

CHAPTER 361 , Laws of 1981

AN ACT to create 111.18 and 146.60 (3) of the statutes, relating to reducing payments to health care institutions that engage persons to defeat the organization of a collective bargaining unit by employes and providing a penalty.

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

SECTION 1. 111.18 of the statutes is created to read:

111.18 Limit on payment to health care institutions. (1) In this section:

- (a) "Health care institution" has the meaning provided in s. 150.001 (6).
- (b) "Proportional share" means the annual revenue of a health care institution received in the form of medical assistance reimbursement or public employe insurance from the state, divided by the total annual revenue of the health care institution.

(2) (a) 1. Any health care institution found by the national labor relations board to have committed an unfair labor practice under 29 USC 158 or found by the employment relations commission to have committed a prohibited practice under s. 111.70 (3) that includes payment to any person for services rendered with respect to concerted activity engaged in by its employes for purposes of collective bargaining shall return to the state a proportional share of the amount paid to the person for the activity that constituted the unfair labor practice.

2. Any group of employes of a health care institution subject to subd. 1 may commence an action in circuit court to enforce the provisions of this subsection.

3. Reasonable costs and attorney fees incurred in enforcing a return of funds to the state under this section may be awarded to successful plaintiffs.

(b) Paragraph (a) does not apply to:

1. Attorney fees for services rendered after the union is certified as a collective bargaining agent under this chapter or under the national labor relations act, 29 USC 151 to 169.

2. Attorney fees for services at an administrative agency or court proceeding or in preparation for the proceeding.

3. Salary paid to a full-time employe of a health care institution's personnel department.

SECTION 2. 146.60 (3) of the statutes is created to read:

146.60 (3) REGULATED SERVICES. Each hospital whose rates are governed by this section shall submit to the department information on amounts paid for services regulated under s. 111.18 (2). The department shall modify its rate review forms to include space for reporting this information. Any hospital that violates this subsection shall forfeit up to \$5,000 for each offense.