t) and ch. 40, and the duty to engage in collective bargaining with employees in a collective bargaining unit for which a representative is certified under subch. I of ch. 111, the authority shall establish any of the following: