



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBb0813/1
CMH:lmk:pg

**SENATE AMENDMENT 43,
TO 2005 ASSEMBLY BILL 100**

June 29, 2005 – Offered by Senators ROBSON and CARPENTER.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 757, line 6: after that line insert:

3 **“SECTION 1842b.** 111.70 (1) (b) of the statutes is amended to read:

4 111.70 (1) (b) “Collective bargaining unit” means ~~a~~ the unit consisting of
5 municipal employees who are school district professional employees or of municipal
6 employees who are not school district professional employees that is determined by
7 the commission to be appropriate for the purpose of collective bargaining.

8 **SECTION 1843b.** 111.70 (1) (dm) of the statutes is repealed.

9 **SECTION 1844b.** 111.70 (1) (fm) of the statutes is repealed.

10 **SECTION 1845b.** 111.70 (1) (nc) of the statutes is repealed.

11 **SECTION 1846b.** 111.70 (4) (cm) 5s. of the statutes is repealed.

12 **SECTION 1847b.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

1 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
2 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
3 ~~bargaining unit to which subd. 5s. applies~~, has not been settled after a reasonable
4 period of negotiation and after mediation by the commission under subd. 3. and other
5 settlement procedures, if any, established by the parties have been exhausted, and
6 the parties are deadlocked with respect to any dispute between them over wages,
7 hours and conditions of employment to be included in a new collective bargaining
8 agreement, either party, or the parties jointly, may petition the commission, in
9 writing, to initiate compulsory, final and binding arbitration, as provided in this
10 paragraph. At the time the petition is filed, the petitioning party shall submit in
11 writing to the other party and the commission its preliminary final offer containing
12 its latest proposals on all issues in dispute. Within 14 calendar days after the date
13 of that submission, the other party shall submit in writing its preliminary final offer
14 on all disputed issues to the petitioning party and the commission. If a petition is
15 filed jointly, both parties shall exchange their preliminary final offers in writing and
16 submit copies to the commission at the time the petition is filed.

17 **SECTION 1848b.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

18 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
19 commission shall make an investigation, with or without a formal hearing, to
20 determine whether arbitration should be commenced. If in determining whether an
21 impasse exists the commission finds that the procedures set forth in this paragraph
22 have not been complied with and such compliance would tend to result in a
23 settlement, it may order such compliance before ordering arbitration. The validity
24 of any arbitration award or collective bargaining agreement shall not be affected by
25 failure to comply with such procedures. Prior to the close of the investigation each

1 party shall submit in writing to the commission its single final offer containing its
2 final proposals on all issues in dispute that are subject to interest arbitration under
3 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
4 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
5 close the investigation based on the last written position of the party. ~~The municipal~~
6 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
7 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
8 bargaining, except that a permissive subject of bargaining may be included by a
9 party if the other party does not object and shall then be treated as a mandatory
10 subject. No later than such time, the parties shall also submit to the commission a
11 stipulation, in writing, with respect to all matters which are agreed upon for
12 inclusion in the new or amended collective bargaining agreement. The commission,
13 after receiving a report from its investigator and determining that arbitration should
14 be commenced, shall issue an order requiring arbitration and immediately submit
15 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
16 alternately strike names until a single name is left, who shall be appointed as
17 arbitrator. The petitioning party shall notify the commission in writing of the
18 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
19 formally appoint the arbitrator and submit to him or her the final offers of the
20 parties. The final offers shall be considered public documents and shall be available
21 from the commission. In lieu of a single arbitrator and upon request of both parties,
22 the commission shall appoint a tripartite arbitration panel consisting of one member
23 selected by each of the parties and a neutral person designated by the commission
24 who shall serve as a chairperson. An arbitration panel has the same powers and
25 duties as provided in this section for any other appointed arbitrator, and all

1 arbitration decisions by such panel shall be determined by majority vote. In lieu of
2 selection of the arbitrator by the parties and upon request of both parties, the
3 commission shall establish a procedure for randomly selecting names of arbitrators.
4 Under the procedure, the commission shall submit a list of 7 arbitrators to the
5 parties. Each party shall strike one name from the list. From the remaining 5
6 names, the commission shall randomly appoint an arbitrator. Unless both parties
7 to an arbitration proceeding otherwise agree in writing, every individual whose
8 name is submitted by the commission for appointment as an arbitrator shall be a
9 resident of this state at the time of submission and every individual who is
10 designated as an arbitration panel chairperson shall be a resident of this state at the
11 time of designation.

12 **SECTION 1849b.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
13 renumbered 111.70 (4) (cm) 8m. and amended to read:

14 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
15 the initial collective bargaining agreement between the parties and, except as the
16 parties otherwise agree, and except as provided in par. (cn), every collective
17 bargaining agreement covering municipal employees subject to this paragraph ~~other~~
18 ~~than school district professional employees~~ shall be for a term of 2 years. ~~No, but in~~
19 no case may a collective bargaining agreement for any collective bargaining unit
20 consisting of municipal employees ~~subject to this paragraph other than school~~
21 ~~district professional employees~~ shall be for a term exceeding 3 years. e. No
22 arbitration award may contain a provision for reopening of negotiations during the
23 term of a collective bargaining agreement, unless both parties agree to such a
24 provision. The requirement for agreement by both parties does not apply to a
25 provision for reopening of negotiations with respect to any portion of an agreement

1 that is declared invalid by a court or administrative agency or rendered invalid by
2 the enactment of a law or promulgation of a federal regulation.

3 **SECTION 1850b.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

4 **SECTION 1851b.** 111.70 (4) (cm) 8p. of the statutes is repealed.

5 **SECTION 1852b.** 111.70 (4) (cm) 8s. of the statutes is repealed.

6 **SECTION 1853b.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

7 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
8 bargaining unit for the purpose of collective bargaining and shall whenever possible,
9 unless otherwise required under this subchapter, avoid fragmentation by
10 maintaining as few collective bargaining units as practicable in keeping with the size
11 of the total municipal work force. In making such a determination, the commission
12 may decide whether, in a particular case, the municipal employees in the same or
13 several departments, divisions, institutions, crafts, professions, or other
14 occupational groupings constitute a collective bargaining unit. Before making its
15 determination, the commission may provide an opportunity for the municipal
16 employees concerned to determine, by secret ballot, whether or not they desire to be
17 established as a separate collective bargaining unit. ~~The commission shall not~~
18 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
19 ~~collective bargaining unit if the group includes both municipal employees who are~~
20 ~~school district professional employees and municipal employees who are not school~~
21 ~~district professional employees.~~ The commission shall not decide, however, that any
22 other group of municipal employees constitutes an appropriate collective bargaining
23 unit if the group includes both professional employees and nonprofessional
24 employees, unless a majority of the professional employees vote for inclusion in the
25 unit. The commission shall not decide that any group of municipal employees

1 constitutes an appropriate collective bargaining unit if the group includes both craft
2 employees and noncraft employees unless a majority of the craft employees vote for
3 inclusion in the unit. The commission shall place the professional employees who are
4 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
5 a separate collective bargaining unit from a unit that includes any other professional
6 employees whenever at least 30% of those professional employees request an election
7 to be held to determine that issue and a majority of the professional employees at the
8 charter school who cast votes in the election decide to be represented in a separate
9 collective bargaining unit. Any vote taken under this subsection shall be by secret
10 ballot.”.

11 **2.** Page 764, line 19: after that line insert:

12 “**SECTION 1882b.** 118.245 of the statutes is repealed.”.

13 **3.** Page 767, line 2: after that line insert:

14 “**SECTION 1894b.** 119.04 (1) of the statutes is amended to read:

15 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
16 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
17 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
18 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
19 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,
20 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13
21 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are
22 applicable to a 1st class city school district and board.”.

23 **4.** Page 1030, line 6: after that line insert:

