

1993 Senate Bill 547

Date of enactment: **April 22, 1994**

Date of publication*: **May 6, 1994**

1993 WISCONSIN ACT 429

AN ACT to amend 111.70 (1) (nc) 1. a. and c., 111.70 (4) (cm) 6. a. and 111.70 (4) (cm) 8p. of the statutes, relating to: dispute settlement procedures in local government employment other than law enforcement and fire fighting employment.

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

SECTION 1. 111.70 (1) (nc) 1. a. and c. of the statutes, as created by 1993 Wisconsin Act 16, section 2207aho, are amended to read:

111.70 (1) (nc) 1. a. A proposal to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs as determined under sub. (4) (cm) 8s, and to maintain all fringe benefits provided to the municipal employees in a collective bargaining unit, as such contributions and benefits existed on the 90th day prior to expiration of any previous collective bargaining agreement between the parties, or the 90th day prior to commencement of negotiations if there is no previous collective bargaining agreement between the parties.

c. A proposal to provide for an average salary increase for each 12-month period covered by the proposed collective bargaining agreement, beginning with the expiration date of any previous collective bargaining agreement, for the municipal employees in the collective bargaining unit at least equivalent to an average cost of 2.1% of the total compensation and fringe benefit costs for all municipal employees in the collective bargaining unit for each 12-month period covered by the proposed collective bargaining agreement, beginning with the expiration date of any previous collective bargaining agreement, including that percentage required to provide for any step increase and any increase due to a promotion or the attainment of increased professional qualifica-

tions, as determined under sub. (4) (cm) 8s, unless the increased cost of providing such a salary increase, as determined under sub. (4) (cm) 8s, exceeds 2.1% of the total compensation and fringe benefit costs for all municipal employees in the collective bargaining unit for any 12-month period covered by the proposed collective bargaining agreement, or unless the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees, as determined under sub. (4) (cm) 8s, in addition to the increased cost of providing such a salary increase, exceeds 3.8% of the total compensation and fringe benefit costs for all municipal employees in the collective bargaining unit for any 12-month period covered by the collective bargaining agreement, in which case the offer shall include provision for a salary increase for each such period for the municipal employees covered by the agreement at least equivalent to an average of that percentage, if any, for each such period of the prorated portion of 2.1% of the total compensation and fringe benefit costs for all municipal employees in the collective bargaining unit that remains, if any, after the increased cost of such maintenance exceeding 1.7% of the total compensation and fringe benefit costs for all municipal employees in the collective bargaining unit for each 12-month period and the cost of a salary increase of at least one full step for each municipal employee in the collective bargaining unit who is eligible for a within range salary increase for each 12-month period is subtracted from that total cost.

1993 Senate Bill 547

SECTION 2. 111.70 (4) (cm) 6. a. of the statutes, as affected by 1993 Wisconsin Act 16, section 2207am, is amended to read:

111.70 (4) (cm) 6. a. Upon receipt of a petition to initiate arbitration, the commission shall make an investigation, with or without a formal hearing, to determine whether arbitration should be commenced. If in determining whether an impasse exists the commission finds that the procedures set forth in this paragraph have not been complied with and such compliance would tend to result in a settlement, it may order such compliance before ordering arbitration. The validity of any arbitration award or collective bargaining agreement shall not be affected by failure to comply with such procedures. Prior to the close of the investigation each party shall submit in writing to the commission its single final offer containing its final proposals on all issues in dispute that are subject to interest arbitration under this subdivision or under subd. 5s in collective bargaining units to which subd. 5s applies. If a party fails to submit a single, ultimate final offer ~~within the time prescribed by this subdivision~~, the commission shall close the investigation based on the last written position of the party. The municipal employer may not submit a qualified economic offer under subd. 5s after the close of the investigation. Such final offers may include only mandatory subjects of bargaining, except that a permissive subject of bargaining may be included by a party if the other party does not object and shall then be treated as a mandatory subject. No later than such time, the parties shall also submit to the commission a stipulation, in writing, with respect to all matters which are agreed upon for inclusion in the new or amended collective bargaining agreement. The commission, after receiving a report from its investigator and determining that arbitration should be commenced, shall issue an order requiring arbitration and immediately submit to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall alternately strike names until a single name is left, who shall be appointed as arbitrator. The petitioning party shall notify the commission in writing of the identity of the arbitrator selected. Upon receipt of such notice, the commission shall formally appoint the arbitrator and submit to him or her the final offers of the parties. The final offers shall be considered public docu-

ments and shall be available from the commission. In lieu of a single arbitrator and upon request of both parties, the commission shall appoint a tripartite arbitration panel consisting of one member selected by each of the parties and a neutral person designated by the commission who shall serve as a chairperson. An arbitration panel has the same powers and duties as provided in this section for any other appointed arbitrator, and all arbitration decisions by such panel shall be determined by majority vote. In lieu of selection of the arbitrator by the parties and upon request of both parties, the commission shall establish a procedure for randomly selecting names of arbitrators. Under the procedure, the commission shall submit a list of 7 arbitrators to the parties. Each party shall strike one name from the list. From the remaining 5 names, the commission shall randomly appoint an arbitrator. Unless both parties to an arbitration proceeding otherwise agree in writing, every individual whose name is submitted by the commission for appointment as an arbitrator shall be a resident of this state at the time of submission and every individual who is designated as an arbitration panel chairperson shall be a resident of this state at the time of designation.

SECTION 3. 111.70 (4) (cm) 8p. of the statutes, as created by 1993 Wisconsin Act 16, section 2207ap, is amended to read:

111.70 (4) (cm) 8p. 'Professional school employe salaries.' In every collective bargaining unit covering municipal employes who are school district professional employes in which the municipal employe positions were, on August 12, 1993, assigned to salary ranges with steps that determine the levels of progression within each salary range, the parties shall not, in any new or modified collective bargaining agreement, alter the salary range structure, number of steps or requirements for attaining a step or assignment of a position to a salary range, except that if the cost of funding the attainment of a step is greater than the amount required for the municipal employer to submit a qualified economic offer, the parties may alter the requirements for attaining a step to no greater extent than is required for the municipal employer to submit a qualified economic offer at the minimum possible cost to the municipal employer.