



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1321/P4
CMH&FFK:amn

DOA:.....Sherwin, BB0172 - Composition of employment relations
commission

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

This bill eliminates the three offices of commissioner at the Employment Relations Commission. Under this bill, the commission consists of a full-time chairperson, who is appointed by the governor for a six-year term.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.01 (2) of the statutes is amended to read:

15.01 (2) "Commission" means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the employment relations commission which shall consist of

SECTION 1

one chairperson, the Wisconsin waterways commission which shall consist of 5 members, the elections commission which shall consist of at least 6 members, the ethics commission which shall consist of at least 6 members, and the parole commission which shall consist of 8 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06.

SECTION 2. 15.06 (1) (bm) of the statutes is created to read:

15.06 (1) (bm) The employment relations commission shall consist of a chairperson, appointed by the governor for a 6-year term, except that the term of the first chairperson appointed after the effective date of this paragraph ... [LRB inserts date], expires on March 1, 2023.

SECTION 3. 15.06 (3) (a) 4. of the statutes is repealed.

SECTION 4. 15.06 (3) (c) of the statutes is repealed.

SECTION 5. 20.923 (4) (e) 2. of the statutes is amended to read:

20.923 (4) (e) 2. Employment relations commission: chairperson ~~and members~~.

SECTION 6. 111.07 (5) of the statutes is amended to read:

111.07 (5) The commission may make findings and orders or may authorize ~~a commissioner or an~~ examiner to make findings and orders. Any party in interest who is dissatisfied with the findings or order ~~of a commissioner or examiner~~ may file a written petition with the commission ~~as a body~~ to review the findings or order. If no petition is filed within 20 days from the date that a copy of the findings or order ~~of the commissioner or examiner~~ was mailed to the last-known address of the parties in interest, such findings or order shall be considered the findings or order of the

commission as a body unless set aside, reversed, or modified by such commissioner ~~the commission~~ or examiner within such time. If the findings or order are set aside by the commissioner ~~commission~~ or examiner the status shall be the same as prior to the findings or order set aside. If the findings or order are reversed or modified by the commissioner or examiner, the time for filing petition with the commission shall run from the time that notice of such reversal or modification is mailed to the last-known address of the parties in interest. Within 45 days after the filing of such petition with the commission, the commission shall either affirm, reverse, set aside, or modify such findings or order, in whole or in part, or direct the taking of additional testimony. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings or order, it may extend the time another 20 days for filing a petition with the commission.

SECTION 7. 111.07 (6) of the statutes is amended to read:

111.07 (6) The commission shall have the power to remove or transfer the proceedings pending before ~~a commissioner or~~ an examiner. It may also, on its own motion, set aside, modify, or change any order, findings, or award, whether made by ~~an individual commissioner,~~ an examiner, or by the commission as a body, at any time within 20 days from the date thereof if it shall discover any mistake therein, or upon the grounds of newly discovered evidence.

SECTION 8. 111.14 of the statutes is amended to read:

111.14 Penalty. Any person who shall willfully assault, resist, prevent, impede, or interfere with ~~any member of~~ the commission or any of its agents or agencies in the performance of duties pursuant to this subchapter shall be punished

by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both.

SECTION 9. 230.08 (4) (d) of the statutes is repealed.

SECTION 10. 230.44 (4) (bm) of the statutes is amended to read:

230.44 (4) (bm) Upon request of an employee who files an appeal of the decision of the administrator made under s. 230.09 (2) (a) or (d), the appeal shall be heard by ~~a~~ the commissioner or an attorney employed by the commission serving as arbitrator under rules promulgated for this purpose by the commission. In such an arbitration, the arbitrator shall orally render a decision at the conclusion of the hearing affirming, modifying, or rejecting the decision of the administrator. The decision of the arbitrator is final and is not subject to review by the commission. An arbitrator's decision may not be cited as precedent in any other proceeding before the commission or before any court. The arbitrator shall promptly file his or her decision with the commission. The decision of the arbitrator shall stand as the decision of the commission. The decision of the commission is subject to review under ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption, fraud, or undue means or that the arbitrator or the commission exceeded the arbitrator's or the commission's power. The record of a proceeding under this paragraph shall be transcribed as provided in s. 227.44 (8).

SECTION 11. 230.45 (1) (am) of the statutes is amended to read:

230.45 (1) (am) ~~Designate a commissioner or~~ Serve as an arbitrator, or designate an attorney employed by the commission to serve as an arbitrator, in arbitrations under s. 230.44 (4) (bm).

SECTION 9115. Nonstatutory provisions; Employment Relations Commission.

(1) **ELIMINATION OF OFFICES OF COMMISSIONER.** On the effective date of this subsection, the 3 offices of commissioner at the Employment Relations Commission are eliminated.

(END)