

1985 Assembly Bill 55

Date of enactment: **October 30, 1985**  
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## 1985 Wisconsin Act 42

AN ACT to repeal 111.81 (2) (c) 1 to 3, 111.81 (14), 111.96 (title), (1), (2) and (3) (title) and 111.97; to renumber 111.81 (2) (a) 1 to 6, 111.91 (1) (a) to (d) and 111.96 (3); to renumber and amend 111.81 (2) (intro.), 111.81 (2) (a) (intro.), 111.81 (2) (b), 111.81 (2) (c) 4 and (d), 111.83 (5) and 111.91 (1) (intro.); to amend 20.865 (1) (ci), (ic) and (si), 36.09 (1) (j), 111.81 (7), 111.81 (9) and (12m), 111.81 (15) (a) (intro.) and (b) (intro.), 111.81 (16) and (18), 111.815, 111.83 (1), (3) and (4), 111.84 (1) (d) and (2) (c), 111.85 (1) (a), 111.86 (title), 111.88 (1), 111.89 (2) (intro.), 111.91 (3) and (4), 111.93, 230.10 (2) and 230.12 (3) (e); and to create 111.81 (7) (b), 111.81 (15m), 111.81 (19m), 111.825 (title) and (2) and 111.83 (5) of the statutes, relating to coverage of teaching, project and program assistants employed by the university of Wisconsin system under the state employment labor relations act, providing for a study and making appropriations.

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

SECTION 1. 20.865 (1) (ci), (ic) and (si) of the statutes are amended to read:

20.865 (1) (ci) *University system faculty and academic pay adjustments.* A sum sufficient to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for university of Wisconsin system employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V of ch. 111, as determined under s. 20.928. No moneys may be expended from this appropriation for the cost of any form of length of service payments to state employes.

(ic) *University system employe pay adjustments; program revenues.* From the appropriate program revenue and program revenue-service accounts, a sum sufficient to supplement the appropriations to the university of Wisconsin system to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for university of Wisconsin system employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V of ch. 111, as determined under s. 20.928. No moneys may be expended from this appropriation for the cost of any form of length of service payments to state employes.

(si) *University system employe pay adjustments; segregated revenues.* From the appropriate segregated

funds, a sum sufficient to supplement the appropriations to the university of Wisconsin system to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for university of Wisconsin system employees under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V of ch. 111, as determined under s. 20.928. No moneys may be expended from this appropriation for the cost of any form of length of service payments to state employees.

SECTION 2. 36.09 (1) (j) of the statutes is amended to read:

36.09 (1) (j) The ~~Except~~ where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph ~~shall~~ does not limit the authority of the board to establish salaries for new appointments. The board ~~shall~~ may not increase the pay of employees ~~under specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the pay increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the pay increase to correct salary inequities under par. (h) or to fund job reclassifications or promotions.~~

SECTION 3. 111.81 (2) (intro.) of the statutes is renumbered 111.81 (2) and amended to read:

111.81 (2) "Collective bargaining unit" means a unit established under ~~this subsection~~ s. 111.825.

SECTION 4. 111.81 (2) (a) (intro.) of the statutes is renumbered 111.825 (1) (intro.) and amended to read:

111.825 (1) (intro.) It is the ~~express~~ legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units shall be for employees in the classified service of the state are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 5. 111.81 (2) (a) 1 to 6 of the statutes are renumbered 111.825 (1) (a) to (f), respectively.

SECTION 6. 111.81 (2) (b) of the statutes is renumbered 111.825 (3) and amended to read:

111.825 (3) The commission shall assign eligible employees to the appropriate statutory collective bargaining units set forth in ~~par. (a) subs. (1) and (2).~~

SECTION 7. 111.81 (2) (c) 1 to 3 of the statutes are repealed.

SECTION 8. 111.81 (2) (c) 4 and (d) of the statutes are renumbered 111.825 (4) and (5), respectively, and amended to read:

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

(5) ~~Although supervisory personnel supervisors~~ are not considered employees for purposes of this subchapter, the commission may consider ~~petitions a petition~~ a petition for a statewide collective bargaining unit of professional supervisory employees and a statewide unit of nonprofessional supervisory employees in the classified service, but the ~~certified representatives representative~~ representative of supervisors may not be affiliated with any labor organizations organization representing employees assigned to the statutory collective bargaining units set forth in s. 111.81 (3) (a) subs. (1) and (2). The certified ~~representatives representative~~ representative for ~~supervisory personnel supervisors~~ supervisors may not bargain ~~on~~ with respect to any matter other than wages and fringe benefits as defined in s. 111.91 (1).

SECTION 9. 111.81 (7) of the statutes is amended to read:

111.81 (7) "Employee" includes ~~any~~:

(a) Any state employee in the classified service of the state, as defined in s. 230.08, except limited term employees, sessional employees, project employees, ~~employees who are performing in a supervisory capacity~~ supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship, as well as all employees of the commission.

SECTION 10. 111.81 (7) (b) of the statutes is created to read:

111.81 (7) (b) Program, project or teaching assistants employed by the university of Wisconsin system, except supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship.

SECTION 11. 111.81 (9) and (12m) of the statutes are amended to read:

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

(12m) "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing employes or supervisors specified in s. 111.825 (5) which requires that all of the employes or supervisors whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employes or supervisors who are hired on or after the effective date of the agreement.

SECTION 12. 111.81 (14) of the statutes is repealed.

SECTION 13. 111.81 (15) (a) (intro.) and (b) (intro.) of the statutes are amended to read:

111.81 (15) (a) (intro.) Any employe in the classified service who is engaged in work:

(b) (intro.) Any employe in the classified service who:

SECTION 14. 111.81 (15m) of the statutes is created to read:

111.81 (15m) "Program assistant" or "project assistant" means a graduate student enrolled in the university of Wisconsin system who is assigned to conduct research, training, administrative responsibilities or other academic or academic support projects or programs, except regular preparation of instructional materials for courses or manual or clerical assignments, under the supervision of a member of the faculty or academic staff, as defined in s. 36.05 (1) or (8), primarily for the benefit of the university, faculty or academic staff supervisor or a granting agency. "Project assistant" or "program assistant" does not include a graduate student who does work which is primarily for the benefit of the student's own learning and research and which is independent or self-directed.

SECTION 15. 111.81 (16) and (18) of the statutes are amended to read:

111.81 (16) "Referendum" means a proceeding conducted by the commission in which employes, or supervisors specified in s. 111.825 (5), 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 fair-share or maintenance of membership agreement or to terminate such an agreement.

(18) "Strike" includes any strike or other concerted stoppage of work by employes, and any concerted slowdown or other concerted interruption of opera-

tions or services by employes, or any concerted refusal to work or perform their usual duties as employes of the state. ~~The occurrence of a strike and the participation therein by an employe do not affect the right of the employer, in law or equity, to deal with such strike.~~

SECTION 16. 111.81 (19m) of the statutes is created to read:

111.81 (19m) "Teaching assistant" means a graduate student enrolled in the university of Wisconsin system who is regularly assigned teaching and related responsibilities, other than manual or clerical responsibilities, under the supervision of a member of the faculty as defined in s. 36.05 (8).

SECTION 17. 111.815 of the statutes is amended to read:

**111.815 Duties of state.** (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. ~~The executive branch department~~ shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the executive branch shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications thereof. ~~The department of employment relations~~ is responsible for the employer functions of the executive branch under this ~~section~~ subchapter, and shall coordinate its collective bargaining activities with operating agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the executive branch which require legislative action.

(2) In the furtherance of the policy under s. 111.80 (4), the secretary of the ~~department of employment relations~~ shall establish a collective bargaining capability within the department outside of the division of merit recruitment and selection and shall, ~~along~~ together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter. The secretary of the department shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

SECTION 18. 111.825 (title) and (2) of the statutes are created to read:

**111.825 (title) Collective bargaining units.**

(2) Collective bargaining units for employes in the unclassified service of the state shall be structured with one collective bargaining unit for each of the following groups:

(a) The program, project and teaching assistants of the university of Wisconsin-Madison and the university of Wisconsin-extension.

(b) The program, project and teaching assistants of the university of Wisconsin-Milwaukee.

(c) The program, project and teaching assistants of the universities of Wisconsin-Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater.

SECTION 19. 111.83 (1), (3) and (4) of the statutes are amended to read:

111.83 (1) ~~A~~ Except as provided in sub. (5), a representative chosen for the purposes of collective bargaining by a majority of the state employes voting in a collective bargaining unit shall be the exclusive representative of all of the employes in such unit for the purposes of collective bargaining. Any individual employe, or any minority group of employes in any collective bargaining unit, may present grievances to the state employer in person, or through representatives of their own choosing, and the state employer shall confer with said employe or group of employes in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the state employer.

(3) Whenever a question arises concerning the representation of employes in a collective bargaining unit the commission shall determine the representative thereof by taking a secret ballot of the employes and certifying in writing the results thereof to the interested parties and to the ~~state and its agents~~ secretary of the department. There shall be included on any ballot for the election of representatives the names of all ~~persons~~ labor organizations having an interest in representing the employes ~~submitted by an employe or group of employes~~ participating in the election, except that the as indicated in petitions filed with the commission. The name of any existing representative shall be included on the ballot without the necessity of filing a petition. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. The commission's certification of the results of any election ~~shall be~~ is conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

(4) Whenever an election has been conducted under sub. (3) in which the name of more than one proposed representative appears on the ballot and results in no conclusion, the commission may, if requested by any party to the proceeding within 30 days from the date of the certification of the results of ~~such the~~ election, conduct a runoff election. In ~~such that~~ runoff election, the commission ~~may~~ shall drop from the ballot the name of the representative who received the least number of votes at the original election. The commission shall drop from the ballot the privilege of voting against any representative ~~when~~ if the least number of

votes cast at the first election was against representation by any named representative.

SECTION 19g. 111.83 (5) of the statutes is renumbered 111.83 (6) and amended to read:

111.83 (6) While ~~an~~ a collective bargaining agreement between a labor organization and an employer is in force under this subchapter, a petition for an election in the collective bargaining unit to which the agreement applies may only be filed during October in the calendar year prior to the expiration of ~~such that~~ that agreement. An election held ~~pursuant to such~~ under that petition ~~shall~~ may be held only if the petition is supported by proof that at least 30% of the employes in the collective bargaining unit desire a change or discontinuance of existing representation. Within 60 days of the time that an original petition is filed, another petition may be filed supported by proof that at least 10% of the employes in the same collective bargaining unit desire a different representative. If a majority of the employes in the collective bargaining unit vote for a change or discontinuance of representation by any named representative, the decision takes effect upon expiration of any existing collective bargaining agreement between the employer and the existing representative.

SECTION 19r. 111.83 (5) of the statutes is created to read:

111.83 (5) (a) This subsection applies only to the collective bargaining unit specified in s. 111.825 (2) (c).

(b) Upon filing of a petition with the commission indicating a showing of interest of at least 30% of the employes at an institution who are included within a collective bargaining unit to be represented by a labor organization, the commission shall hold an election in which the employes in that unit may vote on the question of representation. The labor organization named in any such petition shall be included on the ballot. Within 60 days of the time that an original petition is filed, another petition may be filed with the commission indicating a showing of interest of at least 10% of the employes at the same institution who are included in the same collective bargaining unit to be represented by another labor organization, in which case the name of that labor organization shall be included on the ballot. If more than one original petition is filed within a 30-day period concerning employes in the collective bargaining unit specified in s. 111.825 (2) (c), the results of all elections held pursuant to the petitions shall be announced by the commission at the same time. The ballot shall be prepared in accordance with sub. (3), except as otherwise provided in this subsection.

(c) Notwithstanding s. 111.825 (2) (c), the employes at any institution included within the collective bargaining unit at which no petition is filed and no election is held or at which the employes indicate, by a majority of those voting in an election, a desire not to

participate in collective bargaining are not considered to be a part of that collective bargaining unit.

(d) If at an election held under par. (b), a majority of the employes voting in the collective bargaining unit at all institutions in which the choice to participate in collective bargaining receives a majority of the votes cast elect to be represented by a single labor organization, that labor organization shall be the exclusive representative for all employes in that collective bargaining unit, except those excluded under par. (c).

(e) If at an election held under par. (b), a majority of the employes voting in the collective bargaining unit at all institutions in which the choice to participate in collective bargaining receives a majority of the votes cast do not elect to be represented by a single labor organization, the commission may hold one or more runoff elections under sub. (4) until one representative receives a majority of the votes cast.

(f) Notwithstanding par. (b), if a labor organization is certified to represent the employes within the collective bargaining unit at one or more institutions, and a petition is filed with the commission indicating a showing of interest by the employes at an institution which is not a part of the unit under par. (c) to be represented by a labor organization, the only question which shall appear on the ballot shall be whether the employes desire to participate in collective bargaining. A petition under this paragraph may only be filed during June in an even-numbered year. If a majority of the employes voting at the institution who are included within the collective bargaining unit vote to participate in collective bargaining, the employes at that institution shall become a part of that collective bargaining unit.

(g) If the collective bargaining unit is represented by a labor organization and a collective bargaining agreement is in effect between that labor organization and the employer, and the employes at an institution who have not voted to become a part of that collective bargaining unit vote to join the unit under par. (f), such action shall become effective on the day that the succeeding collective bargaining agreement between the representative and the employer takes effect.

(h) If a petition is filed under sub. (6) for the discontinuance of existing representation indicating a showing of interest by 30% of the total number of employes at all institutions at which employes in the collective bargaining unit have voted to become a part of the unit, the commission shall hold an election on that question at all such institutions. If a petition is filed under sub. (6) indicating a showing of interest by 30% of the employes at one or more, but not all, of the institutions at which employes in the collective bargaining unit have voted to become a part of the unit, the commission shall hold an election on that question only at the institution or institutions at which the showing is made. In such an election, the only ques-

tion appearing on the ballot shall be whether the employes desire to participate in collective bargaining.

(i) If a petition is filed under sub. (6) for a change of existing representation, the commission shall hold an election on the question in accordance with par. (b), except that participation shall be limited to employes at those institutions included in the collective bargaining unit who have previously voted to become a part of the unit. Runoff elections shall be held, as provided in par. (e), when necessary. At any such election, if a majority of the total number of employes included in the collective bargaining unit at all institutions at which employes have voted to become a part of the unit elect not to participate in collective bargaining, regardless of the result of the vote at any single institution, no representative may be certified by the commission to represent the employes at any institution within that collective bargaining unit, unless a new petition and election is held under par. (b). However, if a majority of the total number of employes included in the collective bargaining unit at all institutions at which employes have voted to become a part of the unit elect to participate in collective bargaining, but a majority of the employes at one or more of the institutions elect not to participate in collective bargaining, then only the employes at those institutions electing not to participate shall not be considered a part of that collective bargaining unit.

SECTION 20. 111.84 (1) (d) and (2) (c) of the statutes are amended to read:

111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91 with a representative of a majority of its employes in an appropriate collective bargaining unit. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employes in appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. It shall is not be deemed to have refused to bargain until an election has been held and the results thereof certified to it by the commission. ~~The A violation shall include, though of this paragraph includes, but is not be~~ limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

(2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employes specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employes specified in s. 111.81 (7) (b) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 21. 111.85 (1) (a) of the statutes is amended to read:

111.85 (1) (a) No fair-share or 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% of the employes or supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a fair-share or 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 shall be limited to that question.

SECTION 22. 111.86 (title) of the statutes is amended to read:

**111.86 (title) Grievance arbitration.**

SECTION 22m. 111.88 (1) of the statutes is amended to read:

111.88 (1) If a dispute has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, the representative, which has ~~either~~ been certified by the commission after an election, or, in the case of a representative of employes specified in s. 111.81 (7) (a), has been duly recognized by the employer, as the exclusive representative of employes in an appropriate collective bargaining unit, and the employer, its officers and agents, after a reasonable period of negotiation, are deadlocked with respect to any dispute between them arising in the collective bargaining process, the parties jointly, may petition the commission, in writing, to initiate fact-finding under this section, and to make recommendations to resolve the deadlock.

SECTION 23. 111.89 (2) (intro.) of the statutes is amended to read:

111.89 (2) (intro.) The occurrence of a strike and the participation therein by a state employe do not affect the rights ~~given to~~ of the employer, in law or in equity, to deal with the strike, including:

SECTION 24. 111.91 (1) (intro.) of the statutes is renumbered 111.91 (1) (a) and amended to read:

111.91 (1) (a) ~~Matters~~ Except as provided in pars. (b) to (e), matters subject to collective bargaining to the point of impasse are wage rates, as related to general salary scheduled adjustments consistent with sub. (2), and salary adjustments upon temporary assignment of employes to duties of a higher classification or downward reallocations of an employe's position; fringe benefits; hours and conditions of employment, ~~except as follows:~~

SECTION 25. 111.91 (1) (a) to (d) of the statutes are renumbered 111.91 (1) (b) to (e).

SECTION 26. 111.91 (3) and (4) of the statutes are amended to read:

111.91 (3) The employer may bargain and reach agreement with a ~~union representing a labor organization~~ which is certified or recognized to represent a collective bargaining unit composed of classified

employes to provide for an impartial hearing officer to hear appeals on differences arising under actions taken by the employer under sub. (2) (b) 1 and 2. The hearing officer shall make a decision accompanied by findings of fact and conclusions of law. The decision shall be reviewed by the personnel commission under s. 230.45 (1) (f) on the record and either affirmed, modified or reversed, and the personnel commission's action ~~shall be~~ is subject to review under ch. 227. ~~Nothing in this~~ This subsection shall does not empower the hearing officer to expand the basis of adjudication beyond the test of "arbitrary and capricious" action, nor ~~shall anything in~~ does this subsection diminish the authority of the personnel commission under s. 230.45.

(4) The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92, shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employes or supervisors of employes specified in s. 111.81 (7) (a) and with each certified labor organization representing employes specified in s. 111.81 (7) (b) which do not contain any provision for the payment to any employe of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employe has been employed by the state.

SECTION 27. 111.93 of the statutes is amended to read:

**111.93 (title) Effect of labor organization; status of existing benefits and rights.** (1) If no ~~labor~~ collective bargaining agreement exists between the state employer and a ~~union~~ labor organization representing ~~a certified~~ classified employes in a collective bargaining unit for which a representative is recognized or certified, employes in the unit shall retain the right of appeal under s. 230.44.

(2) All civil service and other applicable statutes concerning wages, fringe benefits, hours and conditions of employment ~~shall~~ apply to employes specified in s. 111.81 (7) (a) who are not included in certified collective bargaining units for which a representative is recognized or certified and to employes specified in s. 111.81 (7) (b) who are not included in a collective bargaining unit for which a representative is certified.

(3) Except as provided in ss. 40.05, 40.80 (3) and 230.88 (2) (b), if a ~~labor~~ collective bargaining agreement exists between the state employer and a ~~union~~ labor organization representing employes in a ~~certified or recognized~~ collective bargaining unit, the provisions of ~~such that~~ that agreement shall supersede ~~such the~~ the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the university of Wisconsin system, related to wages, fringe benefits, hours and conditions of employment whether or not the matters contained in ~~such those~~ those statutes, rules and policies are set forth in ~~such labor~~ the collective bargaining agreement.

SECTION 28. 111.96 (title), (1), (2) and (3) (title) of the statutes are repealed.

SECTION 29. 111.96 (3) of the statutes is renumbered 111.92 (5).

SECTION 30. 111.97 of the statutes is repealed.

SECTION 31. 230.10 (2) of the statutes is amended to read:

230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified for to represent employees in a collective bargaining unit shall constitute and the employe salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employe salary and benefit provisions for employees in the certified collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or certified to represent employees specified in s. 111.81 (7) (b) in that collective bargaining unit, the wage rates of the employes in such a certified bargaining unit shall be frozen until a subsequent agreement becomes effective, and employes in such a certified bargaining unit shall not be covered by the compensation plan under s. 230.12 and salary and benefit changes adopted under s. 230.12 (3) (e) do not apply to employes in the unit.

SECTION 32. 230.12 (3) (e) of the statutes is amended to read:

230.12 (3) (e) *University of Wisconsin system faculty and academic staff employes.* The secretary, after receiving recommendations from the board of regents,

shall submit to the joint committee on employment relations a proposal for adjusting compensation and employe benefits for employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V of ch. 111 for which a representative is certified. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employe benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments shall be is available for discretionary use by the board of regents.

SECTION 33. **Nonstatutory provisions.** (1) **EFFECTIVE PROVISIONS.** Subchapter V of chapter 111 of the 1971 statutes is effective on April 29, 1972.

(2) **AGREEMENTS.** No collective bargaining agreement negotiated under subchapter V of chapter 111 of the statutes, covering state employes in the unclassified service may take effect prior to July 1, 1987.

(4) **LEGISLATIVE COUNCIL STUDY.** The legislative council is hereby requested to study the consequences and effects of the various changes created by this act upon the university of Wisconsin system, and shall report the findings of its study to the leaders of both houses of the legislature no later than January 1, 1996.

SECTION 34. **Effective date.** This act takes effect on July 1, 1986.