



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0837/1  
CMH/RAC/TJD:emw

## 2017 ASSEMBLY BILL 977

February 26, 2018 - Introduced by Representatives C. TAYLOR, SINICKI, HEBL, SUBECK, BERCEAU, ZAMARRIPA, CROWLEY, OHNSTAD, HESSELBEIN, BILLINGS, SPREITZER, POPE, WACHS, BARCA, SHANKLAND, ANDERSON, SARGENT, BROSTOFF and RIEMER, cosponsored by Senators RISSER, RINGHAND and VINEHOUT. Referred to Committee on Labor.

1     **AN ACT** *to repeal* 40.51 (7) (b), 59.875 (2) (b), 62.623 (2), 66.0506, 66.0508,  
2           66.0509 (1m), 73.03 (68), 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (3) (a) 7m.,  
3           111.70 (3) (b) 6m., 111.70 (3g), 111.70 (4) (cg), 111.70 (4) (d) 3. b., 111.70 (4) (mb),  
4           111.70 (4) (mbb), 111.71 (4m), 111.71 (5m), 111.81 (3n), 111.81 (9g), 111.825 (1)  
5           (g), 111.825 (6) (b), 111.83 (3) (b), 111.845, 111.91 (3), 111.91 (3q), 111.92 (3) (b),  
6           111.93 (3) (b), 118.223, 118.245 and 120.12 (4m); **to renumber** 111.70 (7m) (a),  
7           111.825 (6) (a) and 111.83 (3) (a); **to renumber and amend** 40.51 (7) (a), 59.875  
8           (2) (a), 62.623 (1), 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c) 1., 111.70 (4)  
9           (cm) 1., 111.815 (1) and 111.92 (3) (a); **to consolidate, renumber and amend**  
10          111.70 (4) (d) 3. a. and c. and 111.93 (3) (intro.) and (a); **to amend** 7.33 (1) (c),  
11          7.33 (4), 13.111 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95  
12          (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15  
13          (1) (ab), 16.41 (4), 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2),  
14          16.54 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6),

**ASSEMBLY BILL 977**

1 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85  
2 (3), 19.86, 20.425 (1) (a), 20.425 (1) (i), 20.505 (1) (ks), 20.505 (1) (kz), 20.917 (3)  
3 (b), 20.921 (1) (a) 2., 20.923 (6) (intro.), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (4)  
4 (ag) (intro.), 40.05 (4) (b), 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5) (intro.), 40.05  
5 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8)  
6 (a) 1., 71.26 (1) (be), 77.54 (9a) (a), 100.45 (1) (dm), 109.03 (1) (b), 111.02 (2),  
7 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (d), 111.06 (2) (i), 111.115 (title),  
8 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70 (2), 111.70 (3) (a)  
9 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4) (c) (title), 111.70  
10 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 111.70 (4) (cm) 2., 3. and  
11 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 1., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70  
12 (4) (mc) (intro.) and 5., 111.70 (4) (mc) 6., 111.70 (4) (p), 111.70 (7m) (c) 1. a.,  
13 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8) (a), 111.77 (9), 111.81 (1),  
14 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (2), 111.82,  
15 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.83 (5) (d), (e) and  
16 (f), 111.84 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1),  
17 (2) and (4), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1)  
18 (d), 111.91 (2) (intro.), 111.91 (2) (fm), 111.91 (2) (gu), 111.92 (1) (a) 1., 118.42 (3)  
19 (a) 4., 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3),  
20 230.046 (10) (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35  
21 (2d) (e), 230.35 (3) (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.),  
22 281.75 (4) (b) 3., 285.59 (1) (b), 704.31 (3), 851.71 (4), 904.085 (2) (a) and 978.12  
23 (1) (c); **to repeal and recreate** 40.05 (1) (b); and **to create** 16.705 (3), 19.42 (10)  
24 (s), 19.42 (13) (o), 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826  
25 (3) (b) 4., chapter 52, 70.11 (41s), 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4.,

**ASSEMBLY BILL 977**

1           111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m), 111.115 (1) (a), 111.115 (2), 111.17  
2           (2), 111.70 (1g), 111.70 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p), 111.70  
3           (4) (c) 1g., 111.70 (4) (cm) 1g., 111.70 (4) (cm) 5., 111.70 (4) (cm) 6., 111.70 (4) (cm)  
4           7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm) 8., 111.70 (4) (m), 111.70  
5           (4) (mc) 3., 111.70 (4) (n), 111.70 (7), 111.70 (7m) (ag), 111.70 (7m) (b), 111.70 (7m)  
6           (c) 3., 111.70 (7m) (e), 111.71 (4), 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g),  
7           111.81 (9k), 111.815 (1) (b) 5., 111.825 (2g), 111.83 (5m), 111.905, 111.91 (1) (cg),  
8           111.91 (1) (e), 111.91 (2) (fp), 111.91 (2c), 111.92 (2m), subchapter VI of chapter  
9           111 [precedes 111.95], 118.22 (4), 118.23 (5) and 233.02 (1) (h) of the statutes;  
10          **relating to:** collective bargaining for public employees, prohibiting employees  
11          other than public safety employees from bargaining collectively on insurance  
12          contributions and employee required contributions to retirement, granting  
13          rule-making authority, and making appropriations.

---

***Analysis by the Legislative Reference Bureau***

Under this bill, all municipal employees may collectively bargain over wages, hours, and conditions of employment under the Municipal Employment Relations Act and all state employees may collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act. This bill also permits University of Wisconsin System employees to collectively bargain over wages, hours, and conditions of employment similar to employees covered by SELRA. In addition, this bill permits employees of the UW Hospitals and Clinics Authority and certain home care and child care providers to collectively bargain over wages, hours, and conditions of employment.

For further information see the ***state and local*** 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:***

14          **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and  
2 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,  
3 or 237.

4           **SECTION 2.** 7.33 (4) of the statutes is amended to read:

5           7.33 (4) Except as otherwise provided in this subsection, each local  
6 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon  
7 proper application under sub. (3), permit each of its employees to serve as an election  
8 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for  
9 scheduled working hours during the period specified in sub. (3), without loss of pay  
10 for scheduled working hours during the period specified in sub. (3) except as provided  
11 in sub. (5), and without any other penalty. For employees who are included in a  
12 collective bargaining unit for which a representative is recognized or certified under  
13 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a  
14 collective bargaining agreement.

15           **SECTION 3.** 13.111 (2) of the statutes is amended to read:

16           13.111 (2) DUTIES. The joint committee on employment relations shall perform  
17 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.  
18 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923, and 40.05 (1) (b).

19           **SECTION 4.** 13.172 (1) of the statutes is amended to read:

20           13.172 (1) In this section, “agency” means an office, department, agency,  
21 institution of higher education, association, society, or other body in state  
22 government created or authorized to be created by the constitution or any law, that  
23 is entitled to expend moneys appropriated by law, including the legislature and the  
24 courts, and any authority created in subch. II of ch. 114 or in ch. 52, 231, 233, 234,  
25 238, or 279.

**ASSEMBLY BILL 977**

1           **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

2           13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure, or  
3           facility that is constructed for the benefit of or use of the state, any state agency,  
4           board, commission, or department, the University of Wisconsin Hospitals and  
5           Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6           Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
7           or any local professional baseball park district created under subch. III of ch. 229 if  
8           the construction is undertaken by the department of administration on behalf of the  
9           district, shall be in compliance with all applicable state laws, rules, codes, and  
10          regulations but the construction is not subject to the ordinances or regulations of the  
11          municipality in which the construction takes place except zoning, including without  
12          limitation because of enumeration ordinances or regulations relating to materials  
13          used, permits, supervision of construction or installation, payment of permit fees, or  
14          other restrictions.

15          **SECTION 6.** 13.62 (2) of the statutes is amended to read:

16          13.62 (2) “Agency” means any board, commission, department, office, society,  
17          institution of higher education, council, or committee in the state government, or any  
18          authority created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234, 237, 238, or  
19          279, except that the term does not include a council or committee of the legislature.

20          **SECTION 7.** 13.94 (4) (a) 1. of the statutes is amended to read:

21          13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
22          credentialing board, commission, independent agency, council, or office in the  
23          executive branch of state government; all bodies created by the legislature in the  
24          legislative or judicial branch of state government; any public body corporate and  
25          politic created by the legislature including specifically the Wisconsin Quality Home

**ASSEMBLY BILL 977**

1 Care Authority, the Fox River Navigational System Authority, the Lower Fox River  
2 Remediation Authority, the Wisconsin Aerospace Authority, the Wisconsin Economic  
3 Development Corporation, a professional baseball park district, a local professional  
4 football stadium district, a local cultural arts district, and a long-term care district  
5 under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every  
6 provider of medical assistance under subch. IV of ch. 49; technical college district  
7 boards; every county department under s. 51.42 or 51.437; every nonprofit  
8 corporation or cooperative or unincorporated cooperative association to which  
9 moneys are specifically appropriated by state law; and every corporation, institution,  
10 association, or other organization which receives more than 50 percent of its annual  
11 budget from appropriations made by state law, including subgrantee or  
12 subcontractor recipients of such funds.

13 **SECTION 8.** 13.95 (intro.) of the statutes is amended to read:

14 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
15 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
16 shall be strictly nonpartisan and shall at all times observe the confidential nature  
17 of the research requests received by it; however, with the prior approval of the  
18 requester in each instance, the bureau may duplicate the results of its research for  
19 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
20 designated employees shall at all times, with or without notice, have access to all  
21 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
22 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
23 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
24 Corporation, and the Fox River Navigational System Authority, and to any books,

**ASSEMBLY BILL 977**

1 records, or other documents maintained by such agencies or authorities and relating  
2 to their expenditures, revenues, operations, and structure.

3 **SECTION 9.** 16.002 (2) of the statutes is amended to read:

4 16.002 (2) "Departments" means constitutional offices, departments, and  
5 independent agencies and includes all societies, associations, and other agencies of  
6 state government for which appropriations are made by law, but not including  
7 authorities created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234, 237, 238,  
8 or 279.

9 **SECTION 10.** 16.004 (4) of the statutes is amended to read:

10 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
11 department as the secretary designates may enter into the offices of state agencies  
12 and authorities created under subch. II of ch. 114 and under chs. 52, 231, 233, 234,  
13 237, 238, and 279, and may examine their books and accounts and any other matter  
14 that in the secretary's judgment should be examined and may interrogate the  
15 agency's employees publicly or privately relative thereto.

16 **SECTION 11.** 16.004 (5) of the statutes is amended to read:

17 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
18 authorities created under subch. II of ch. 114 and under chs. 52, 231, 233, 234, 237,  
19 238, and 279, and their officers and employees, shall cooperate with the secretary  
20 and shall comply with every request of the secretary relating to his or her functions.

21 **SECTION 12.** 16.004 (12) (a) of the statutes is amended to read:

22 16.004 (12) (a) In this subsection, "state agency" means an association,  
23 authority, board, department, commission, independent agency, institution, office,  
24 society, or other body in state government created or authorized to be created by the  
25 constitution or any law, including the legislature, the office of the governor, and the

**ASSEMBLY BILL 977**

1 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
2 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
3 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
4 Corporation, and the Fox River Navigational System Authority.

5 **SECTION 13.** 16.045 (1) (a) of the statutes is amended to read:

6 16.045 (1) (a) “Agency” means an office, department, independent agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,  
11 232, 233, 234, 237, 238, or 279.

12 **SECTION 14.** 16.15 (1) (ab) of the statutes is amended to read:

13 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
14 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
15 River Remediation Authority, the Wisconsin Quality Home Care Authority, and the  
16 Wisconsin Economic Development Corporation.

17 **SECTION 15.** 16.41 (4) of the statutes is amended to read:

18 16.41 (4) In this section, “authority” means a body created under subch. II of  
19 ch. 114 or under ch. 52, 231, 233, 234, 237, 238, or 279.

20 **SECTION 16.** 16.417 (1) (b) of the statutes is amended to read:

21 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or  
22 ch. 52, 231, 232, 233, 234, 237, 238, or 279.

23 **SECTION 17.** 16.50 (3) (e) of the statutes is amended to read:



**ASSEMBLY BILL 977**

1           16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
2           the pay ranges prescribed in the compensation plan or as provided in a collective  
3           bargaining agreement under subch. V or VI of ch. 111.

4           **SECTION 18.** 16.52 (7) of the statutes is amended to read:

5           16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
6           that is authorized to maintain a contingent fund under s. 20.920 may establish a  
7           petty cash account from its contingent fund. The procedure for operation and  
8           maintenance of petty cash accounts and the character of expenditures therefrom  
9           shall be prescribed by the secretary. In this subsection, “agency” means an office,  
10          department, independent agency, institution of higher education, association,  
11          society, or other body in state government created or authorized to be created by the  
12          constitution or any law, that is entitled to expend moneys appropriated by law,  
13          including the legislature and the courts, but not including an authority created in  
14          subch. II of ch. 114 or in ch. 52, 231, 233, 234, 237, 238, or 279.

15          **SECTION 19.** 16.528 (1) (a) of the statutes is amended to read:

16          16.528 (1) (a) “Agency” means an office, department, independent agency,  
17          institution of higher education, association, society, or other body in state  
18          government created or authorized to be created by the constitution or any law, that  
19          is entitled to expend moneys appropriated by law, including the legislature and the  
20          courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,  
21          233, 234, 237, 238, or 279.

22          **SECTION 20.** 16.53 (2) of the statutes is amended to read:

23          16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
24          invoice, the agency shall notify the sender of the invoice within 10 working days after  
25          it receives the invoice of the reason it is improperly completed. In this subsection,

**ASSEMBLY BILL 977**

1 “agency” means an office, department, independent agency, institution of higher  
2 education, association, society, or other body in state government created or  
3 authorized to be created by the constitution or any law, that is entitled to expend  
4 moneys appropriated by law, including the legislature and the courts, but not  
5 including an authority created in subch. II of ch. 114 or in ch. 52, 231, 233, 234, 237,  
6 238, or 279.

7 **SECTION 21.** 16.54 (9) (a) 1. of the statutes is amended to read:

8 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,  
9 institution of higher education, association, society, or other body in state  
10 government created or authorized to be created by the constitution or any law, which  
11 is entitled to expend moneys appropriated by law, including the legislature and the  
12 courts, but not including an authority created in subch. II of ch. 114 or in ch. 52, 231,  
13 233, 234, 237, 238, or 279.

14 **SECTION 22.** 16.70 (2) of the statutes is amended to read:

15 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or under  
16 ch. 52, 231, 232, 233, 234, 237, or 279.

17 **SECTION 23.** 16.705 (3) of the statutes is created to read:

18 16.705 (3) The division of personnel management, prior to award, under  
19 conditions established by rule of the department, shall review contracts for  
20 contractual services in order to ensure that all agencies, except the University of  
21 Wisconsin System, do all of the following:

22 (a) Properly utilize the services of state employees.

23 (b) Evaluate the feasibility of using limited term appointments prior to  
24 entering into a contract for contractual services.

**ASSEMBLY BILL 977**

1 (c) Do not enter into any contract for contractual services in conflict with any  
2 collective bargaining agreement under subch. V or VI of ch. 111.

3 **SECTION 24.** 16.765 (1) of the statutes is amended to read:

4 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
7 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
8 and the Bradley Center Sports and Entertainment Corporation shall include in all  
9 contracts executed by them a provision obligating the contractor not to discriminate  
10 against any employee or applicant for employment because of age, race, religion,  
11 color, handicap, sex, physical condition, developmental disability as defined in s.  
12 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,  
13 except with respect to sexual orientation, obligating the contractor to take  
14 affirmative action to ensure equal employment opportunities.

15 **SECTION 25.** 16.765 (2) of the statutes is amended to read:

16 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
17 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
18 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
19 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
20 and the Bradley Center Sports and Entertainment Corporation shall include the  
21 following provision in every contract executed by them: "In connection with the  
22 performance of work under this contract, the contractor agrees not to discriminate  
23 against any employee or applicant for employment because of age, race, religion,  
24 color, handicap, sex, physical condition, developmental disability as defined in s.  
25 51.01 (5), sexual orientation or national origin. This provision shall include, but not

**ASSEMBLY BILL 977**

1 be limited to, the following: employment, upgrading, demotion or transfer;  
2 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
3 forms of compensation; and selection for training, including apprenticeship. Except  
4 with respect to sexual orientation, the contractor further agrees to take affirmative  
5 action to ensure equal employment opportunities. The contractor agrees to post in  
6 conspicuous places, available for employees and applicants for employment, notices  
7 to be provided by the contracting officer setting forth the provisions of the  
8 nondiscrimination clause”-.”

9 **SECTION 26.** 16.765 (4) of the statutes is amended to read:

10 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
12 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
13 Quality Home Care Authority, and the Bradley Center Sports and Entertainment  
14 Corporation shall take appropriate action to revise the standard government  
15 contract forms under this section.

16 **SECTION 27.** 16.765 (5) of the statutes is amended to read:

17 16.765 (5) The head of each contracting agency and the boards of directors of  
18 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
19 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
20 River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
21 Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
22 Entertainment Corporation shall be primarily responsible for obtaining compliance  
23 by any contractor with the nondiscrimination and affirmative action provisions  
24 prescribed by this section, according to procedures recommended by the department.  
25 The department shall make recommendations to the contracting agencies and the

**ASSEMBLY BILL 977**

1 boards of directors of the University of Wisconsin Hospitals and Clinics Authority,  
2 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,  
3 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
4 Authority, the Wisconsin Economic Development Corporation, and the Bradley  
5 Center Sports and Entertainment Corporation for improving and making more  
6 effective the nondiscrimination and affirmative action provisions of contracts. The  
7 department shall promulgate such rules as may be necessary for the performance of  
8 its functions under this section.

9 **SECTION 28.** 16.765 (6) of the statutes is amended to read:

10 16.765 (6) The department may receive complaints of alleged violations of the  
11 nondiscrimination provisions of such contracts. The department shall investigate  
12 and determine whether a violation of this section has occurred. The department may  
13 delegate this authority to the contracting agency, the University of Wisconsin  
14 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
15 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
16 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
17 Corporation, or the Bradley Center Sports and Entertainment Corporation for  
18 processing in accordance with the department's procedures.

19 **SECTION 29.** 16.765 (7) (intro.) of the statutes is amended to read:

20 16.765 (7) (intro.) When a violation of this section has been determined by the  
21 department, the contracting agency, the University of Wisconsin Hospitals and  
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
23 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
24 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
25 or the Bradley Center Sports and Entertainment Corporation, the contracting

**ASSEMBLY BILL 977**

1 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
2 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
3 River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
4 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
5 Entertainment Corporation shall:

6 **SECTION 30.** 16.765 (7) (d) of the statutes is amended to read:

7 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
8 further violations of this section and to report its corrective action to the contracting  
9 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
10 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
11 River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
12 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
13 Entertainment Corporation.

14 **SECTION 31.** 16.765 (8) of the statutes is amended to read:

15 16.765 (8) If further violations of this section are committed during the term  
16 of the contract, the contracting agency, the Fox River Navigational System Authority,  
17 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
18 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
19 Corporation, or the Bradley Center Sports and Entertainment Corporation may  
20 permit the violating party to complete the contract, after complying with this section,  
21 but thereafter the contracting agency, the Fox River Navigational System Authority,  
22 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
23 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
24 Corporation, or the Bradley Center Sports and Entertainment Corporation shall  
25 request the department to place the name of the party on the ineligible list for state

**ASSEMBLY BILL 977**

1 contracts, or the contracting agency, the Fox River Navigational System Authority,  
2 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
3 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development  
4 Corporation, or the Bradley Center Sports and Entertainment Corporation may  
5 terminate the contract without liability for the uncompleted portion or any materials  
6 or services purchased or paid for by the contracting party for use in completing the  
7 contract.

8 **SECTION 32.** 16.85 (2) of the statutes is amended to read:

9 16.85 (2) To furnish engineering, architectural, project management, and other  
10 building construction services whenever requisitions therefor are presented to the  
11 department by any agency. The department may deposit moneys received from the  
12 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
13 fund as general purpose revenue — earned. In this subsection, “agency” means an  
14 office, department, independent agency, institution of higher education, association,  
15 society, or other body in state government created or authorized to be created by the  
16 constitution or any law, which is entitled to expend moneys appropriated by law,  
17 including the legislature and the courts, but not including an authority created in  
18 subch. II of ch. 114 or in ch. 52, 231, 233, 234, 237, 238, or 279.

19 **SECTION 33.** 16.865 (8) of the statutes is amended to read:

20 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
21 proportionate share of the estimated costs attributable to programs administered by  
22 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
23 may charge premiums to agencies to finance costs under this subsection and pay the  
24 costs from the appropriation on an actual basis. The department shall deposit all  
25 collections under this subsection in the appropriation account under s. 20.505 (2) (k).

**ASSEMBLY BILL 977**

1 Costs assessed under this subsection may include judgments, investigative and  
2 adjustment fees, data processing and staff support costs, program administration  
3 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
4 subsection, “agency” means an office, department, independent agency, institution  
5 of higher education, association, society, or other body in state government created  
6 or authorized to be created by the constitution or any law, that is entitled to expend  
7 moneys appropriated by law, including the legislature and the courts, but not  
8 including an authority created in subch. II of ch. 114 or in ch. 52, 231, 232, 233, 234,  
9 237, 238, or 279.

10 **SECTION 34.** 19.42 (10) (s) of the statutes is created to read:

11 19.42 (10) (s) The executive director and members of the board of directors of  
12 the Wisconsin Quality Home Care Authority.

13 **SECTION 35.** 19.42 (13) (o) of the statutes is created to read:

14 19.42 (13) (o) The executive director and members of the board of directors of  
15 the Wisconsin Quality Home Care Authority.

16 **SECTION 36.** 19.82 (1) of the statutes is amended to read:

17 19.82 (1) “Governmental body” means a state or local agency, board,  
18 commission, committee, council, department or public body corporate and politic  
19 created by constitution, statute, ordinance, rule or order; a governmental or  
20 quasi-governmental corporation except for the Bradley center sports and  
21 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
22 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
23 the foregoing, but excludes any such body or committee or subunit of such body which  
24 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
25 ~~or V~~, or VI of ch. 111.



**ASSEMBLY BILL 977**

1           **SECTION 37.** 19.85 (3) of the statutes is amended to read:

2           19.85 (3) Nothing in this subchapter shall be construed to authorize a  
3 governmental body to consider at a meeting in closed session the final ratification or  
4 approval of a collective bargaining agreement under subch. I, IV, ~~or V~~, or VI of ch. 111  
5 which has been negotiated by such body or on its behalf.

6           **SECTION 38.** 19.86 of the statutes is amended to read:

7           **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
8 19.82 (1), where notice has been given by either party to a collective bargaining  
9 agreement under subch. I, IV, ~~or V~~, or VI of ch. 111 to reopen such agreement at its  
10 expiration date, the employer shall give notice of such contract reopening as provided  
11 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
12 by the employer's chief officer or such person's designee.

13           **SECTION 39.** 20.425 (1) (a) of the statutes is amended to read:

14           20.425 (1) (a) *General program operations.* The amounts in the schedule for  
15 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).

16           **SECTION 40.** 20.425 (1) (i) of the statutes is amended to read:

17           20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
18 The amounts in the schedule for the performance of fact-finding, mediation,  
19 certification, and arbitration functions, for the provision of copies of transcripts, for  
20 the cost of operating training programs under ss. 111.09 (3), 111.71 (~~5m~~) (5), and  
21 111.94 (3), for the preparation of publications, transcripts, reports, and other copied  
22 material, and for costs related to conducting appeals under s. 230.45. All moneys  
23 received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.~~, 111.71 (1) and (2), ~~111.83 (3)~~  
24 ~~(b)~~, 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators  
25 and arbitration panel members, and individuals who are interested in serving in

**ASSEMBLY BILL 977**

1 such positions, and from individuals and organizations who participate in other  
2 collective bargaining training programs conducted by the commission, and all  
3 moneys received from the sale of publications, transcripts, reports, and other copied  
4 material shall be credited to this appropriation account.

5 **SECTION 41.** 20.505 (1) (ks) of the statutes is amended to read:

6 20.505 (1) (ks) *Collective bargaining grievance arbitrations.* The amounts in  
7 the schedule for the payment of the state's share of costs related to collective  
8 bargaining grievance arbitrations under s. 111.86 and related to collective  
9 bargaining grievance arbitrations under s. 111.993. All moneys received from state  
10 agencies for the purpose of reimbursing the state's share of the costs related to  
11 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for  
12 training related to grievance arbitrations, and all moneys received from institutions,  
13 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs  
14 related to grievance arbitrations under s. 111.993 and to reimburse the state's share  
15 of costs for training related to grievance arbitrations shall be credited to this  
16 appropriation account.

17 **SECTION 42.** 20.505 (1) (kz) of the statutes is amended to read:

18 20.505 (1) (kz) *General program operations.* The amounts in the schedule to  
19 administer state employment relations functions and the civil service system under  
20 ~~subch.~~ subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and  
21 to defray the expenses of the state employees suggestion board. All moneys received  
22 from state agencies for materials and services provided by the division of personnel  
23 management in the department of administration shall be credited to this  
24 appropriation.

25 **SECTION 43.** 20.917 (3) (b) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           20.917 (3) (b) This subsection applies to employees in all positions in the civil  
2 service, including those employees in positions included in collective bargaining  
3 units under subch. V or VI of ch. 111, whether or not the employees are covered by  
4 a collective bargaining agreement.

5           **SECTION 44.** 20.921 (1) (a) 2. of the statutes is amended to read:

6           20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~  
7 ~~(15r), payment~~ Payment of dues to employee organizations.

8           **SECTION 45.** 20.923 (6) (intro.) of the statutes is amended to read:

9           20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
10 following positions may be set by the appointing authority, subject to restrictions  
11 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
12 where the salaries are a subject of bargaining with a certified representative of a  
13 collective bargaining unit under s. 111.91 or 111.998:

14           **SECTION 46.** 36.09 (1) (j) of the statutes is amended to read:

15           36.09 (1) (j) Except where such matters are a subject of bargaining with a  
16 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the  
17 board shall establish salaries for persons prior to July 1 of each year for the next fiscal  
18 year, and shall designate the effective dates for payment of the new salaries. In the  
19 first year of the biennium, payments of the salaries established for the preceding  
20 year shall be continued until the biennial budget bill is enacted. If the budget is  
21 enacted after July 1, payments shall be made following enactment of the budget to  
22 satisfy the obligations incurred on the effective dates, as designated by the board, for  
23 the new salaries, subject only to the appropriation of funds by the legislature and s.  
24 20.928 (3). This paragraph does not limit the authority of the board to establish  
25 salaries for new appointments. The board may not increase the salaries of employees

**ASSEMBLY BILL 977**

1 under this paragraph unless the salary increase conforms to the proposal as  
2 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to  
3 recognize merit, to correct salary inequities under par. (h), to fund job  
4 reclassifications or promotions, or to recognize competitive factors. The granting of  
5 salary increases to recognize competitive factors does not obligate inclusion of the  
6 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
7 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
8 report to the joint committee on finance and the secretary of administration and  
9 administrator of the division of personnel management in the department of  
10 administration concerning the amounts of any salary increases granted to recognize  
11 competitive factors, and the institutions at which they are granted, for the 12-month  
12 period ending on the preceding June 30.

13 **SECTION 47.** 40.02 (25) (b) 8. of the statutes is amended to read:

14 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
15 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or  
16 under s. 230.12 or 233.10.

17 **SECTION 48.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

18 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of  
19 the contributions required by par. (a), but all the payments shall be available for  
20 benefit purposes to the same extent as required contributions deducted from  
21 earnings of the participating employees. Action to assume employee contributions  
22 as provided under this paragraph shall be taken at the time and in the form  
23 determined by the governing body of the participating employer. The state shall pay  
24 under this paragraph for employees who are covered by a collective bargaining  
25 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits

**ASSEMBLY BILL 977**

1 are determined under s. 230.12 an amount equal to 4 percent of the earnings paid  
2 by the state unless otherwise provided in a collective bargaining agreement under  
3 subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The  
4 University of Wisconsin Hospitals and Clinics Authority shall pay under this  
5 paragraph for employees who are covered by a collective bargaining agreement  
6 under subch. I of ch. 111 and for employees whose fringe benefits are determined  
7 under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority  
8 unless otherwise provided in a collective bargaining agreement under subch. I of ch.  
9 111 or unless otherwise determined under s. 233.10. The state shall pay under this  
10 paragraph for employees who are not covered by a collective bargaining agreement  
11 under subch. V or VI of ch. 111 and for employees whose fringe benefits are not  
12 determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the  
13 state unless a different amount is recommended by the administrator of the division  
14 of personnel management in the department of administration and approved by the  
15 joint committee on employment relations in the manner provided for approval of  
16 changes in the compensation plan under s. 230.12 (3). The University of Wisconsin  
17 Hospitals and Clinics Authority shall pay under this paragraph for its employees  
18 who are not covered by a collective bargaining agreement under subch. I of ch. 111  
19 an amount equal to 4 percent of the earnings paid by the authority unless a different  
20 amount is established by the board of directors of the authority under s. 233.10.

21 **SECTION 49.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

22 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining  
23 agreement under s. 230.12 or 233.10 or subch. I, V, or VI of ch. 111, the employer shall  
24 pay for its currently employed insured employees:

25 **SECTION 50.** 40.05 (4) (b) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
2 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)  
3 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,  
4 upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25  
5 (1) or upon termination of creditable service and qualifying as an eligible employee  
6 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate  
7 he or she received while employed by the state, to credits for payment of health  
8 insurance premiums on behalf of the employee or the employee's surviving insured  
9 dependents. Any supplemental compensation that is paid to a state employee who  
10 is classified under the state classified civil service as a teacher, teacher supervisor,  
11 or education director for the employee's completion of educational courses that have  
12 been approved by the employee's employer is considered as part of the employee's  
13 basic pay for purposes of this paragraph. The full premium for any eligible employee  
14 who is insured at the time of retirement, or for the surviving insured dependents of  
15 an eligible employee who is deceased, shall be deducted from the credits until the  
16 credits are exhausted and paid from the account under s. 40.04 (10), and then  
17 deducted from annuity payments, if the annuity is sufficient. The department shall  
18 provide for the direct payment of premiums by the insured to the insurer if the  
19 premium to be withheld exceeds the annuity payment. Upon conversion of an  
20 employee's unused sick leave to credits under this paragraph or par. (bf), the  
21 employee or, if the employee is deceased, the employee's surviving insured  
22 dependents may initiate deductions from those credits or may elect to delay  
23 initiation of deductions from those credits, but only if the employee or surviving  
24 insured dependents are covered by a comparable health insurance plan or policy  
25 during the period beginning on the date of the conversion and ending on the date on

**ASSEMBLY BILL 977**

1 which the employee or surviving insured dependents later elect to initiate  
2 deductions from those credits. If an employee or an employee's surviving insured  
3 dependents elect to delay initiation of deductions from those credits, an employee or  
4 the employee's surviving insured dependents may only later elect to initiate  
5 deductions from those credits during the annual enrollment period under par. (be).  
6 A health insurance plan or policy is considered comparable if it provides hospital and  
7 medical benefits that are substantially equivalent to the standard health insurance  
8 plan established under s. 40.52 (1).

9 **SECTION 51.** 40.05 (4) (bw) of the statutes is amended to read:

10 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the  
11 payment of health insurance premiums under par. (b), the department shall add  
12 additional credits, calculated in the same manner as are credits under par. (b), that  
13 are based on a state employee's accumulated sabbatical leave or earned vacation  
14 leave from the state employee's last year of service prior to retirement, or both. The  
15 department shall apply the credits awarded under this paragraph for the payment  
16 of health insurance premiums only after the credits awarded under par. (b) are  
17 exhausted. This paragraph applies only to state employees who are eligible for  
18 accumulated unused sick leave conversion under par. (b) and who are entitled to the  
19 benefits under this paragraph pursuant to a collective bargaining agreement under  
20 subch. V or VI of ch. 111.

21 **SECTION 52.** 40.05 (4g) (a) 4. of the statutes is amended to read:

22 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
23 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111  
24 or under rules promulgated by the administrator of the division of personnel  
25 management in the department of administration or is eligible for reemployment

**ASSEMBLY BILL 977**

1 with the state under s. 321.64 after completion of his or her service in the U.S. armed  
2 forces.

3 **SECTION 53.** 40.05 (5) (intro.) of the statutes is amended to read:

4 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
5 continuation insurance provided under subch. V the employee shall pay the amount  
6 remaining after the employer has contributed the following or, if different, the  
7 amount determined under a collective bargaining agreement under subch. I, V, or VI  
8 of ch. 111 or s. 230.12 or 233.10:

9 **SECTION 54.** 40.05 (5) (b) 4. of the statutes is amended to read:

10 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
11 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)  
12 and subch. I, V, or VI of ch. 111.

13 **SECTION 55.** 40.05 (6) (a) of the statutes is amended to read:

14 40.05 (6) (a) Except as otherwise provided in accordance with a collective  
15 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each  
16 insured employee under the age of 70 and annuitant under the age of 65 shall pay  
17 for group life insurance coverage a sum, approved by the group insurance board,  
18 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
19 based upon the last amount of insurance in force during the month for which  
20 earnings are paid. The equivalent premium may be fixed by the group insurance  
21 board if the annual compensation is paid in other than 12 monthly installments.

22 **SECTION 56.** 40.51 (7) (a) of the statutes is renumbered 40.51 (7) and amended  
23 to read:

24 40.51 (7) Any employer, other than the state, including an employer that is not  
25 a participating employer, may offer to all of its employees a health care coverage plan



**ASSEMBLY BILL 977**

1 through a program offered by the group insurance board. Notwithstanding sub. (2)  
2 and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different  
3 eligibility standards or contribution requirements for such employees and  
4 employers. Beginning on January 1, 2012, except as otherwise provided in a  
5 collective bargaining agreement under subch. IV of ch. 111 ~~and except as provided~~  
6 ~~in par. (b)~~, an employer may not offer a health care coverage plan to its employees  
7 under this subsection if the employer pays more than 88 percent of the average  
8 premium cost of plans offered in any tier with the lowest employee premium cost  
9 under this subsection.

10 **SECTION 57.** 40.51 (7) (b) of the statutes is repealed.

11 **SECTION 58.** 40.62 (2) of the statutes is amended to read:

12 40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
13 of the department, any collective bargaining agreement under subch. I, V, or VI of  
14 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),  
15 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

16 **SECTION 59.** 40.80 (3) of the statutes is amended to read:

17 40.80 (3) Any action taken under this section shall apply to employees covered  
18 by a collective bargaining agreement under subch. V or VI of ch. 111.

19 **SECTION 60.** 40.81 (3) of the statutes is amended to read:

20 40.81 (3) Any action taken under this section shall apply to employees covered  
21 by a collective bargaining agreement under subch. IV or V, or VI of ch. 111.

22 **SECTION 61.** 40.95 (1) (a) 2. of the statutes is amended to read:

23 40.95 (1) (a) 2. The employee has his or her compensation established in a  
24 collective bargaining agreement under subch. V or VI of ch. 111.

25 **SECTION 62.** 46.284 (4) (m) of the statutes is created to read:

**ASSEMBLY BILL 977**

1           46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in  
2 accordance with any agreement under subch. V of ch. 111 relating to a provider hired  
3 directly by an enrollee and make any payroll deductions authorized by those  
4 agreements.

5           **SECTION 63.** 46.2895 (8) (a) 1. of the statutes is amended to read:

6           46.2895 (8) (a) 1. If the long-term care district offers employment to any  
7 individual who was previously employed by a county, which participated in creating  
8 the district and at the time of the offer had not withdrawn or been removed from the  
9 district under sub. (14), and who while employed by the county performed duties  
10 relating to the same or a substantially similar function for which the individual is  
11 offered employment by the district and whose wages, hours, and conditions of  
12 employment were established in a collective bargaining agreement with the county  
13 under subch. IV of ch. 111 that is in effect on the date that the individual commences  
14 employment with the district, with respect to that individual, abide by the terms of  
15 the collective bargaining agreement concerning the individual's wages and, if  
16 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday  
17 allowance, funeral leave allowance, personal day allowance, or paid time off  
18 allowance until the time of the expiration of that collective bargaining agreement or  
19 adoption of a collective bargaining agreement with the district under subch. IV of ch.  
20 111 covering the individual as an employee of the district, whichever occurs first.

21           **SECTION 64.** 46.2898 of the statutes is created to read:

22           **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

23           (a) "Authority" means the Wisconsin Quality Home Care Authority.

24           (b) "Care management organization" has the meaning given in s. 46.2805 (1).

**ASSEMBLY BILL 977**

1 (cm) "Consumer" means an adult who receives home care services and who  
2 meets all of the following criteria:

3 1. Is a resident of any of the following:

4 a. A county that has acted under sub. (2) (a).

5 b. A county in which the Family Care Program under s. 46.286 is available.

6 c. A county in which the Program of All-Inclusive Care for the Elderly under  
7 42 USC 1396u-4 is available.

8 d. A county in which the self-directed services option program under 42 USC  
9 1396n (c) is available or in which a program operated under an amendment to the  
10 state medical assistance plan under 42 USC 1396n (j) is available.

11 2. Self-directs all or part of his or her home care services and is an employer  
12 listed on the provider's income tax forms.

13 3. Is eligible to receive a home care benefit under one of the following:

14 a. The Family Care Program under s. 46.286.

15 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

16 c. A program operated under a waiver from the secretary of the federal  
17 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n  
18 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

19 d. A program operated under an amendment to the state medical assistance  
20 plan under 42 USC 1396n (j).

21 (dm) "Home care" means supportive home care, personal care, and other  
22 nonprofessional services of a type that may be covered under a medical assistance  
23 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them  
24 in meeting their daily living needs, ensuring adequate functioning in their homes,  
25 and permitting safe access to their communities.

**ASSEMBLY BILL 977**

1 (e) "Provider" means an individual who is hired by a consumer to provide home  
2 care to the consumer but does not include any of the following:

3 1. A person, while he or she is providing services in the capacity of an employee  
4 of any of the following entities:

5 a. A home health agency licensed under s. 50.49.

6 b. A personal care provider agency.

7 c. A company or agency providing supportive home care.

8 d. An independent living center, as defined in s. 46.96 (1) (ah).

9 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or  
10 51.437.

11 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her  
12 professional capacity.

13 (f) "Qualified provider" means a provider who meets the qualifications for  
14 payment through the Family Care Program under s. 46.286, the Program for  
15 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment  
16 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance  
17 waiver program operated under a waiver from the secretary of the federal  
18 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n  
19 (b) and (c) and any qualification criteria established in the rules promulgated under  
20 sub. (7) and who the authority determines is eligible for placement on the registry  
21 maintained by the authority under s. 52.20 (1).

22 **(2) COUNTY PARTICIPATION.** (a) A county board of supervisors may require a  
23 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow  
24 procedures under this section and to pay providers in accordance with agreements  
25 under subch. V of ch. 111.

**ASSEMBLY BILL 977**

1           (b) If a county acts under par. (a), it shall notify the department and the  
2 authority of its action.

3           (c) A county that acts under par. (a) shall compensate providers in accordance  
4 with any agreement under subch. V of ch. 111 and make any payroll deductions  
5 authorized by such agreements.

6           **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,  
7 and counties, as described in sub. (1) (cm) 1. a. to d., that pay for the provision of home  
8 care services to consumers shall provide to the authority the name, address,  
9 telephone number, date of hire, and date of termination of any provider hired by an  
10 individual receiving home care services.

11           **(5) DUTIES OF CONSUMERS.** A consumer shall do all of the following:

12           (a) Inform the authority of the name, address, telephone number, date of hire,  
13 and date of termination of any provider hired by the consumer to provide home care  
14 services.

15           (b) Compensate providers in accordance with any collective bargaining  
16 agreement that applies to home care providers under subch. V of ch. 111 and make  
17 any payroll deductions authorized by the agreement.

18           **(6) PROVIDERS.** (a) A qualified provider providing home care services under this  
19 section shall be subject to the collective bargaining agreement that applies to home  
20 care providers under subch. V of ch. 111.

21           (b) A qualified provider may choose to be placed on the registry maintained by  
22 the authority under s. 52.20 (1).

23           **(7) DEPARTMENT RULE MAKING.** The department may promulgate rules defining  
24 terms, specifying which services constitute home care, establishing the qualification

**ASSEMBLY BILL 977**

1 criteria that apply under sub. (1) (f), and establishing procedures for implementation  
2 of this section.

3 **SECTION 65.** 46.48 (9m) of the statutes is created to read:

4 46.48 **(9m)** QUALITY HOME CARE. The department shall award a grant to the  
5 Wisconsin Quality Home Care Authority for the purpose of providing services to  
6 recipients and providers of home care under s. 46.2898 and ch. 52 and may award  
7 grants to counties to facilitate transition to procedures established under s. 46.2898.

8 **SECTION 66.** 49.825 (3) (b) 4. of the statutes is created to read:

9 49.825 **(3)** (b) 4. The department may enter into a memorandum of  
10 understanding, as described in s. 111.70 (3m), with the certified representative of the  
11 county employees performing services under this section for the unit. If there is a  
12 dispute as to hours or conditions of employment that remains between the  
13 department and the certified representative after a good faith effort to resolve it, the  
14 department may unilaterally resolve the dispute.

15 **SECTION 67.** 49.826 (3) (b) 4. of the statutes is created to read:

16 49.826 **(3)** (b) 4. The department may enter into a memorandum of  
17 understanding, as described in s. 111.70 (3p), with the certified representative of the  
18 county employees performing services under this section in the county for the unit.  
19 If there is a dispute as to hours or conditions of employment that remains between  
20 the department and the certified representative after a good faith effort to resolve  
21 it, the department may unilaterally resolve the dispute.

22 **SECTION 68.** Chapter 52 of the statutes is created to read:

23 **CHAPTER 52**

24 **QUALITY HOME CARE**

25 **52.01 Definitions.** In this chapter:

**ASSEMBLY BILL 977**

- 1           (1) “Authority” means the Wisconsin Quality Home Care Authority.
- 2           (2) “Board” means the board of directors of the authority.
- 3           (3) “Care management organization” has the meaning given in s. 46.2805 (1).
- 4           (3m) “Consumer” has the meaning given in s. 46.2898 (1) (cm).
- 5           (4) “Department” means the department of health services.
- 6           (5) “Family Care Program” means the benefit program described in s. 46.286.
- 7           (6) “Home care provider” means an individual who is a qualified provider under
- 8 s. 46.2898 (1) (f).
- 9           (7) “Medical assistance waiver program” means a program operated under a
- 10 waiver from the secretary of the federal department of health and human services
- 11 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).
- 12           (8) “Program of All-Inclusive Care for the Elderly” means the program
- 13 operated under 42 USC 1396u-4.
- 14           **52.05 Creation and organization of authority.** (1) CREATION AND
- 15 MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be
- 16 known as the “Wisconsin Quality Home Care Authority.” The members of the board
- 17 shall consist of the following members:
- 18           (a) The secretary of health services or his or her designee.
- 19           (b) The secretary of the department of workforce development or his or her
- 20 designee.
- 21           (c) The following, to be appointed by the governor to serve 3-year terms:
- 22           1. One representative from the state assembly.
- 23           2. One representative from the state senate.
- 24           3. One representative of care management organizations.

**ASSEMBLY BILL 977**

1           4. One representative of county departments, under s. 46.215, 46.22, 46.23,  
2           51.42, or 51.437, selected from counties where the Family Care Program is not  
3           available.

4           5. One representative of the board for people with developmental disabilities.

5           6. One representative of the council on physical disabilities.

6           7. One representative of the council on mental health.

7           8. One representative of the board on aging and long-term care.

8           9. Eleven individuals, each of whom is a current or former recipient of home  
9           care services through the Family Care Program or a medical assistance waiver  
10          program or an advocate for or representative of consumers of home care services.

11          **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the  
12          board to serve as the chairperson.

13          **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.  
14          The executive committee shall consist of the chair of the board, the secretary of  
15          health services or his or her designee, the secretary of the department of workforce  
16          development or his or her designee, and 3 persons selected from board members  
17          appointed under sub. (1) (c) 9.

18          (b) The executive committee may do the following:

19           1. Hire an executive director who is not a member of the board and serves at  
20          the pleasure of the board.

21           2. Hire employees to carry out the duties of the authority.

22           3. Engage in contracts for services to carry out the duties of the authority.

23          **(5) TERMS.** The terms of members of the board appointed under sub. (1) (c) shall  
24          expire on July 1.



**ASSEMBLY BILL 977**

1           **(6) QUORUM.** A majority of the members of the board constitutes a quorum for  
2 the purpose of conducting its business and exercising its powers and for all other  
3 purposes, notwithstanding the existence of any vacancies. Action may be taken by  
4 the board upon a vote of a majority of the members present. Meetings of the members  
5 of the board may be held anywhere within the state.

6           **(7) VACANCIES.** Each member of the board shall hold office until a successor is  
7 appointed and qualified unless the member vacates or is removed from his or her  
8 office. A member who serves as a result of holding another office or position vacates  
9 his or her office as a member when he or she vacates the other office or position. A  
10 member who ceases to qualify for office vacates his or her office. A vacancy on the  
11 board shall be filled in the same manner as the original appointment to the board for  
12 the remainder of the unexpired term, if any.

13           **(8) COMPENSATION.** The members of the board are not entitled to compensation  
14 for the performance of their duties. The authority may reimburse members of the  
15 board for actual and necessary expenses incurred in the discharge of their official  
16 duties as provided by the board.

17           **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board  
18 member to engage in private or public employment or in a profession or business,  
19 except to the extent prohibited by law, while serving as a member of the board.

20           **52.10 Powers of authority.** The authority shall have all the powers  
21 necessary or convenient to carry out the purposes and provisions of this chapter and  
22 s. 46.2898. In addition to all other powers granted the authority under this chapter,  
23 the authority may:

24           **(1) Adopt policies and procedures to govern its proceedings and to carry out its**  
25 duties as specified in this chapter.

**ASSEMBLY BILL 977**

1           (2) Employ, appoint, engage, compensate, transfer, or discharge necessary  
2 personnel.

3           (3) Make or enter into contracts, including contracts for the provision of legal  
4 or accounting services.

5           (4) Award grants for the purposes set forth in this chapter.

6           (5) Buy, lease, or sell real or personal property.

7           (6) Sue and be sued.

8           (7) Accept gifts, grants, or assistance funds and use them for the purposes of  
9 this chapter.

10          (8) Collect fees for its services.

11          **52.20 Duties of authority.** The authority shall:

12          (1) Establish and maintain a registry of eligible home care providers who  
13 choose to be on the registry for purposes of employment by consumers and provide  
14 referral services for consumers in need of home care services.

15          (2) Determine the eligibility of individuals for placement on the registry. For  
16 purposes of determining eligibility, the authority shall apply the criteria described  
17 in s. 46.2898 (1) (f), including any qualifying criteria established by the department  
18 under s. 46.2898 (7). The authority shall also develop an appeal process for denial  
19 of placement on or removal of a provider from the registry consistent with the terms  
20 of the medical assistance waiver programs, the Family Care Program, an  
21 amendment to the state medical assistance plan under 42 USC 1396n (j), or the  
22 Program of All-Inclusive Care for the Elderly, as determined by the department.

23          (3) Comply with any conditions necessary for consumers receiving home care  
24 services to receive federal medical assistance funding through a medical assistance  
25 waiver program, the Family Care Program, an amendment to the state medical

**ASSEMBLY BILL 977**

1 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the  
2 Elderly.

3 (4) Develop and operate recruitment and retention programs to expand the  
4 pool of home care providers qualified and available to provide home care services to  
5 consumers.

6 (5) Maintain a list of home care providers included in a collective bargaining  
7 unit under s. 111.825 (2g) and provide the list of home care providers to the  
8 department at the department's request.

9 (6) Notify home care providers providing home care services of any procedures  
10 for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department  
11 or the authority.

12 (7) Provide orientation activities and skills training for home care providers.

13 (8) Provide training and support for consumers hiring a home care provider  
14 regarding the duties and responsibilities of employers and skills needed to be  
15 effective employers.

16 (9) Inform consumers of the experience and qualifications of home care  
17 providers on the registry and home care providers identified by consumers of home  
18 care services for employment.

19 (10) Develop and operate a system of backup and respite referrals to home care  
20 providers and a 24-hour per day call service for consumers of home care services.

21 (11) Report annually to the governor on the number of home care providers on  
22 the registry and the number of home care providers providing services under the  
23 authority.

24 (12) Conduct activities to improve the supply and quality of home care  
25 providers.

**ASSEMBLY BILL 977**

1           **52.30 Liability limited. (1)** The state, any political subdivision of the state,  
2 or any officer, employee, or agent of the state or a political subdivision who is acting  
3 within the scope of employment or agency is not liable for any debt, obligation, act,  
4 or omission of the authority.

5           **(2)** All expenses incurred by the authority in exercising its duties and powers  
6 under this chapter shall be payable only from funds of the authority.

7           **52.40 Health data.** Any health data or identifying information collected by  
8 the authority is collected for the purpose of government regulatory and management  
9 functions.

10          **SECTION 69.** 59.875 (2) (a) of the statutes is renumbered 59.875 (2) and  
11 amended to read:

12           59.875 **(2)** Beginning on July 1, 2011, in any employee retirement system of a  
13 county, except as otherwise provided in a collective bargaining agreement entered  
14 into under subch. IV of ch. 111 ~~and except as provided in par. (b)~~, employees shall pay  
15 half of all actuarially required contributions for funding benefits under the  
16 retirement system. The employer may not pay on behalf of an employee any of the  
17 employee's share of the actuarially required contributions.

18          **SECTION 70.** 59.875 (2) (b) of the statutes is repealed.

19          **SECTION 71.** 62.623 (1) of the statutes is renumbered 62.623 and amended to  
20 read:

21           **62.623 Payment of contributions in an employee retirement system of**  
22 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of  
23 a 1st class city, except as otherwise provided in a collective bargaining agreement  
24 entered into under subch. IV of ch. 111 ~~and except as provided in sub. (2)~~, employees  
25 shall pay all employee required contributions for funding benefits under the

**ASSEMBLY BILL 977**

1 retirement system. The employer may not pay on behalf of an employee any of the  
2 employee's share of the required contributions.

3 **SECTION 72.** 62.623 (2) of the statutes is repealed.

4 **SECTION 73.** 66.0506 of the statutes is repealed.

5 **SECTION 74.** 66.0508 of the statutes is repealed.

6 **SECTION 75.** 66.0509 (1m) of the statutes is repealed.

7 **SECTION 76.** 70.11 (41s) of the statutes is created to read:

8 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by  
9 the Wisconsin Quality Home Care Authority, provided that use of the property is  
10 primarily related to the purposes of the authority.

11 **SECTION 77.** 71.26 (1) (be) of the statutes is amended to read:

12 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
13 Hospitals and Clinics Authority, of the Wisconsin Quality Home Care Authority, of  
14 the Fox River Navigational System Authority, of the Wisconsin Economic  
15 Development Corporation, and of the Wisconsin Aerospace Authority.

16 **SECTION 78.** 73.03 (68) of the statutes is repealed.

17 **SECTION 79.** 77.54 (9a) (a) of the statutes is amended to read:

18 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin  
20 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
21 and the Fox River Navigational System Authority.

22 **SECTION 80.** 100.45 (1) (dm) of the statutes is amended to read:

23 100.45 (1) (dm) "State agency" means any office, department, agency,  
24 institution of higher education, association, society, or other body in state  
25 government created or authorized to be created by the constitution or any law which

**ASSEMBLY BILL 977**

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
3 Center Sports and Entertainment Corporation, the University of Wisconsin  
4 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
5 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
6 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
7 Navigational System Authority.

8 **SECTION 81.** 109.03 (1) (b) of the statutes is amended to read:

9 109.03 (1) (b) School district and private school employees who voluntarily  
10 request payment over a 12-month period for personal services performed during the  
11 school year, unless, ~~with respect to private school employees, the such~~ employees are  
12 covered under a valid collective bargaining agreement which precludes this method  
13 of payment.

14 **SECTION 82.** 111.02 (2) of the statutes is amended to read:

15 111.02 (2) “Collective bargaining” means the negotiation by an employer and  
16 a majority of the employer’s employees in a collective bargaining unit, or their  
17 representatives, concerning representation or terms and conditions of employment  
18 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a  
19 mutually genuine effort to reach an agreement with reference to the subject under  
20 negotiation.

21 **SECTION 83.** 111.02 (3) of the statutes is amended to read:

22 111.02 (3) “Collective bargaining unit” means all of the employees of one  
23 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and  
24 except that where a majority of the employees engaged in a single craft, division,  
25 department or plant have voted by secret ballot as provided in s. 111.05 (2) to

**ASSEMBLY BILL 977**

1 constitute such group a separate bargaining unit they shall be so considered, but, in  
2 appropriate cases, and to aid in the more efficient administration of this subchapter,  
3 the commission may find, where agreeable to all parties affected in any way thereby,  
4 an industry, trade or business comprising more than one employer in an association  
5 in any geographical area to be a “collective bargaining unit”. A collective bargaining  
6 unit thus established by the commission shall ~~be~~ is subject to all rights by  
7 termination or modification given by this subchapter in reference to collective  
8 bargaining units otherwise established under this subchapter. Two or more  
9 collective bargaining units may bargain collectively through the same  
10 representative where a majority of the employees in each separate unit have voted  
11 by secret ballot as provided in s. 111.05 (2) so to do.

12 **SECTION 84.** 111.02 (6) (am) of the statutes is created to read:

13 111.02 (6) (am) “Employee” includes a child care provider certified under s.  
14 48.651 and a child care provider licensed under s. 48.65 who provides care and  
15 supervision for not more than 8 children who are not related to the child care  
16 provider.

17 **SECTION 85.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)  
18 and amended to read:

19 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of  
20 an employee, and includes ~~a~~ all of the following:

21 1. A person acting on behalf of an employer within the scope of his or her  
22 authority, express or implied.

23 **SECTION 86.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

24 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

25 3. A local cultural arts district created under subch. V of ch. 229.

**ASSEMBLY BILL 977**

1           4. With respect to an employee under sub. (6) (am), the state, counties, and  
2 other administrative entities involved in regulation and subsidization of employees  
3 under sub. (6) (am).

4           **SECTION 87.** 111.02 (7) (b) 1. of the statutes is amended to read:

5           111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political  
6 subdivision thereof.

7           **SECTION 88.** 111.05 (2) of the statutes is amended to read:

8           111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a  
9 question arises concerning the determination of a collective bargaining unit, it shall  
10 be determined by secret ballot, and the commission, upon request, shall cause the  
11 ballot to be taken in such manner as to show separately the wishes of the employees  
12 in any craft, division, department or plant as to the determination of the collective  
13 bargaining unit.

14           **SECTION 89.** 111.05 (5) of the statutes is created to read:

15           111.05 (5) (a) Collective bargaining units for representation of the employees  
16 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit  
17 for employees engaged in each of the following functions:

- 18           1. Fiscal and staff services.
- 19           2. Patient care.
- 20           3. Science.
- 21           4. Clerical and related.
- 22           5. Blue collar and nonbuilding trades.
- 23           6. Building trades crafts.
- 24           7. Security and public safety.
- 25           8. Technical.



**ASSEMBLY BILL 977**

1 (b) Collective bargaining units for representation of the employees of the  
2 University of Wisconsin Hospitals and Clinics Authority who are engaged in a  
3 function not specified in par. (a) shall be determined in the manner provided in this  
4 section. The creation of any collective bargaining unit for the employees is subject  
5 to approval of the commission. The commission may not permit fragmentation of the  
6 collective bargaining units or creation of any collective bargaining unit that is too  
7 small to provide adequate representation of employees. In approving the collective  
8 bargaining units, the commission shall give primary consideration to the authority's  
9 needs to fulfill its statutory missions.

10 **SECTION 90.** 111.05 (6) of the statutes is created to read:

11 111.05 (6) If a single representative is recognized or certified to represent more  
12 than one of the collective bargaining units specified in sub. (5), that representative  
13 and the employer may jointly agree to combine the collective bargaining units,  
14 subject to the right of the employees in any of the collective bargaining units that  
15 were combined to petition for an election under sub. (3). Any agreement under this  
16 subsection is effective when the parties provide written notice of the agreement to  
17 the commission and terminates when the party provides written notice of  
18 termination to the commission or when the representative entering into the  
19 agreement is decertified as representative of one of the combined collective  
20 bargaining units, whichever occurs first.

21 **SECTION 91.** 111.05 (7) of the statutes is created to read:

22 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective  
23 bargaining unit.

24 **SECTION 92.** 111.06 (1) (d) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           111.06 (1) (d) To refuse to bargain collectively with the representative of a  
2 majority of the employer's employees in any collective bargaining unit with respect  
3 to representation or terms and conditions of employment, except as provided under  
4 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with  
5 the commission a petition requesting a determination as to majority representation,  
6 the employer shall ~~not be deemed to have~~ has not refused to bargain until an election  
7 has been held and the commission has certified the result thereof ~~has been certified~~  
8 to the employer ~~by the commission~~.

9           **SECTION 93.** 111.06 (1) (m) of the statutes is created to read:

10           111.06 (1) (m) To fail to give the notice of intention to engage in a lockout  
11 provided in s. 111.115 (2).

12           **SECTION 94.** 111.06 (2) (i) of the statutes is amended to read:

13           111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided  
14 in s. 111.115 (2) or (3).

15           **SECTION 95.** 111.115 (title) of the statutes is amended to read:

16           **111.115 (title) Notice of certain proposed lockouts or strikes.**

17           **SECTION 96.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and  
18 amended to read:

19           111.115 (1) (intro.) In this section, "strike";

20           (b) "Strike" includes any concerted stoppage of work by employees, and any  
21 concerted slowdown or other concerted interruption of operations or services by  
22 employees, or any concerted refusal of employees to work or perform their usual  
23 duties as employees, for the purpose of enforcing demands upon an employer.

24           **SECTION 97.** 111.115 (1) (a) of the statutes is created to read:

**ASSEMBLY BILL 977**

1           111.115 (1) (a) “Lockout” means the barring of any employee from employment  
2           in an establishment by an employer as a part of a labor dispute, which is not directly  
3           subsequent to a strike or other job action of a labor organization or group of  
4           employees of the employer, or which continues or occurs after the termination of a  
5           strike or other job action of a labor organization or group of employees of the  
6           employer.

7           **SECTION 98.** 111.115 (2) of the statutes is created to read:

8           111.115 (2) If no collective bargaining agreement is in effect between the  
9           University of Wisconsin Hospitals and Clinics Authority and the recognized or  
10          certified representative of employees of that authority in a collective bargaining unit,  
11          the employer may not engage in a lockout affecting employees in that collective  
12          bargaining unit without first giving 10 days’ written notice to the representative of  
13          its intention to engage in a lockout, and the representative may not engage in a strike  
14          without first giving 10 days’ written notice to the employer of its intention to engage  
15          in a strike.

16          **SECTION 99.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended  
17          to read:

18          **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of  
19          the provisions of other statutes or laws conflict with the application of the provisions  
20          of this subchapter, this subchapter shall prevail, ~~except that in~~ for the following:

21          **(1)** In any situation where in which the provisions of this subchapter cannot  
22          be validly enforced the provisions of such other statutes or laws shall apply.

23          **SECTION 100.** 111.17 (2) of the statutes is created to read:

24          111.17 (2) All fringe benefits authorized or required to be provided by the  
25          University of Wisconsin Hospitals and Clinics Authority to its employees under ch.

**ASSEMBLY BILL 977**

1 40 are governed exclusively by ch. 40, except that if any provision of ch. 40 specifically  
2 permits a collective bargaining agreement under this subchapter to govern the  
3 eligibility for or the application, cost, or terms of a fringe benefit under ch. 40, or  
4 provides that the eligibility for or the application, cost, or terms of a fringe benefit  
5 under ch. 40 is governed by a collective bargaining agreement under this subchapter,  
6 such a provision in a collective bargaining agreement supersedes any provision of ch.  
7 40 with respect to the employees to whom the agreement applies. The employer is  
8 prohibited from engaging in collective bargaining concerning any matter governed  
9 exclusively by ch. 40 under this subsection.

10 **SECTION 101.** 111.70 (1) (a) of the statutes is amended to read:

11 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
12 obligation of a municipal employer, through its officers and agents, and the  
13 representative of its municipal employees in a collective bargaining unit, to meet and  
14 confer at reasonable times, in good faith, with the intention of reaching an  
15 agreement, or to resolve questions arising under such an agreement, with respect to  
16 wages, hours, and conditions of employment ~~for public safety employees or transit~~  
17 ~~employees and with respect to wages for general municipal employees,~~ and with  
18 respect to a requirement of the municipal employer for a municipal employee to  
19 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13  
20 (2e) and for a school district with respect to any matter under sub. (4) (n), except as  
21 provided in sub. subs. (3m), (3p), and (4) (mb) (m) and (mc) and s. 40.81 (3) and except  
22 that a municipal employer shall not meet and confer with respect to any proposal to  
23 diminish or abridge the rights guaranteed to any public safety municipal employees  
24 under ch. 164. Collective bargaining includes the reduction of any agreement  
25 reached to a written and signed document.

**ASSEMBLY BILL 977**

1           **SECTION 102.** 111.70 (1) (cm) of the statutes is repealed.

2           **SECTION 103.** 111.70 (1) (f) of the statutes is amended to read:

3           111.70 (1) (f) “Fair-share agreement” means an agreement between a  
4           municipal employer and a labor organization ~~that represents public safety~~  
5           ~~employees or transit employees~~ under which all or any of the public safety municipal  
6           ~~employees or transit employees~~ in the collective bargaining unit are required to pay  
7           their proportionate share of the cost of the collective bargaining process and contract  
8           administration measured by the amount of dues uniformly required of all members.

9           **SECTION 104.** 111.70 (1) (fm) of the statutes is repealed.

10          **SECTION 105.** 111.70 (1) (j) of the statutes is amended to read:

11          111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
12          metropolitan sewerage district, school district, long-term care district, ~~local cultural~~  
13          ~~arts district created under subch. V of ch. 229~~, or any other political subdivision of  
14          the state, or instrumentality of one or more political subdivisions of the state, that  
15          engages the services of an employee and includes any person acting on behalf of a  
16          municipal employer within the scope of the person’s authority, express or implied,  
17          but does not include a local cultural arts district created under subch. V of ch. 229.

18          **SECTION 106.** 111.70 (1) (n) of the statutes is amended to read:

19          111.70 (1) (n) “Referendum” means a proceeding conducted by the commission  
20          in which ~~public safety employees or transit~~ municipal employees in a collective  
21          bargaining unit may cast a secret ballot on the question of authorizing a labor  
22          organization and the employer to continue a fair-share agreement.

23          **SECTION 107.** 111.70 (1g) of the statutes is created to read:

24          111.70 (1g) **DECLARATION OF POLICY.** (a) The public policy of the state as to labor  
25          disputes arising in municipal employment is to encourage voluntary settlement

**ASSEMBLY BILL 977**

1 through the procedures of collective bargaining. Accordingly, it is in the public  
2 interest that municipal employees be given an opportunity to bargain collectively  
3 with the municipal employer through a labor organization or other representative  
4 of the employees' own choice. If such procedures fail, the parties should have  
5 available to them a fair, speedy, effective, and, above all, peaceful procedure for  
6 settlement as provided in this subchapter.

7 (b) In creating this subchapter, the legislature recognizes that the municipal  
8 employer must exercise its powers and responsibilities to act for the government and  
9 good order of the jurisdiction which it serves, its commercial benefit and the health,  
10 safety, and welfare of the public to assure orderly operations and functions within its  
11 jurisdiction, subject to those rights secured to municipal employees by the  
12 constitutions of this state and of the United States and by this subchapter.

13 **SECTION 108.** 111.70 (2) of the statutes is amended to read:

14 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right  
15 of self-organization, and the right to form, join, or assist labor organizations, to  
16 bargain collectively through representatives of their own choosing, and to engage in  
17 lawful, concerted activities for the purpose of collective bargaining or other mutual  
18 aid or protection. Municipal employees have the right to refrain from any and all  
19 such activities. ~~A general municipal employee has the right to refrain from paying~~  
20 ~~dues while remaining a member of a collective bargaining unit. A public safety~~  
21 ~~employee or a transit employee, however, except that an employee may be required~~  
22 ~~to pay dues in the manner provided in a fair-share agreement; a fair-share~~  
23 ~~agreement covering a public safety employee or a transit employee must contain a~~  
24 ~~provision requiring require the municipal employer to deduct the amount of dues as~~  
25 ~~certified by the labor organization from the earnings of the employee affected by the~~

**ASSEMBLY BILL 977**

1 fair-share agreement and to pay the amount deducted to the labor organization. A  
2 fair-share agreement ~~covering a public safety employee or transit employee~~ is  
3 subject to the right of the municipal employer or a labor organization to petition the  
4 commission to conduct a referendum. Such petition must be supported by proof that  
5 at least 30 percent of the employees in the collective bargaining unit desire that the  
6 fair-share agreement be terminated. Upon so finding, the commission shall conduct  
7 a referendum. If the continuation of the agreement is not supported by at least the  
8 majority of the eligible employees, it shall terminate. The commission shall ~~declare~~  
9 suspend any fair-share agreement ~~suspended~~ upon such conditions and for such  
10 time as the commission decides whenever it finds that the labor organization  
11 involved has refused on the basis of race, color, sexual orientation, creed, or sex to  
12 receive as a member any ~~public safety employee or transit employee~~ of the municipal  
13 employer in the bargaining unit involved, and such agreement is subject to this duty  
14 of the commission. Any of the parties to such agreement or any ~~public safety~~  
15 ~~employee or transit~~ municipal employee covered by the agreement may come before  
16 the commission, as provided in s. 111.07, and ask the performance of this duty.

17 **SECTION 109.** 111.70 (3) (a) 3. of the statutes is amended to read:

18 111.70 (3) (a) 3. To encourage or discourage a membership in any labor  
19 organization by discrimination in regard to hiring, tenure, or other terms or  
20 conditions of employment; but the prohibition shall not apply to a fair-share  
21 agreement ~~that covers public safety employees or transit employees.~~

22 **SECTION 110.** 111.70 (3) (a) 5. of the statutes is amended to read:

23 111.70 (3) (a) 5. To violate any collective bargaining agreement previously  
24 agreed upon by the parties with respect to wages, hours, and conditions of  
25 employment affecting ~~public safety employees or transit~~ municipal employees,

**ASSEMBLY BILL 977**

1 including an agreement to arbitrate questions arising as to the meaning or  
2 application of the terms of a collective bargaining agreement or to accept the terms  
3 of such arbitration award, where previously the parties have agreed to accept such  
4 award as final and binding upon them ~~or to violate any collective bargaining~~  
5 ~~agreement affecting general municipal employees, that was previously agreed upon~~  
6 ~~by the parties with respect to wages.~~

7 **SECTION 111.** 111.70 (3) (a) 6. of the statutes is amended to read:

8 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public  
9 ~~safety employee or a transit~~ municipal employee, unless the municipal employer has  
10 been presented with an individual order therefor, signed by the employee personally,  
11 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~  
12 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such  
13 termination to the municipal employer and to the representative organization,  
14 except when a fair-share agreement is in effect.

15 **SECTION 112.** 111.70 (3) (a) 7. of the statutes is created to read:

16 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision  
17 lawfully made under sub. (4) (cm).

18 **SECTION 113.** 111.70 (3) (a) 7m. of the statutes is repealed.

19 **SECTION 114.** 111.70 (3) (a) 9. of the statutes is amended to read:

20 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~  
21 ~~employee or transit employee, after~~ After a collective bargaining agreement expires  
22 and before another collective bargaining agreement takes effect, to fail to follow any  
23 fair-share agreement in the expired collective bargaining agreement.

24 **SECTION 115.** 111.70 (3) (b) 6. of the statutes is created to read:



**ASSEMBLY BILL 977**

1           111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision  
2 lawfully made under sub. (4) (cm).

3           **SECTION 116.** 111.70 (3) (b) 6m. of the statutes is repealed.

4           **SECTION 117.** 111.70 (3g) of the statutes is repealed.

5           **SECTION 118.** 111.70 (3m) of the statutes is created to read:

6           111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective  
7 bargaining agreement that covers municipal employees performing services for the  
8 Milwaukee County enrollment services unit under s. 49.825 must contain a provision  
9 that permits the terms of the agreement to be modified with respect to hours and  
10 conditions of employment by a memorandum of understanding under s. 49.825 (3)  
11 (b) 4.

12           **SECTION 119.** 111.70 (3p) of the statutes is created to read:

13           111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining  
14 agreement that covers municipal employees performing services for the child care  
15 provider services unit under s. 49.826 must contain a provision that permits the  
16 terms of the agreement to be modified with respect to hours and conditions of  
17 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

18           **SECTION 120.** 111.70 (4) (c) (title) of the statutes is amended to read:

19           111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~public safety~~*  
20 *employees law enforcement and fire fighting personnel.*

21           **SECTION 121.** 111.70 (4) (c) 1. of the statutes is renumbered 111.70 (4) (c) 1m.  
22 and amended to read:

23           111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in  
24 labor disputes ~~involving a collective bargaining unit containing a public safety~~  
25 ~~employee.~~ Such mediation may be carried on by a person designated to act by the

**ASSEMBLY BILL 977**

1 commission upon request of one or both of the parties or upon initiation of the  
2 commission. The function of the mediator is to encourage voluntary settlement by  
3 the parties but no mediator has the power of compulsion.

4 **SECTION 122.** 111.70 (4) (c) 1g. of the statutes is created to read:

5 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal  
6 employees who are engaged in law enforcement or fire fighting functions.

7 **SECTION 123.** 111.70 (4) (c) 2. of the statutes is amended to read:

8 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning  
9 or application of the terms of a written collective bargaining agreement ~~involving a~~  
10 ~~collective bargaining unit containing a public safety employee~~ may agree in writing  
11 to have the commission or any other appropriate agency serve as arbitrator or may  
12 designate any other competent, impartial and disinterested person to so serve.

13 **SECTION 124.** 111.70 (4) (c) 3. (intro.) of the statutes is amended to read:

14 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute  
15 ~~involving a collective bargaining unit containing a public safety employee~~ has not  
16 been settled after a reasonable period of negotiation and after the settlement  
17 procedures, if any, established by the parties have been exhausted, and the parties  
18 are deadlocked with respect to any dispute between them arising in the collective  
19 bargaining process, either party, or the parties jointly, may petition the commission,  
20 in writing, to initiate fact-finding, and to make recommendations to resolve the  
21 deadlock, as follows:

22 **SECTION 125.** 111.70 (4) (cg) of the statutes is repealed.

23 **SECTION 126.** 111.70 (4) (cm) (title) of the statutes is amended to read:

24 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*  
25 *municipal employees other personnel.*

**ASSEMBLY BILL 977**

1           **SECTION 127.** 111.70 (4) (cm) 1. of the statutes is renumbered 111.70 (4) (cm)  
2           1m. and amended to read:

3           111.70 (4) (cm) 1m. 'Notice of commencement of contract negotiations.' For the  
4           purpose of advising the commission of the commencement of contract negotiations  
5           ~~involving a collective bargaining unit containing general municipal employees,~~  
6           whenever either party requests the other to reopen negotiations under a binding  
7           collective bargaining agreement, or the parties otherwise commence negotiations if  
8           no such agreement exists, the party requesting negotiations shall immediately notify  
9           the commission in writing. Upon failure of the requesting party to provide such  
10          notice, the other party may so notify the commission. The notice shall specify the  
11          expiration date of the existing collective bargaining agreement, if any, and shall set  
12          forth any additional information the commission may require on a form provided by  
13          the commission.

14          **SECTION 128.** 111.70 (4) (cm) 1g. of the statutes is created to read:

15          111.70 (4) (cm) 1g. 'Application.' a. Chapter 788 does not apply to arbitration  
16          proceedings under this paragraph.

17          b. This paragraph does not apply to labor disputes involving municipal  
18          employees who are engaged in law enforcement or fire fighting functions.

19          **SECTION 129.** 111.70 (4) (cm) 2., 3. and 4. of the statutes are amended to read:

20          111.70 (4) (cm) 2. 'Presentation of initial proposals; open meetings.' The  
21          meetings between parties to a collective bargaining agreement or proposed collective  
22          bargaining agreement under this subchapter that ~~involve a collective bargaining~~  
23          ~~unit containing a general municipal employee and that~~ are held for the purpose of  
24          presenting initial bargaining proposals, along with supporting rationale, shall be are  
25          open to the public. Each party shall submit its initial bargaining proposals to the

**ASSEMBLY BILL 977**

1 other party in writing. Failure to comply with this subdivision is not cause to  
2 invalidate a collective bargaining agreement under this subchapter.

3 3. 'Mediation.' The commission or its designee shall function as mediator in  
4 labor disputes involving general municipal employees upon request of one or both of  
5 the parties, or upon initiation of the commission. The function of the mediator shall  
6 be to encourage voluntary settlement by the parties. No mediator has the power of  
7 compulsion.

8 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or  
9 application of the terms of a written collective bargaining agreement ~~involving a~~  
10 ~~collective bargaining unit containing a general municipal employee~~ may agree in  
11 writing to have the commission or any other appropriate agency serve as arbitrator  
12 or may designate any other competent, impartial and disinterested person to so  
13 serve.

14 **SECTION 130.** 111.70 (4) (cm) 5. of the statutes is created to read:

15 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the  
16 other impasse resolution procedures provided in this paragraph, a municipal  
17 employer and labor organization may, as a permissive subject of bargaining, agree  
18 in writing to a dispute settlement procedure, including authorization for a strike by  
19 municipal employees or binding interest arbitration, that is acceptable to the parties  
20 for resolving an impasse over terms of any collective bargaining agreement under  
21 this subchapter. The parties shall file a copy of the agreement with the commission.  
22 If the parties agree to any form of binding interest arbitration, the arbitrator shall  
23 give weight to the factors enumerated under subds. 7. and 7g. for a collective  
24 bargaining unit consisting of municipal employees who are not school district

**ASSEMBLY BILL 977**

1 employees and under subd. 7r. for a collective bargaining unit consisting of municipal  
2 employees.

3 **SECTION 131.** 111.70 (4) (cm) 6. of the statutes is created to read:

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

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

**ASSEMBLY BILL 977**

1 of the investigation, each party shall submit in writing to the commission its single  
2 final offer containing its final proposals on all issues in dispute that are subject to  
3 interest arbitration under this subdivision. If a party fails to submit a single final  
4 offer, the commission shall close the investigation based on the last written position  
5 of the party. Such final offers may include only mandatory subjects of bargaining,  
6 except that a permissive subject of bargaining may be included by a party if the other  
7 party does not object and shall then be treated as a mandatory subject. The parties  
8 shall also submit to the commission a written stipulation with respect to all matters  
9 that are agreed upon for inclusion in the new or amended collective bargaining  
10 agreement. The commission, after receiving a report from its investigator and  
11 determining that arbitration should be commenced, shall issue an order requiring  
12 arbitration and immediately submit to the parties a list of 7 arbitrators. The parties  
13 shall alternately strike names from the list until a single name is left, who shall be  
14 appointed as arbitrator. The petitioning party shall notify the commission in writing  
15 of the identity of the arbitrator selected. Upon receipt of the notice, the commission  
16 shall formally appoint the arbitrator and submit to him or her the final offers of the  
17 parties. The final offers are public documents and the commission shall make them  
18 available. In lieu of a single arbitrator and upon request of both parties, the  
19 commission shall appoint a tripartite arbitration panel consisting of one member  
20 selected by each of the parties and a neutral person designated by the commission  
21 who shall serve as a chairperson. An arbitration panel has the same powers and  
22 duties as provided in this section for any other appointed arbitrator, and all  
23 arbitration decisions by a panel shall be determined by majority vote. In place of  
24 selection of the arbitrator by the parties and upon request of both parties, the  
25 commission shall establish a procedure for randomly selecting names of arbitrators.

**ASSEMBLY BILL 977**

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

9 b. The arbitrator shall, within 10 days of his or her appointment, establish a  
10 date and place for the arbitration hearing. Upon petition of at least 5 citizens of the  
11 jurisdiction served by the municipal employer, filed within 10 days after the date on  
12 which the arbitrator is appointed, the arbitrator shall hold a public hearing in the  
13 jurisdiction to provide the opportunity to both parties to explain or present  
14 supporting arguments for their positions and to members of the public to offer their  
15 comments and suggestions. The final offers of the parties, as transmitted by the  
16 commission to the arbitrator, are the basis for any continued negotiations between  
17 the parties with respect to the issues in dispute. At any time prior to the arbitration  
18 hearing, either party, with the consent of the other party, may modify its final offer  
19 in writing.

20 c. Prior to the arbitration hearing, either party may, within a time limit  
21 established by the arbitrator, withdraw its final offer and any mutually agreed upon  
22 modifications and shall immediately provide written notice of any withdrawal to the  
23 other party, the arbitrator, and the commission. If both parties withdraw their final  
24 offers and mutually agreed upon modifications, the labor organization, after giving  
25 10 days' written notice to the municipal employer and the commission, may strike.

**ASSEMBLY BILL 977**

1 Unless both parties withdraw their final offers and mutually agreed upon  
2 modifications, the final offer of neither party is considered withdrawn and the  
3 arbitrator shall proceed to resolve the dispute by final and binding arbitration as  
4 provided in this paragraph.

5 d. Before issuing his or her arbitration decision, the arbitrator shall, on his or  
6 her own motion or at the request of either party, conduct a meeting open to the public  
7 to provide to both parties the opportunity to explain or present supporting  
8 arguments for their complete offer on all matters to be covered by the proposed  
9 agreement. The arbitrator shall adopt without modification the final offer of one of  
10 the parties on all disputed issues submitted under subd. 6. am., except those items  
11 that the commission determines not to be mandatory subjects of bargaining and  
12 those items that have not been treated as mandatory subjects by the parties, and  
13 including any prior modifications of the offer mutually agreed upon by the parties  
14 under subd. 6. b. The decision is final and binding on both parties and shall be  
15 incorporated into a written collective bargaining agreement. The arbitrator shall  
16 serve a copy of his or her decision on both parties and the commission.

17 e. Arbitration proceedings may not be interrupted or terminated by reason of  
18 any prohibited practice complaint filed by either party at any time.

19 f. The parties shall equally divide the costs of arbitration. The arbitrator shall  
20 submit a statement of his or her costs to both parties and to the commission.

21 g. If a question arises as to whether any proposal made in negotiations by either  
22 party is a mandatory, permissive, or prohibited subject of bargaining, the  
23 commission shall determine the issue under par. (b). If either party to the dispute  
24 petitions the commission for a declaratory ruling under par. (b), the proceedings  
25 under subd. 6. c. and d. may not occur until the commission renders a decision in the



**ASSEMBLY BILL 977**

1 matter and the decision is final. The arbitrator's award shall be made in accordance  
2 with the commission's ruling, subject to automatic amendment by any subsequent  
3 court reversal.

4 **SECTION 132.** 111.70 (4) (cm) 7. of the statutes is created to read:

5 111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under  
6 the arbitration procedures authorized by this paragraph, except for any decision  
7 involving a collective bargaining unit consisting of school district employees, the  
8 arbitrator or arbitration panel shall give the greatest weight to any state law or  
9 directive lawfully issued by a state legislative or administrative officer, body, or  
10 agency that limits expenditures that may be made or revenues that may be collected  
11 by a municipal employer. The arbitrator or arbitration panel shall give an  
12 accounting of the consideration of this factor in the decision.

13 **SECTION 133.** 111.70 (4) (cm) 7g. of the statutes is created to read:

14 111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under  
15 the arbitration procedures authorized by this paragraph, except for any decision  
16 involving a collective bargaining unit consisting of school district employees, the  
17 arbitrator or arbitration panel shall give greater weight to economic conditions in the  
18 jurisdiction of the municipal employer than to any of the factors specified in subd.  
19 7r.

20 **SECTION 134.** 111.70 (4) (cm) 7r. of the statutes is created to read:

21 111.70 (4) (cm) 7r. 'Other factors considered.' In making any decision under the  
22 arbitration procedures authorized by this paragraph, the arbitrator or arbitration  
23 panel shall give weight to the following factors:

- 24 a. The lawful authority of the municipal employer.  
25 b. Stipulations of the parties.

**ASSEMBLY BILL 977**

1           c. The interests and welfare of the public and the financial ability of the unit  
2 of government to meet the costs of any proposed settlement.

3           d. Comparison of wages, hours, and conditions of employment of the municipal  
4 employees involved in the arbitration proceedings with the wages, hours, and  
5 conditions of employment of other employees performing similar services.

6           e. Comparison of the wages, hours, and conditions of employment of the  
7 municipal employees involved in the arbitration proceedings with the wages, hours,  
8 and conditions of employment of other employees generally in public employment in  
9 the same community and in comparable communities.

10          f. Comparison of the wages, hours, and conditions of employment of the  
11 municipal employees involved in the arbitration proceedings with the wages, hours,  
12 and conditions of employment of other employees in private employment in the same  
13 community and in comparable communities.

14          g. The average consumer prices for goods and services, commonly known as the  
15 cost of living.

16          h. The overall compensation presently received by the municipal employees,  
17 including direct wage compensation, vacation, holidays and excused time, insurance  
18 and pensions, medical and hospitalization benefits, the continuity and stability of  
19 employment, and all other benefits received.

20          i. Changes in any of the foregoing circumstances during the pendency of the  
21 arbitration proceedings.

22          j. Factors, not included in subd. 7r. a. to i., which are normally or traditionally  
23 taken into consideration in the determination of wages, hours, and conditions of  
24 employment through voluntary collective bargaining, mediation, fact-finding,

**ASSEMBLY BILL 977**

1 arbitration, or otherwise between the parties, in the public service, or in private  
2 employment.

3 **SECTION 135.** 111.70 (4) (cm) 8. of the statutes is created to read:

4 111.70 (4) (cm) 8. 'Rule making.' The commission shall adopt rules for the  
5 conduct of all arbitration proceedings under subd. 6., including rules for all of the  
6 following:

7 a. The appointment of tripartite arbitration panels when requested by the  
8 parties.

9 b. The expeditious rendering of arbitration decisions, such as waivers of briefs  
10 and transcripts.

11 c. The removal of individuals who have repeatedly failed to issue timely  
12 decisions from the commission's list of qualified arbitrators.

13 d. Proceedings for the enforcement of arbitration decisions.

14 **SECTION 136.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

15 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for  
16 the initial collective bargaining agreement between the parties and except as the  
17 parties otherwise agree, every collective bargaining agreement covering general  
18 municipal employees subject to this paragraph shall be for a term of one year and  
19 may not be extended 2 years, but in no case may a collective bargaining agreement  
20 for any collective bargaining unit consisting of municipal employees subject to this  
21 paragraph other than school district employees be for a term exceeding 3 years nor  
22 may a collective bargaining agreement for any collective bargaining unit consisting  
23 of school district employees subject to this paragraph be for a term exceeding 4 years.  
24 No arbitration award may contain a provision for reopening of negotiations during  
25 the term of a collective bargaining agreement covering general municipal employees

**ASSEMBLY BILL 977**

1 ~~may be reopened for negotiations~~ unless both parties agree to reopen the collective  
2 bargaining agreement. The requirement for agreement by both parties does not  
3 apply to a provision for reopening of negotiations with respect to any portion of an  
4 agreement that is declared invalid by a court or administrative agency or rendered  
5 invalid by the enactment of a law or promulgation of a federal regulation.

6 **SECTION 137.** 111.70 (4) (d) 1. of the statutes is amended to read:

7 111.70 (4) (d) 1. A representative chosen for the purposes of collective  
8 bargaining by a majority of the ~~public safety employees or transit~~ municipal  
9 employees voting in a collective bargaining unit shall be the exclusive representative  
10 of all employees in the unit for the purpose of collective bargaining. ~~A representative~~  
11 ~~chosen for the purposes of collective bargaining by at least 51 percent of the general~~  
12 ~~municipal employees in a collective bargaining unit shall be the exclusive~~  
13 ~~representative of all employees in the unit for the purpose of collective bargaining.~~  
14 Any individual employee, or any minority group of employees in any collective  
15 bargaining unit, shall have the right to present grievances to the municipal employer  
16 in person or through representatives of their own choosing, and the municipal  
17 employer shall confer with the employee in relation thereto, if the majority  
18 representative has been afforded the opportunity to be present at the conferences.  
19 Any adjustment resulting from these conferences may not be inconsistent with the  
20 conditions of employment established by the majority representative and the  
21 municipal employer.

22 **SECTION 138.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

23 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
24 bargaining unit for the purpose of collective bargaining and shall whenever possible  
25 avoid fragmentation by maintaining as few collective bargaining units as practicable

**ASSEMBLY BILL 977**

1 in keeping with the size of the total municipal workforce. The commission may  
2 decide whether, in a particular case, the municipal employees in the same or several  
3 departments, divisions, institutions, crafts, professions, or other occupational  
4 groupings constitute a collective bargaining unit. Before making its determination,  
5 the commission may provide an opportunity for the municipal employees concerned  
6 to determine, by secret ballot, whether they desire to be established as a separate  
7 collective bargaining unit. The commission may not decide, however, that any group  
8 of municipal employees constitutes an appropriate collective bargaining unit if the  
9 group includes both professional employees and nonprofessional employees, unless  
10 a majority of the professional employees vote for inclusion in the unit. The  
11 commission may not decide that any group of municipal employees constitutes an  
12 appropriate collective bargaining unit if the group includes both school district  
13 employees and general municipal employees who are not school district employees.  
14 ~~The commission may not decide that any group of municipal employees constitutes~~  
15 ~~an appropriate collective bargaining unit if the group includes both public safety~~  
16 ~~employees and general municipal employees, if the group include includes both~~  
17 ~~transit employees and general municipal employees, or if the group includes both~~  
18 ~~transit employees and public safety employees.~~ The commission may not decide that  
19 any group of municipal employees constitutes an appropriate collective bargaining  
20 unit if the group includes both craft employees and noncraft employees unless a  
21 majority of the craft employees vote for inclusion in the unit. The commission shall  
22 place the professional employees who are assigned to perform any services at a  
23 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit  
24 from a unit that includes any other professional employees whenever at least 30  
25 percent of those professional employees request an election to be held to determine

**ASSEMBLY BILL 977**

1 that issue and a majority of the professional employees at the charter school who cast  
2 votes in the election decide to be represented in a separate collective bargaining unit.

3 **SECTION 139.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated,  
4 renumbered 111.70 (4) (d) 3. and amended to read:

5 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning  
6 representation or appropriate unit, calling for a vote, the commission shall certify the  
7 results in writing to the municipal employer and the labor organization involved and  
8 to any other interested parties. e. Any ballot used in a representation proceeding  
9 under this subdivision shall include the names of all persons having an interest in  
10 representing or the results. The ballot should be so designed as to permit a vote  
11 against representation by any candidate named on the ballot. The findings of the  
12 commission, on which a certification is based, shall be conclusive unless reviewed as  
13 provided by s. 111.07 (8).

14 **SECTION 140.** 111.70 (4) (d) 3. b. of the statutes is repealed.

15 **SECTION 141.** 111.70 (4) (L) of the statutes is amended to read:

16 111.70 (4) (L) *Strikes prohibited.* ~~Nothing contained in~~ Except as authorized  
17 under par. (cm) 5. and 6. c., this subchapter constitutes a grant of does not grant the  
18 right to strike by to any municipal employee or labor organization, and such strikes  
19 are hereby expressly prohibited. Paragraph (cm) does not authorize a strike after  
20 an injunction has been issued against a strike under sub. (7m).

21 **SECTION 142.** 111.70 (4) (m) of the statutes is created to read:

22 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*  
23 *employers.* In a school district, the municipal employer is prohibited from bargaining  
24 collectively with respect to all of the following:

**ASSEMBLY BILL 977**

1           1. Reassignment of municipal employees who perform services for a board of  
2 school directors under ch. 119, with or without regard to seniority, as a result of a  
3 decision of the board of school directors to contract with an individual or group to  
4 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school  
5 to a charter school, or the impact of any such reassignment on the wages, hours, or  
6 conditions of employment of the municipal employees who perform those services.

7           2. Reassignment of municipal employees who perform services for a board of  
8 school directors, with or without regard to seniority, as a result of the decision of the  
9 board to close or reopen a school under s. 119.18 (23), or the impact of any such  
10 reassignment on the wages, hours, or conditions of employment of the municipal  
11 employees who perform those services.

12           3. Any decision of a board of school directors to contract with a school or agency  
13 to provide educational programs under s. 119.235, or the impact of any such decision  
14 on the wages, hours, or conditions of employment of the municipal employees who  
15 perform services for the board.

16           4. Solicitation of sealed bids for the provision of group health care benefits for  
17 school district employees as provided in s. 120.12 (24).

18           **SECTION 143.** 111.70 (4) (mb) of the statutes is repealed.

19           **SECTION 144.** 111.70 (4) (mbb) of the statutes is repealed.

20           **SECTION 145.** 111.70 (4) (mc) (intro.) and 5. of the statutes are amended to read:

21           111.70 (4) (mc) *Prohibited subjects of bargaining; ~~public safety employees.~~*  
22 (intro.) The municipal employer is prohibited from bargaining collectively ~~with a~~  
23 ~~collective bargaining unit containing a public safety employee~~ with respect to any of  
24 the following:

**ASSEMBLY BILL 977**

1           5. ~~If the collective bargaining unit contains a public safety employee who is~~  
2 ~~initially employed on or after July 1, 2011, the~~ The requirement under ss. 40.05 (1)  
3 (b), 59.875, and 62.623 that the municipal employer may not pay, on behalf of ~~that~~  
4 ~~public safety~~ a municipal employee, any employee required contributions or the  
5 employee share of required contributions, and the impact of this requirement on the  
6 wages, hours, and conditions of employment of ~~that public safety~~ the municipal  
7 employee. If This subdivision does not apply to a transit employee or to a public  
8 safety employee who is initially employed by a municipal employer before July 1,  
9 2011, and this subdivision does not apply to that a public safety employee who is  
10 initially employed by a municipal employer before July 1, 2011, if he or she is  
11 employed as a public safety employee by a successor municipal employer in the event  
12 of a combined department that is created on or after that date.

13           **SECTION 146.** 111.70 (4) (mc) 3. of the statutes is created to read:

14           111.70 (4) (mc) 3. If the municipal employee is a clerk who is not an employee  
15 of a city of the first class, the judge's authority over the supervisory tasks provided  
16 in s. 755.10.

17           **SECTION 147.** 111.70 (4) (mc) 6. of the statutes is amended to read:

18           111.70 (4) (mc) 6. Except for the employee premium contribution, all costs and  
19 payments associated with health care coverage plans and the design and selection  
20 of health care coverage plans by the municipal employer ~~for public safety employees,~~  
21 and the impact of such costs and payments and the design and selection of the health  
22 care coverage plans on the wages, hours, and conditions of employment of the ~~public~~  
23 ~~safety~~ municipal employee. This subdivision does not apply to a transit employee.

24           **SECTION 148.** 111.70 (4) (n) of the statutes is created to read:



**ASSEMBLY BILL 977**

1           111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition  
2 to any subject of bargaining on which the municipal employer is required to bargain  
3 under sub. (1) (a), the municipal employer is required to bargain collectively with  
4 respect to all of the following:

5           1. Time spent during the school day, separate from pupil contact time, to  
6 prepare lessons, labs, or educational materials, to confer or collaborate with other  
7 staff, or to complete administrative duties.

8           2. The development of or any changes to a teacher evaluation plan under s.  
9 118.225.

10           **SECTION 149.** 111.70 (4) (p) of the statutes is amended to read:

11           111.70 (4) (p) *Permissive subjects of collective bargaining; ~~public safety and~~*  
12 *transit employees.* A municipal employer is not required to bargain with ~~public safety~~  
13 ~~employees or transit employees~~ on subjects reserved to management and direction  
14 of the governmental unit except insofar as the manner of exercise of such functions  
15 affects the wages, hours, and conditions of employment of the ~~public safety~~  
16 ~~employees or of the transit~~ municipal employees in a collective bargaining unit.

17           **SECTION 150.** 111.70 (7) of the statutes is created to read:

18           111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an  
19 injunction against a strike has been issued shall be fined \$10. After the injunction  
20 has been issued, any employee who is absent from work because of purported illness  
21 is presumed to be on strike unless the illness is verified by a written report from a  
22 physician to the employer. Each day of continued violation constitutes a separate  
23 offense. The court shall order that any fine imposed under this subsection be paid  
24 by means of a salary deduction at a rate to be determined by the court.

**ASSEMBLY BILL 977**

1 (b) This subsection applies only to municipal employees who are engaged in law  
2 enforcement or fire fighting functions.

3 **SECTION 151.** 111.70 (7m) (a) of the statutes is renumbered 111.70 (7m) (ar).

4 **SECTION 152.** 111.70 (7m) (ag) of the statutes is created to read:

5 111.70 (7m) (ag) *Application.* This subsection does not apply to strikes  
6 involving municipal employees who are engaged in law enforcement or fire fighting  
7 functions.

8 **SECTION 153.** 111.70 (7m) (b) of the statutes is created to read:

9 111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after  
10 a labor organization gives advance notice of a strike under sub. (4) (cm) that is  
11 expressly authorized under sub. (4) (cm), the municipal employer or any citizen  
12 directly affected by the strike may petition the circuit court to enjoin the strike. If  
13 the court finds that the strike poses an imminent threat to the public health or safety,  
14 the court shall, within 48 hours after the receipt of the petition but after notice to the  
15 parties and after holding a hearing, issue an order immediately enjoining the strike,  
16 and shall order the parties to submit a new final offer on all disputed issues to the  
17 commission for final and binding arbitration as provided in sub. (4) (cm). The  
18 commission, upon receipt of the final offers of the parties, shall transmit them to the  
19 arbitrator or a successor designated by the commission. The arbitrator shall omit  
20 preliminary steps and shall commence immediately to arbitrate the dispute.

21 **SECTION 154.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

22 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety~~  
23 ~~employees or transit employees which~~ violates sub. (4) (L) may not collect any dues  
24 under a collective bargaining agreement or under a fair-share agreement from any  
25 municipal employee covered by either agreement for a period of one year. At the end

**ASSEMBLY BILL 977**

1 of the period of suspension, ~~any such~~ the agreement shall be reinstated unless the  
2 labor organization is no longer authorized to represent the ~~public safety employees~~  
3 ~~or transit~~ municipal employees covered by the collective bargaining agreement or  
4 fair-share agreement or the agreement is no longer in effect.

5 **SECTION 155.** 111.70 (7m) (c) 3. of the statutes is created to read:

6 111.70 **(7m)** (c) 3. 'Strike in violation of award.' Any person who authorizes or  
7 participates in a strike after a final and binding arbitration award or decision under  
8 sub. (4) (cm) is issued and before the end of the term of the agreement which the  
9 award or decision amends or creates shall forfeit \$15 per offense. Each day of  
10 continued violation constitutes a separate offense.

11 **SECTION 156.** 111.70 (7m) (e) of the statutes is created to read:

12 111.70 **(7m)** (e) *Civil liability.* Any party refusing to include an arbitration  
13 award or decision under sub. (4) (cm) in a written collective bargaining agreement  
14 or failing to implement the award or decision, unless good cause is shown, is liable  
15 for attorney fees, interest on delayed monetary benefits, and other costs incurred in  
16 any action by the nonoffending party to enforce the award or decision.

17 **SECTION 157.** 111.70 (8) (a) of the statutes is amended to read:

18 111.70 **(8)** (a) This section, except sub. subs. (1) (nm), (4) ~~(eg)~~ and (cm), and (7m),  
19 applies to law enforcement supervisors employed by a 1st class city. This section,  
20 except sub. subs. (1) (nm), (4) (cm) and (jm), and (7m) applies to law enforcement  
21 supervisors employed by a county having a population of 500,000 or more. For  
22 purposes of such application, the terms term "municipal employee" and "~~public~~  
23 ~~safety employee~~" include includes such a supervisor.

24 **SECTION 158.** 111.71 (2) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           111.71 (2) The commission shall assess and collect a filing fee for filing a  
2 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
3 The commission shall assess and collect a filing fee for filing a request that the  
4 commission act as an arbitrator to resolve a dispute involving the interpretation or  
5 application of a collective bargaining agreement under s. 111.70 (4) (c) ~~2., (eg) 4.,~~ or  
6 (cm) 4. The commission shall assess and collect a filing fee for filing a request that  
7 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall  
8 assess and collect a filing fee for filing a request that the commission act as a  
9 mediator under s. 111.70 (4) (c) ~~1., (eg) 3.,~~ 1m. or (cm) 3. The commission shall assess  
10 and collect a filing fee for filing a request that the commission initiate compulsory,  
11 final and binding arbitration under s. 111.70 (4) (eg) (cm) 6. or (jm) or 111.77 (3). For  
12 the performance of commission actions under ss. 111.70 (4) (c) ~~1.,~~ 1m., ~~2.,~~ and ~~3., (eg)~~  
13 ~~3., 4., and 6.,~~ (cm) 3. ~~and,~~ 4., and 6., and (jm) and 111.77 (3), the commission shall  
14 require that the parties to the dispute equally share in the payment of the fee and,  
15 for the performance of commission actions involving a complaint alleging that a  
16 prohibited practice has been committed under s. 111.70 (3), the commission shall  
17 require that the party filing the complaint pay the entire fee. If any party has paid  
18 a filing fee requesting the commission to act as a mediator for a labor dispute and the  
19 parties do not enter into a voluntary settlement of the dispute, the commission may  
20 not subsequently assess or collect a filing fee to initiate fact-finding or arbitration  
21 to resolve the same labor dispute. If any request for the performance of commission  
22 actions concerns issues arising as a result of more than one unrelated event or  
23 occurrence, each such separate event or occurrence ~~shall be treated as is~~ a separate  
24 request. The commission shall promulgate rules establishing a schedule of filing fees  
25 to be paid under this subsection. Fees required to be paid under this subsection shall

**ASSEMBLY BILL 977**

1 be paid at the time of filing the complaint or the request for fact-finding, mediation  
2 or arbitration. A complaint or request for fact-finding, mediation or arbitration is  
3 not filed until the date such the fee or fees are paid, except that the failure of the  
4 respondent party to pay the filing fee for having the commission initiate compulsory,  
5 final and binding arbitration under s. 111.70 (4) (~~eg~~) (cm) 6. or (jm) or 111.77 (3) may  
6 not prohibit the commission from initiating such the arbitration. The commission  
7 may initiate collection proceedings against the respondent party for the payment of  
8 the filing fee. Fees collected under this subsection shall be credited to the  
9 appropriation account under s. 20.425 (1) (i).

10 **SECTION 159.** 111.71 (4) of the statutes is created to read:

11 111.71 (4) The commission shall collect on a systematic basis information on  
12 the operation of the arbitration law under s. 111.70 (4) (cm) and shall annually  
13 submit a report on the opinion to the chief clerk of each house of the legislature for  
14 distribution to the legislature under s. 13.172 (2).

15 **SECTION 160.** 111.71 (4m) of the statutes is repealed.

16 **SECTION 161.** 111.71 (5) of the statutes is created to read:

17 111.71 (5) The commission shall, on a regular basis, provide training programs  
18 to prepare individuals to arbitrate under s. 111.70 (4) (cm). The commission shall  
19 promote the programs to and recruit participation throughout the state, including  
20 at least 10 residents of each congressional district. The commission may also provide  
21 training programs to individuals and organizations on other aspects of collective  
22 bargaining, including on areas of management and labor cooperation directly or  
23 indirectly affecting collective bargaining. The commission may charge a reasonable  
24 fee to participate in the programs.

25 **SECTION 162.** 111.71 (5m) of the statutes is repealed.

**ASSEMBLY BILL 977**

1           **SECTION 163.** 111.77 (intro.) of the statutes is amended to read:

2           **111.77 Settlement of disputes in collective bargaining units composed**  
3 **of law enforcement personnel and fire fighters.** (intro.) ~~Municipal In fire~~  
4 ~~departments and city and county law enforcement agencies, municipal~~ employers  
5 and ~~public safety~~ employees, as provided in sub. (8), have the duty to bargain  
6 collectively in good faith including the duty to refrain from strikes or lockouts and  
7 to comply with the following:

8           **SECTION 164.** 111.77 (8) (a) of the statutes is amended to read:

9           111.77 (8) (a) This section applies to ~~public safety employees who are law~~  
10 ~~enforcement~~ supervisors employed by a county having a population of 500,000 or  
11 more. For purposes of such application, the term “municipal employee” includes  
12 such a supervisor.

13           **SECTION 165.** 111.77 (9) of the statutes is amended to read:

14           111.77 (9) Section 111.70 (4) (c) 3., ~~(eg)~~, and (cm) does not apply to employments  
15 covered by this section.

16           **SECTION 166.** 111.80 of the statutes is created to read:

17           **111.80 Declaration of policy.** The public policy of the state as to labor  
18 relations and collective bargaining in state employment, in the furtherance of which  
19 this subchapter is enacted, is as follows:

20           (1) It recognizes that there are 3 major interests involved: that of the public,  
21 that of the employee, and that of the employer. These 3 interests are to a considerable  
22 extent interrelated. It is the policy of this state to protect and promote each of these  
23 interests with due regard to the situation and to the rights of the others.

24           (2) Orderly and constructive employment relations for employees and the  
25 efficient administration of state government are promotive of all these interests.

**ASSEMBLY BILL 977**

1 They are largely dependent upon the maintenance of fair, friendly, and mutually  
2 satisfactory employee management relations in state employment, and the  
3 availability of suitable machinery for fair and peaceful adjustment of whatever  
4 controversies may arise. It is recognized that whatever may be the rights of  
5 disputants with respect to each other in any controversy regarding state  
6 employment relations, neither party has any right to engage in acts or practices that  
7 jeopardize the public safety and interest and interfere with the effective conduct of  
8 public business.

9 (3) Where permitted under this subchapter, negotiations of terms and  
10 conditions of state employment should result from voluntary agreement between the  
11 state and its agents as employer, and its employees. For that purpose an employee  
12 may, if the employee desires, associate with others in organizing and in bargaining  
13 collectively through representatives of the employee's own choosing without  
14 intimidations or coercion from any source.

15 (4) It is the policy of this state, in order to preserve and promote the interests  
16 of the public, the employee, and the employer alike, to encourage the practices and  
17 procedures of collective bargaining in state employment subject to the requirements  
18 of the public service and related laws, rules, and policies governing state  
19 employment, by establishing standards of fair conduct in state employment  
20 relations, and by providing a convenient, expeditious, and impartial tribunal in  
21 which these interests may have their respective rights determined.

22 **SECTION 167.** 111.81 (1) of the statutes is amended to read:

23 111.81 (1) "Collective bargaining" means the performance of the mutual  
24 obligation of the state as an employer, by its officers and agents, and the  
25 representatives of its employees, to meet and confer at reasonable times, in good

**ASSEMBLY BILL 977**

1 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~  
2 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~  
3 ~~with respect to general employees,~~ with the intention of reaching an agreement, or  
4 to resolve questions arising under such an agreement. The duty to bargain, however,  
5 does not compel either party to agree to a proposal or require the making of a  
6 concession. Collective bargaining includes the reduction of any agreement reached  
7 to a written and signed document.

8 **SECTION 168.** 111.81 (3h) of the statutes is created to read:

9 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

10 **SECTION 169.** 111.81 (3n) of the statutes is repealed.

11 **SECTION 170.** 111.81 (7) (g) of the statutes is created to read:

12 111.81 (7) (g) For purposes of this subchapter only, home care providers. This  
13 paragraph does not make home care providers state employees for any other purpose  
14 except collective bargaining.

15 **SECTION 171.** 111.81 (9) of the statutes is amended to read:

16 111.81 (9) "Fair-share agreement" means an agreement between the employer  
17 and a labor organization representing ~~public safety employees~~ or supervisors  
18 specified in s. 111.825 (5) under which all of the ~~public safety employees~~ or  
19 supervisors in a collective bargaining unit are required to pay their proportionate  
20 share of the cost of the collective bargaining process and contract administration  
21 measured by the amount of dues uniformly required of all members.

22 **SECTION 172.** 111.81 (9g) of the statutes is repealed.

23 **SECTION 173.** 111.81 (9k) of the statutes is created to read:

24 111.81 (9k) "Home care provider" means a qualified provider under s. 46.2898  
25 (1) (f).



**ASSEMBLY BILL 977**

1           **SECTION 174.** 111.81 (12) (intro.) of the statutes is amended to read:

2           111.81 **(12)** (intro.) “Labor organization” means any employee organization  
3 whose purpose is to represent employees in collective bargaining with the employer,  
4 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~  
5 ~~or (3), whichever is applicable pertaining to terms and conditions of employment;~~ but  
6 the term shall not include any organization:

7           **SECTION 175.** 111.81 (12m) of the statutes is amended to read:

8           111.81 **(12m)** “Maintenance of membership agreement” means an agreement  
9 between the employer and a labor organization representing ~~public safety employees~~  
10 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~  
11 ~~employees~~ or supervisors whose dues are being deducted from earnings under s.  
12 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to  
13 have dues deducted for the duration of the agreement, and that dues shall be  
14 deducted from the earnings of all ~~public safety employees~~ or supervisors who are  
15 hired on or after the effective date of the agreement.

16           **SECTION 176.** 111.81 (16) of the statutes is amended to read:

17           111.81 **(16)** “Referendum” means a proceeding conducted by the commission in  
18 which ~~public safety employees, or supervisors specified in s. 111.825 (5),~~ in a  
19 collective bargaining unit may cast a secret ballot on the question of directing the  
20 labor organization and the employer to enter into a fair-share or maintenance of  
21 membership agreement or to terminate such an agreement.

22           **SECTION 177.** 111.815 (1) of the statutes is renumbered 111.815 (1) (a) and  
23 amended to read:

24           111.815 **(1)** (a) In the furtherance of this subchapter, the state shall be  
25 considered as a single employer and employment relations policies and practices

**ASSEMBLY BILL 977**

1 throughout the state service shall be as consistent as practicable. The division shall  
2 negotiate and administer collective bargaining agreements, except that the  
3 department of health services, subject to the approval of the federal centers for  
4 medicare and medicaid services to use collective bargaining as the method of setting  
5 rates for reimbursement of home care providers, shall negotiate and administer  
6 collective bargaining agreements entered into with the collective bargaining unit  
7 specified in s. 111.825 (2g). To coordinate the employer position in the negotiation  
8 of agreements, the division shall maintain close liaison with the legislature relative  
9 to the negotiation of agreements and the fiscal ramifications of those agreements.

10 (b) 1. Except with respect to the collective bargaining units specified in s.  
11 111.825 (1r) ~~and, (1t), and (2g)~~, the division is responsible for the employer functions  
12 of the executive branch under this subchapter, and shall coordinate its collective  
13 bargaining activities with operating state agencies on matters of agency concern.  
14 The legislative branch shall act upon those portions of tentative agreements  
15 negotiated by the division that require legislative action.

16 2. With respect to the collective bargaining units specified in s. 111.825 (1r), the  
17 Board of Regents of the University of Wisconsin System is responsible for the  
18 employer functions under this subchapter.

19 3. With respect to the collective bargaining units specified in s. 111.825 (1t), the  
20 chancellor of the University of Wisconsin-Madison is responsible for the employer  
21 functions under this subchapter.

22 4. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef),  
23 the governing board of the charter school established by contract under s. 118.40 (2r)  
24 (cm), 2013 stats., is responsible for the employer functions under this subchapter.

25 **SECTION 178.** 111.815 (1) (b) 5. of the statutes is created to read:

**ASSEMBLY BILL 977**

1           111.815 (1) (b) 5. With respect to the collective bargaining unit specified in s.  
2           111.825 (2g), the department of health services is responsible for the employer  
3           functions of the executive branch under this subchapter.

4           **SECTION 179.** 111.815 (2) of the statutes is amended to read:

5           111.815 (2) ~~The~~ In the furtherance of the policy under s. 111.80 (4), the  
6           administrator of the division shall, together with the appointing authorities or their  
7           representatives, represent the state in its responsibility as an employer under this  
8           subchapter except with respect to negotiations in the collective bargaining units  
9           specified in s. 111.825 (1r) ~~and, (1t), and (2g)~~. Except as provided in s. 36.115 (7), the  
10          administrator of the division shall establish and maintain, wherever practicable,  
11          consistent employment relations policies and practices throughout the state service.

12          **SECTION 180.** 111.82 of the statutes is amended to read:

13          **111.82 Rights of employees.** Employees have the right of self-organization  
14          and the right to form, join, or assist labor organizations, to bargain collectively  
15          through representatives of their own choosing under this subchapter, and to engage  
16          in lawful, concerted activities for the purpose of collective bargaining or other mutual  
17          aid or protection. Employees also have the right to refrain from any or all of such  
18          activities. ~~A general employee has the right to refrain from paying dues while~~  
19          ~~remaining a member of a collective bargaining unit.~~

20          **SECTION 181.** 111.825 (1) (g) of the statutes is repealed.

21          **SECTION 182.** 111.825 (2g) of the statutes is created to read:

22          111.825 (2g) A collective bargaining unit for employees who are home care  
23          providers shall be structured as a single statewide collective bargaining unit.

24          **SECTION 183.** 111.825 (3) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           111.825 (3) The commission shall assign employees to the appropriate  
2 collective bargaining units set forth in subs. (1), (1r), (1t), ~~and (2), and (2g).~~

3           **SECTION 184.** 111.825 (4) of the statutes is amended to read:

4           111.825 (4) Any labor organization may petition for recognition as the exclusive  
5 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), ~~or (2), or~~  
6 ~~(2g)~~ in accordance with the election procedures set forth in s. 111.83, provided the  
7 petition is accompanied by a 30 percent showing of interest in the form of signed  
8 authorization cards. Each additional labor organization seeking to appear on the  
9 ballot shall file petitions within 60 days of the date of filing of the original petition  
10 and prove, through signed authorization cards, that at least 10 percent of the  
11 employees in the collective bargaining unit want it to be their representative.

12           **SECTION 185.** 111.825 (5) of the statutes is amended to read:

13           111.825 (5) Although supervisors are not considered employees for purposes  
14 of this subchapter, the commission may consider a petition for a statewide collective  
15 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
16 supervisors in the classified service, but the representative of supervisors may not  
17 be affiliated with any labor organization representing employees. For purposes of  
18 this subsection, affiliation does not include membership in a national, state, county  
19 or municipal federation of national or international labor organizations. The  
20 certified representative of supervisors ~~who are not public safety employees~~ may not  
21 bargain collectively with respect to any matter other than wages and fringe benefits  
22 as provided in s. ~~111.91 (3), and the certified representative of supervisors who are~~  
23 ~~public safety employees may not bargain collectively with respect to any matter other~~  
24 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

25           **SECTION 186.** 111.825 (6) (a) of the statutes is renumbered 111.825 (6).

**ASSEMBLY BILL 977**

1           **SECTION 187.** 111.825 (6) (b) of the statutes is repealed.

2           **SECTION 188.** 111.83 (1) of the statutes is amended to read:

3           111.83 (1) Except as provided in sub. (5), a representative chosen for the  
4 purposes of collective bargaining by at least 51 percent a majority of the general  
5 employees voting in a collective bargaining unit shall be the exclusive representative  
6 of all of the employees in such unit for the purposes of collective bargaining. ~~A~~  
7 ~~representative chosen for the purposes of collective bargaining by a majority of the~~  
8 ~~public safety employees voting in a collective bargaining unit shall be the exclusive~~  
9 ~~representative of all of the employees in such unit for the purposes of collective~~  
10 ~~bargaining.~~ Any individual employee, or any minority group of employees in any  
11 collective bargaining unit, may present grievances to the employer in person, or  
12 through representatives of their own choosing, and the employer shall confer with  
13 the employee or group of employees in relation thereto if the majority representative  
14 has been afforded the opportunity to be present at the conference. Any adjustment  
15 resulting from such a conference may not be inconsistent with the conditions of  
16 employment established by the majority representative and the employer.

17           **SECTION 189.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

18           **SECTION 190.** 111.83 (3) (b) of the statutes is repealed.

19           **SECTION 191.** 111.83 (4) of the statutes is amended to read:

20           111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which  
21 the name of more than one proposed representative appears on the ballot and results  
22 in no conclusion, the commission may, if requested by any party to the proceeding  
23 within 30 days from the date of the certification of the results of the election, conduct  
24 a runoff election. In that runoff election, the commission shall drop from the ballot  
25 the name of the representative who received the least number of votes at the original

**ASSEMBLY BILL 977**

1 election. The commission shall drop from the ballot the privilege of voting against  
2 any representative if the least number of votes cast at the first election was against  
3 representation by any named representative.

4 **SECTION 192.** 111.83 (5) (d), (e) and (f) of the statutes are amended to read:

5 111.83 (5) (d) If at an election held under par. (b), ~~at least 51 percent~~ a majority  
6 of the employees in the collective bargaining unit at all institutions in which the  
7 choice to participate in collective bargaining receives ~~at least 51 percent~~ a majority  
8 of the ~~eligible~~ votes cast elect to be represented by a single labor organization, that  
9 labor organization shall be the exclusive representative for all employees in that  
10 collective bargaining unit, except those excluded under par. (c).

11 (e) If at an election held under par. (b), ~~at least 51 percent~~ a majority of the  
12 employees in the collective bargaining unit at all institutions in which the choice to  
13 participate in collective bargaining receives ~~at least 51 percent~~ a majority of the  
14 ~~eligible~~ votes cast do not elect to be represented by a single labor organization, the  
15 commission may hold one or more runoff elections under sub. (4) until one  
16 representative receives ~~at least 51 percent~~ a majority of the ~~eligible~~ votes cast.

17 (f) Notwithstanding par. (b), if a labor organization is certified to represent the  
18 employees within the collective bargaining unit at one or more institutions, and a  
19 petition is filed with the commission indicating a showing of interest by the  
20 employees at an institution which is not a part of the unit under par. (c) to be  
21 represented by a labor organization, the only question which may appear on the  
22 ballot shall be whether the employees desire to participate in collective bargaining.  
23 A petition under this paragraph may be filed only during June in an even-numbered  
24 year. If ~~at least 51 percent~~ a majority of the employees voting at the institution who  
25 are included within the collective bargaining unit vote to participate in collective

**ASSEMBLY BILL 977**

1 bargaining, the employees at that institution shall become a part of that collective  
2 bargaining unit.

3 **SECTION 193.** 111.83 (5m) of the statutes is created to read:

4 111.83 (5m) (a) This subsection applies only to a collective bargaining unit  
5 specified in s. 111.825 (2g).

6 (am) 1. Subject to subd. 2., the department of health services shall provide a  
7 labor organization with the list of home care providers provided to the department  
8 of health services under s. 52.20 (5) if any of the following applies:

9 a. The labor organization demonstrates a showing of interest of at least 3  
10 percent of home care providers included in the collective bargaining unit under s.  
11 111.825 (2g) to be represented by that labor organization.

12 b. The labor organization is a certified representative of any home care  
13 providers in this state.

14 c. The labor organization was a certified representative of any home care  
15 providers in this state prior to July 1, 2009.

16 2. A labor organization shall agree to use any list it receives under subd. 1. only  
17 for communicating with home care providers concerning the exercise of their rights  
18 under s. 111.82 and shall agree to keep the list confidential.

19 (b) Upon the filing of a petition with the commission indicating a showing of  
20 interest of at least 30 percent of the home care providers included in the collective  
21 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to  
22 change the existing representative, the commission shall hold an election in which  
23 the home care providers may vote on the question of representation. The labor  
24 organization named in the petition shall be included on the ballot. Within 60 days  
25 of the time that the petition is filed, another petition may be filed with the

**ASSEMBLY BILL 977**

1 commission indicating a showing of interest of at least 10 percent of the home care  
2 providers who are included in the collective bargaining unit under s. 111.825 (2g) to  
3 be represented by another labor organization, in which case the name of that labor  
4 organization shall also be included on the ballot.

5 (c) If at an election held under par. (b), a majority of home care providers voting  
6 in the collective bargaining unit vote for a single labor organization, the labor  
7 organization shall be the exclusive representative for all home care providers in that  
8 collective bargaining unit. If no single labor organization receives a majority of the  
9 votes cast, the commission may hold one or more runoff elections under sub. (4) until  
10 one labor organization receives a majority of the votes cast.

11 **SECTION 194.** 111.84 (1) (b) of the statutes is amended to read:

12 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
13 create, dominate or interfere with the formation or administration of any labor or  
14 employee organization or contribute financial support to it. Except as provided in  
15 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
16 retirement system under ch. 40 and no action by the employer that is authorized by  
17 such a law constitutes a violation of this paragraph unless an applicable collective  
18 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)  
19 specifically prohibits the change or action. No such change or action affects the  
20 continuing duty to bargain collectively with a collective bargaining unit under s.  
21 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent  
22 required by s. 111.91 (1). It is not an unfair labor practice for the employer to  
23 reimburse an employee at his or her prevailing wage rate for the time spent during  
24 the employee's regularly scheduled hours conferring with the employer's officers or  
25 agents and for attendance at commission or court hearings necessary for the



**ASSEMBLY BILL 977**

1 administration of this subchapter. Professional supervisory or craft personnel may  
2 maintain membership in professional or craft organizations; however, as members  
3 of such organizations they shall be prohibited from those activities related to  
4 collective bargaining in which the organizations may engage.

5 **SECTION 195.** 111.84 (1) (d) of the statutes is amended to read:

6 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91  
7 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its  
8 employees in an appropriate collective bargaining unit. Where the employer has a  
9 good faith doubt as to whether a labor organization claiming the support of a majority  
10 of its employees in appropriate collective bargaining unit does in fact have that  
11 support, it may file with the commission a petition requesting an election as to that  
12 claim. It is not deemed to have refused to bargain until an election has been held and  
13 the results thereof certified to it by the commission. A violation of this paragraph  
14 includes, but is not limited to, the refusal to execute a collective bargaining  
15 agreement previously orally agreed upon.

16 **SECTION 196.** 111.84 (1) (f) of the statutes is amended to read:

17 111.84 (1) (f) To deduct labor organization dues from ~~the~~ an employee's  
18 ~~earnings of a public safety employee,~~ unless the employer has been presented with  
19 an individual order therefor, signed by the ~~public safety~~ employee personally, and  
20 terminable by at least the end of any year of its life or earlier by the ~~public safety~~  
21 employee giving at least 30 but not more than 120 days' written notice of such  
22 termination to the employer and to the representative labor organization, except if  
23 there is a fair-share or maintenance of membership agreement in effect. The  
24 employer shall give notice to the labor organization of receipt of such notice of  
25 termination.

**ASSEMBLY BILL 977**

1           **SECTION 197.** 111.84 (2) (c) of the statutes is amended to read:

2           111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
3 (1) ~~or (3), whichever is appropriate,~~ with the duly authorized officer or agent of the  
4 employer which is the recognized or certified exclusive collective bargaining  
5 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
6 bargaining unit or with the certified exclusive collective bargaining representative  
7 of employees specified in s. 111.81 (7) (ar) to ~~(f)~~ (g) in an appropriate collective  
8 bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
9 refusal to execute a collective bargaining agreement previously orally agreed upon.

10           **SECTION 198.** 111.84 (3) of the statutes is amended to read:

11           111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
12 on behalf of or in the interest of employers or employees, or in connection with or to  
13 influence the outcome of any controversy as to employment relations, any act  
14 prohibited by ~~sub.~~ subs. (1) ~~or~~ and (2).

15           **SECTION 199.** 111.845 of the statutes is repealed.

16           **SECTION 200.** 111.85 (1), (2) and (4) of the statutes are amended to read:

17           111.85 (1) (a) No fair-share or maintenance of membership agreement  
18 ~~covering public safety employees may become~~ is effective unless authorized by a  
19 referendum. The commission shall order a referendum whenever it receives a  
20 petition supported by proof that at least 30 percent of the ~~public safety employees or~~  
21 supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a  
22 fair-share or maintenance of membership agreement be entered into between the  
23 employer and a labor organization. A petition may specify that a referendum is  
24 requested on a maintenance of membership agreement only, in which case the ballot  
25 shall be limited to that question.

**ASSEMBLY BILL 977**

1 (b) For a fair-share agreement to be authorized, at least two-thirds of the  
2 eligible ~~public safety employees~~ or supervisors voting in a referendum shall must  
3 vote in favor of the agreement. For a maintenance of membership agreement to be  
4 authorized, at least a majority of the eligible ~~public safety employees~~ or supervisors  
5 voting in a referendum shall must vote in favor of the agreement. In a referendum  
6 on a fair-share agreement, if less than two-thirds but more than one-half of the  
7 eligible ~~public safety employees~~ or supervisors vote in favor of the agreement, a  
8 maintenance of membership agreement is authorized.

9 (c) If a fair-share or maintenance of membership agreement is authorized in  
10 a referendum, the employer shall enter into such an agreement with the labor  
11 organization named on the ballot in the referendum. Each fair-share or  
12 maintenance of membership agreement shall ~~contain a provision requiring~~ require  
13 the employer to deduct the amount of dues as certified by the labor organization from  
14 the earnings of the ~~public safety employees~~ or supervisors affected by the agreement  
15 and to pay the amount so deducted to the labor organization. Unless the parties  
16 agree to an earlier date, the agreement shall ~~take~~ takes effect 60 days after  
17 certification by the commission that the referendum vote authorized the agreement.  
18 The employer shall be held harmless against any claims, demands, suits, and other  
19 forms of liability made by ~~public safety employees~~ or supervisors or local labor  
20 organizations which may arise for actions ~~taken by the employer~~ takes in compliance  
21 with this section. All such lawful claims, demands, suits, and other forms of liability  
22 are the responsibility of the labor organization entering into the agreement.

23 (d) Under each fair-share or maintenance of membership agreement, ~~a public~~  
24 ~~safety~~ an employee or supervisor who has religious convictions against dues  
25 payments to a labor organization based on teachings or tenets of a church or religious

**ASSEMBLY BILL 977**

1 body of which he or she is a member shall, ~~on~~ may request to the labor organization,  
2 have to pay his or her dues ~~paid~~ to a charity mutually agreed upon by the ~~public~~  
3 ~~safety employee~~ or supervisor and the labor organization. Any dispute ~~concerning~~  
4 under this paragraph may be submitted to the commission for adjudication.

5 (2) (a) Once authorized, a fair-share or maintenance of membership  
6 agreement ~~covering public safety employees shall continue~~ is in effect, subject to the  
7 right of the employer or labor organization concerned to petition the commission to  
8 conduct a new referendum. Such petition must be supported by proof that at least  
9 30 percent of the ~~public safety employees~~ or supervisors in the collective bargaining  
10 unit desire that the fair-share or maintenance of membership agreement be  
11 discontinued. Upon so finding, the commission shall conduct a new referendum. If  
12 the continuance of the fair-share or maintenance of membership agreement is  
13 approved in the referendum by at least the percentage of eligible voting ~~public safety~~  
14 ~~employees~~ or supervisors required for its initial authorization, it shall be continued  
15 in effect, subject to the right of the employer or labor organization to later initiate a  
16 further vote following the procedure prescribed in this subsection. If the  
17 continuation of the agreement is not supported in any referendum, it ~~is deemed~~  
18 ~~terminated~~ terminates at the termination of the collective bargaining agreement, or  
19 one year from the date of the certification of the result of the referendum, whichever  
20 is earlier.

21 (b) The commission shall ~~declare~~ suspend any fair-share or maintenance of  
22 membership agreement ~~suspended~~ upon such conditions and for such time as the  
23 commission decides whenever it finds that the labor organization involved has  
24 refused on the basis of race, color, sexual orientation, or creed to receive as a member  
25 any ~~public safety employee~~ or supervisor in the collective bargaining unit involved,

**ASSEMBLY BILL 977**

1 and the agreement shall be made subject to the findings and orders of the  
2 commission. Any of the parties to the agreement, or any ~~public safety~~ employee or  
3 supervisor covered thereby, may come before the commission, as provided in s.  
4 111.07, and petition the commission to make such a finding.

5 (4) The commission may, under rules adopted for that purpose, appoint as its  
6 agent an official of a state agency whose ~~public safety~~ employees are entitled to vote  
7 in a referendum to conduct a referendum provided for herein.

8 **SECTION 201.** 111.905 of the statutes is created to read:

9 **111.905 Rights of consumer. (1)** This subchapter does not interfere with the  
10 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,  
11 or discipline home care providers or to set conditions and duties of employment.

12 (2) A home care provider is an at will provider of home care services to a  
13 consumer, and this subchapter does not interfere with that relationship.

14 **SECTION 202.** 111.91 (1) (a) of the statutes is amended to read:

15 111.91 (1) (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~  
16 ~~bargaining unit under s. 111.825 (1) (g) (e)~~, matters subject to collective bargaining  
17 to the point of impasse are wage rates, consistent with sub. (2), the assignment and  
18 reassignment of classifications to pay ranges, determination of an incumbent's pay  
19 status resulting from position reallocation or reclassification, and pay adjustments  
20 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher  
21 classification or downward reallocations of a classified ~~public safety~~ employee's  
22 position; fringe benefits consistent with sub. (2); hours and conditions of  
23 employment.

24 **SECTION 203.** 111.91 (1) (b) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           111.91 (1) (b) The employer is not required to bargain with a collective  
2 bargaining unit under s. 111.825 (1) (g) on management rights under s. 111.90, except  
3 that procedures for the adjustment or settlement of grievances or disputes arising  
4 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of  
5 bargaining.

6           **SECTION 204.** 111.91 (1) (c) of the statutes is amended to read:

7           111.91 (1) (c) The employer is prohibited from bargaining with a collective  
8 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

9           **SECTION 205.** 111.91 (1) (cg) of the statutes is created to read:

10          111.91 (1) (cg) The representative of home care providers in the collective  
11 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with  
12 respect to any matter other than wages and fringe benefits.

13          **SECTION 206.** 111.91 (1) (cm) of the statutes is amended to read:

14          111.91 (1) (cm) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23  
15 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all  
16 actions of the employer that are authorized under any such law which apply to  
17 nonrepresented individuals employed by the state shall apply to similarly situated  
18 ~~public safety~~ employees, unless otherwise specifically provided in a collective  
19 bargaining agreement that applies to the ~~public safety~~ employees.

20          **SECTION 207.** 111.91 (1) (d) of the statutes is amended to read:

21          111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~  
22 ~~demands~~ Demands relating to retirement and group insurance shall be submitted  
23 to the employer at least one year prior to commencement of negotiations.

24          **SECTION 208.** 111.91 (1) (e) of the statutes is created to read:

**ASSEMBLY BILL 977**

1           111.91 (1) (e) The employer is not required to bargain on matters related to  
2 employee occupancy of houses or other lodging provided by the state.

3           **SECTION 209.** 111.91 (2) (intro.) of the statutes is amended to read:

4           111.91 (2) (intro.) The employer is prohibited from bargaining with a collective  
5 bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

6           **SECTION 210.** 111.91 (2) (fm) of the statutes is amended to read:

7           111.91 (2) (fm) If Except if the collective bargaining unit contains a public  
8 safety employee initially employed ~~on or after~~ before July 1, 2011, the requirement  
9 under s. 40.05 (1) (b) that the employer may not pay, on behalf of that public safety  
10 employee, any employee required contributions or the employee share of required  
11 contributions and the impact of this requirement on the wages, hours, and conditions  
12 of employment of that public safety employee.

13           **SECTION 211.** 111.91 (2) (fp) of the statutes is created to read:

14           111.91 (2) (fp) Except if the collective bargaining unit contains a public safety  
15 employee, all costs and payments associated with health care coverage plans, except  
16 for the employee premium contribution, and the design and selection of health care  
17 coverage plans by the employer, and the impact of such costs and payments and the  
18 design and selection of the health care coverage plans on the wages, hours, and  
19 conditions of employment of the employees.

20           **SECTION 212.** 111.91 (2) (gu) of the statutes is amended to read:

21           111.91 (2) (gu) The right of ~~a public safety employee, who is an employee,~~ as  
22 defined in s. 103.88 (1) (d), ~~and who is a fire fighter, emergency medical technician,~~  
23 first responder, or ambulance driver for a volunteer fire department or fire company,  
24 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined  
25 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

**ASSEMBLY BILL 977**

1           **SECTION 213.** 111.91 (2c) of the statutes is created to read:

2           111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer  
3 is prohibited from bargaining with a collective bargaining unit formed under s.  
4 111.825 (2g) on any of the following:

5           (a) Policies.

6           (b) Work rules.

7           (c) Hours of employment.

8           (d) Any right of the consumer under s. 111.905.

9           **SECTION 214.** 111.91 (3) of the statutes is repealed.

10          **SECTION 215.** 111.91 (3q) of the statutes is repealed.

11          **SECTION 216.** 111.92 (1) (a) 1. of the statutes is amended to read:

12          111.92 (1) (a) 1. Any tentative agreement reached between the division, or, as  
13 provided in s. 111.815 (1), the department of health services acting for the state, and  
14 any labor organization representing a collective bargaining unit specified in s.  
15 111.825 (1) ~~or~~, (2) (d) or (e), or (2g) shall, after official ratification by the labor  
16 organization, be submitted by the division or department of health services to the  
17 joint committee on employment relations, which shall hold a public hearing before  
18 determining its approval or disapproval.

19          **SECTION 217.** 111.92 (2m) of the statutes is created to read:

20          111.92 (2m) A collective bargaining agreement entered into by a collective  
21 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2017.

22          **SECTION 218.** 111.92 (3) (a) of the statutes is renumbered 111.92 (3) and  
23 amended to read:

24          111.92 (3) ~~Agreements covering a collective bargaining unit specified under s.~~  
25 ~~111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.



**ASSEMBLY BILL 977**

1           **SECTION 219.** 111.92 (3) (b) of the statutes is repealed.

2           **SECTION 220.** 111.93 (3) (intro.) and (a) of the statutes are consolidated,  
3           renumbered 111.93 (3) and amended to read:

4                 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
5                 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply:~~ (a) ~~If~~ if a  
6                 collective bargaining agreement exists between the employer and a labor  
7                 organization representing employees in a collective bargaining unit ~~under s. 111.825~~  
8                 (1) ~~(g)~~, the provisions of that agreement shall supersede the provisions of civil service  
9                 and other applicable statutes, as well as rules and policies of the University of  
10                 Wisconsin-Madison and the board of regents of the University of Wisconsin System,  
11                 related to wages, fringe benefits, hours, and conditions of employment whether or  
12                 not the matters contained in those statutes, rules, and policies are set forth in the  
13                 collective bargaining agreement.

14           **SECTION 221.** 111.93 (3) (b) of the statutes is repealed.

15           **SECTION 222.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is  
16           created to read:

17   **CHAPTER 111**

18   SUBCHAPTER VI

19                                 UNIVERSITY OF WISCONSIN SYSTEM

20                                 FACULTY AND ACADEMIC STAFF

21                                 LABOR RELATIONS

22                 **111.95 Declaration of policy.** The public policy of the state as to labor  
23                 relations and collective bargaining involving faculty and academic staff at the  
24                 University of Wisconsin System, in furtherance of which this subchapter is enacted,  
25                 is as follows:

**ASSEMBLY BILL 977**

1           (1) The people of the state of Wisconsin have a fundamental interest in  
2     developing harmonious and cooperative labor relations within the University of  
3     Wisconsin System.

4           (2) It recognizes that there are 3 major interests involved: that of the public,  
5     that of the employee, and that of the employer. These 3 interests are to a considerable  
6     extent interrelated. It is the policy of this state to protect and promote each of these  
7     interests with due regard to the rights of the others.

8           **111.96 Definitions.** In this subchapter:

9           (1) “Academic staff” means academic staff under s. 36.15, but does not include  
10    any individual who is appointed to a visiting faculty position.

11          (2) “Board” means the Board of Regents of the University of Wisconsin System.

12          (3) “Collective bargaining” means the performance of the mutual obligation of  
13    the state as an employer, by its officers and agents, and the representatives of its  
14    employees, to meet and confer at reasonable times, in good faith, with respect to the  
15    subjects of bargaining provided in s. 111.998 with the intention of reaching an  
16    agreement, or to resolve questions arising under such an agreement. The duty to  
17    bargain, however, does not compel either party to agree to a proposal or require the  
18    making of a concession. Collective bargaining includes the reduction of any  
19    agreement reached to a written and signed document.

20          (4) “Collective bargaining unit” means a unit established under s. 111.98 (1).

21          (5) “Commission” means the employment relations commission.

22          (5m) “Division” means the division of personnel management in the  
23    department of administration.

**ASSEMBLY BILL 977**

1           **(6)** “Election” means a proceeding conducted by the commission in which the  
2 employees in a collective bargaining unit cast a secret ballot for collective bargaining  
3 representatives, or for any other purpose specified in this subchapter.

4           **(7)** “Employee” includes:

5           (a) All faculty, including faculty who are supervisors or management  
6 employees, but not including faculty holding a limited appointment under s. 36.17  
7 or deans.

8           (b) All academic staff, except for supervisors, management employees, and  
9 individuals who are privy to confidential matters affecting the employer-employee  
10 relationship.

11           **(8)** “Employer” means the state of Wisconsin.

12           **(9)** “Faculty” means faculty under s. 36.05 (8), except for an individual holding  
13 an appointment under s. 36.15.

14           **(10)** “Fair-share agreement” means an agreement between the employer and  
15 a labor organization representing employees under which all of the employees in a  
16 collective bargaining unit are required to pay their proportionate share of the cost  
17 of the collective bargaining process and contract administration measured by the  
18 amount of dues uniformly required of all members.

19           **(11)** “Institution” has the meaning given in s. 36.05 (9).

20           **(12)** “Labor dispute” means any controversy with respect to the subjects of  
21 bargaining provided in this subchapter.

22           **(13)** “Labor organization” means any employee organization whose purpose is  
23 to represent employees in collective bargaining with the employer, or its agents, on  
24 matters pertaining to terms and conditions of employment, but does not include any  
25 organization that does any of the following:

**ASSEMBLY BILL 977**

1 (a) Advocates the overthrow of the constitutional form of government in the  
2 United States.

3 (b) Discriminates with regard to the terms or conditions of membership  
4 because of race, color, creed, sex, age, sexual orientation, or national origin.

5 (14) "Maintenance of membership agreement" means an agreement between  
6 the employer and a labor organization representing employees that requires that all  
7 of the employees whose dues are being deducted from earnings under s. 20.921 (1)  
8 or 111.992 (1) (c) at or after the time the agreement takes effect continue to have dues  
9 deducted for the duration of the agreement and that dues be deducted from the  
10 earnings of all employees who are hired on or after the effective date of the  
11 agreement.

12 (15) "Management employees" includes those personnel engaged  
13 predominately in executive and managerial functions.

14 (17) "Referendum" means a proceeding conducted by the commission in which  
15 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit  
16 may cast a secret ballot on the question of directing the labor organization and the  
17 employer to enter into a fair-share agreement or to terminate a fair-share  
18 agreement.

19 (18) "Representative" includes any person chosen by an employee to represent  
20 the employee.

21 (19) "Strike" includes any strike or other concerted stoppage of work by  
22 employees, any concerted slowdown or other concerted interruption of operations or  
23 services by employees, or any concerted refusal to work or perform their usual duties  
24 as employees of the state.

**ASSEMBLY BILL 977**

1           **(20)** “Supervisor” means any individual whose principal work is different from  
2 that of the individual’s subordinates and who has authority, in the interest of the  
3 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,  
4 reward, or discipline employees, or to adjust their grievances, or to authoritatively  
5 recommend such action, if the individual’s exercise of such authority is not of a  
6 merely routine or clerical nature, but requires the use of independent judgment.

7           **(21)** “Unfair labor practice” means any unfair labor practice specified in s.  
8 111.991.

9           **111.965 Duties of the state.** **(1)** (a) In the furtherance of this subchapter, the  
10 state shall be considered as a single employer. With respect to a collective bargaining  
11 unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall negotiate and  
12 administer collective bargaining agreements. To coordinate the employer position  
13 in the negotiation of agreements, the board shall maintain close liaison with the  
14 division relative to the negotiation of agreements and the fiscal ramifications of those  
15 agreements. The board shall coordinate its collective bargaining activities with the  
16 division. The legislative branch shall act upon those portions of tentative  
17 agreements negotiated by the board that require legislative action.

18           (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to  
19 (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall  
20 represent the state in its responsibility as an employer under this subchapter. The  
21 board shall coordinate its actions with the administrator of the division.

22           **(2m)** (a) With respect to a collective bargaining unit specified in s. 111.98 (1)  
23 (a) or (j), the University of Wisconsin-Madison shall negotiate and administer  
24 collective bargaining agreements. To coordinate the employer position in the  
25 negotiation of agreements, the University of Wisconsin-Madison shall maintain

**ASSEMBLY BILL 977**

1 close liaison with the division relative to the negotiation of agreements and the fiscal  
2 ramifications of those agreements. The University of Wisconsin-Madison shall  
3 coordinate its collective bargaining activities with the division. The legislative  
4 branch shall act upon those portions of tentative agreements negotiated by the  
5 University of Wisconsin-Madison that require legislative action.

6 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or  
7 (j), the University of Wisconsin-Madison shall establish a collective bargaining  
8 capacity and shall represent the state in its responsibility as an employer under this  
9 subchapter. The University of Wisconsin-Madison shall coordinate its actions with  
10 the administrator of the division.

11 **111.97 Rights of employees.** Employees have the right of self-organization  
12 and the right to form, join, or assist labor organizations, to bargain collectively  
13 through representatives of their own choosing under this subchapter, and to engage  
14 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
15 aid or protection. Employees also have the right to refrain from any such activities.

16 **111.98 Collective bargaining units. (1)** Collective bargaining units for  
17 faculty and staff are structured with a collective bargaining unit for each of the  
18 following groups:

- 19 (a) Faculty of the University of Wisconsin-Madison.  
20 (b) Faculty of the University of Wisconsin-Milwaukee.  
21 (c) Faculty of the University of Wisconsin-Extension.  
22 (cm) Faculty of the University of Wisconsin-Eau Claire.  
23 (d) Faculty of the University of Wisconsin-Green Bay.  
24 (dm) Faculty of the University of Wisconsin-La Crosse.  
25 (e) Faculty of the University of Wisconsin-Oshkosh.

**ASSEMBLY BILL 977**

- 1 (em) Faculty of the University of Wisconsin-Parkside.
- 2 (f) Faculty of the University of Wisconsin-Platteville.
- 3 (fm) Faculty of the University of Wisconsin-River Falls.
- 4 (g) Faculty of the University of Wisconsin-Stevens Point.
- 5 (gm) Faculty of the University of Wisconsin-Stout.
- 6 (h) Faculty of the University of Wisconsin-Superior.
- 7 (hm) Faculty of the University of Wisconsin-Whitewater.
- 8 (i) Faculty of the University of Wisconsin Colleges.
- 9 (j) Academic staff of the University of Wisconsin-Madison.
- 10 (jk) Academic staff employed at the University of Wisconsin System  
11 administration.
- 12 (jm) Academic staff of the University of Wisconsin-Milwaukee.
- 13 (k) Academic staff of the University of Wisconsin-Extension.
- 14 (km) Academic staff of the University of Wisconsin-Eau Claire.
- 15 (L) Academic staff of the University of Wisconsin-Green Bay.
- 16 (Lm) Academic staff of the University of Wisconsin-La Crosse.
- 17 (n) Academic staff of the University of Wisconsin-Oshkosh.
- 18 (nm) Academic staff of the University of Wisconsin-Parkside.
- 19 (o) Academic staff of the University of Wisconsin-Platteville.
- 20 (om) Academic staff of the University of Wisconsin-River Falls.
- 21 (p) Academic staff of the University of Wisconsin-Stevens Point.
- 22 (pm) Academic staff of the University of Wisconsin-Stout.
- 23 (q) Academic staff of the University of Wisconsin-Superior.
- 24 (qm) Academic staff of the University of Wisconsin-Whitewater.
- 25 (r) Academic staff of the University of Wisconsin Colleges.

**ASSEMBLY BILL 977**

1           (2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described  
2 under sub. (1) (b) to (i) or (jk) to (r) may be combined into a single unit or the collective  
3 bargaining units described under sub. (1) (a) and (j) may be combined into a single  
4 unit. If 2 or more collective bargaining units seek to combine into a single collective  
5 bargaining unit, the commission shall, upon the petition of at least 30 percent of the  
6 employees in each unit, hold an election, or include on any ballot for an election held  
7 under s. 111.990 (2) the question of whether to combine units, to determine whether  
8 a majority of those employees voting in each unit desire to combine into a single unit.  
9 A combined collective bargaining unit shall be formed including all employees from  
10 each of those units in which a majority of the employees voting in the election approve  
11 a combined unit. The collective bargaining units shall be combined immediately  
12 unless there is an existing collective bargaining agreement in force in any of the units  
13 to be combined and then the collective bargaining units shall be combined upon  
14 expiration of the last agreement for the units concerned.

15           (b) If 2 or more collective bargaining units have combined under par. (a), the  
16 commission shall, upon petition of at least 30 percent of the employees in any of the  
17 original units, hold an election of the employees in the original unit to determine  
18 whether the employees in that unit desire to withdraw from the combined collective  
19 bargaining unit. If a majority of the employees voting desire to withdraw from the  
20 combined collective bargaining unit, separate units consisting of the unit in which  
21 the election was held and a unit composed of the remainder of the combined unit shall  
22 be formed. The new collective bargaining units shall be formed immediately unless  
23 there is a collective bargaining agreement in force for the combined unit and then the  
24 new units shall be formed upon the expiration of the agreement. While there is a  
25 collective bargaining agreement in force for the combined collective bargaining unit,



**ASSEMBLY BILL 977**

1 a petition for an election under this paragraph may be filed only during October in  
2 the calendar year prior to the expiration of the agreement.

3 (4) Any labor organization may petition for recognition as the exclusive  
4 representative of a collective bargaining unit described under sub. (1) or (2) in  
5 accordance with the election procedures under s. 111.990 if the petition is  
6 accompanied by a 30 percent showing of interest in the form of signed authorization  
7 cards. Any additional labor organization seeking to appear on the ballot must file  
8 a petition within 60 days of the date of filing of the original petition and prove,  
9 through signed authorization cards, that at least 10 percent of the employees in the  
10 collective bargaining unit want it to be their representative.

11 (5) Although academic staff supervisors are not considered employees for the  
12 purpose of this subchapter, the commission may consider a petition for a statewide  
13 collective bargaining unit consisting of academic staff supervisors, but the  
14 representative of the supervisors may not be affiliated with any labor organization  
15 representing employees. For purposes of this subsection, affiliation does not include  
16 membership in a national, state, county, or municipal federation of national or  
17 international labor organizations. The certified representative of the supervisors  
18 may not bargain collectively with respect to any matter other than wages and fringe  
19 benefits.

20 **111.990 Representatives and elections.** (1) A representative chosen for the  
21 purposes of collective bargaining by a majority of the employees voting in a collective  
22 bargaining unit is the exclusive representative of all of the employees in such unit  
23 for the purposes of collective bargaining. Any individual employee, or any minority  
24 group of employees in any collective bargaining unit, may present any grievance to  
25 the employer in person, or through representatives of their own choosing, and the

**ASSEMBLY BILL 977**

1 employer shall confer with the individual employee or group of employees with  
2 respect to the grievance if the majority representative has been given the  
3 opportunity to be present at the conference. Any adjustment resulting from a  
4 conference may not be inconsistent with the conditions of employment established  
5 by the majority representative and the employer.

6 (2) (a) Whenever a question arises concerning the representation of employees  
7 in a collective bargaining unit, the commission shall determine the representation  
8 by taking a secret ballot of the employees and certifying in writing the results to the  
9 interested parties. There shall be included on any ballot for the election of  
10 representatives the names of all labor organizations having an interest in  
11 representing the employees participating in the election as indicated in petitions  
12 filed with the commission. The name of any existing representative shall be included  
13 on the ballot without the necessity of filing a petition. The commission may exclude  
14 from the ballot one who, at the time of the election, stands deprived of his or her rights  
15 under this subchapter by reason of a prior adjudication of his or her having engaged  
16 in an unfair labor practice. The ballot shall permit a vote against representation by  
17 anyone named on the ballot.

18 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit  
19 composed of employees who are members of the faculty or academic staff, whenever  
20 more than one representative qualifies to appear on the ballot, the ballot shall  
21 provide separate votes on 2 questions. The first question shall be: "Shall the  
22 employees of the .... (name of collective bargaining unit) participate in collective  
23 bargaining?" The 2nd question shall be: "If the employees of the .... (name of  
24 collective bargaining unit) elect to participate in collective bargaining, which labor  
25 organization do you favor to act as representative of the employees?" The 2nd

**ASSEMBLY BILL 977**

1 question may not include a choice for no representative. All employees in the  
2 collective bargaining unit may vote on both questions. Unless a majority of those  
3 employees voting in the election vote to participate in collective bargaining, no votes  
4 for a particular representative may be counted. If a majority of those employees  
5 voting in the election vote to participate in collective bargaining, the ballots for  
6 representatives shall be counted.

7 2. For elections in a collective bargaining unit composed of employees who are  
8 members of the faculty or academic staff, whenever more than one representative  
9 qualifies to appear on the ballot and a question of whether to combine collective  
10 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,  
11 the ballot shall provide separate votes on 3 questions and each ballot shall identify  
12 the collective bargaining unit to which each voter currently belongs. The first  
13 question shall be: "Shall the employees of the ... (name of the voter's current  
14 collective bargaining unit) participate in collective bargaining?" The 2nd question  
15 shall be: "Shall the employees of the ... (names of all of the collective bargaining  
16 units that qualify to appear on the ballot, including the name of the voter's current  
17 collective bargaining unit) combine to participate in collective bargaining?" The 3rd  
18 question shall be: "If the employees of the ... (name of the voter's current collective  
19 bargaining unit) elect to participate in collective bargaining, which labor  
20 organization do you favor to act as representative of the employees?" The 3rd  
21 question may not include a choice for no representative. All employees in the  
22 collective bargaining unit may vote on all questions. Unless a majority of those  
23 employees voting in the election vote to participate in collective bargaining, no votes  
24 for combination or for a particular representative may be counted. If a majority of  
25 those employees voting in the election vote to participate in collective bargaining, the

**ASSEMBLY BILL 977**

1 ballots for combination shall be counted. If the ballots for combination are counted  
2 and a majority of those employees voting from each collective bargaining unit listed  
3 in the 2nd question on the ballot vote to combine, then the ballots for representatives  
4 of the combined collective bargaining unit shall be counted. If the ballots for  
5 combination are counted and a majority of those employees voting from each  
6 collective bargaining unit listed in the 2nd question on the ballot do not vote to  
7 combine, then the ballots for representatives of each current collective bargaining  
8 unit shall be counted.

9 (c) The commission's certification of the results of any election is conclusive  
10 unless reviewed under s. 111.07 (8).

11 **(3)** Whenever an election has been conducted under sub. (2) in which the ballots  
12 for representatives have been counted but in which no named representative is  
13 favored by a majority of the employees voting, the commission may, if requested by  
14 a party to the proceeding within 30 days from the date of the certification of the  
15 results of the election, conduct a runoff election. In that runoff election, the  
16 commission shall drop from the ballot the name of the representative who received  
17 the least number of votes at the original election.

18 **(4)** While a collective bargaining agreement between a labor organization and  
19 an employer is in force under this subchapter, a petition for an election in the  
20 collective bargaining unit to which the agreement applies may be filed only during  
21 October in the calendar year prior to the expiration of that agreement. An election  
22 held under that petition may be held only if the petition is supported by proof that  
23 at least 30 percent of the employees in the collective bargaining unit desire a change  
24 or discontinuance of existing representation. Within 60 days of the time that an  
25 original petition is filed, another petition may be filed supported by proof that at least

**ASSEMBLY BILL 977**

1 10 percent of the employees in the same collective bargaining unit desire a different  
2 representative. If a majority of the employees in the collective bargaining unit vote  
3 for a change or discontinuance of representation by any named representative, the  
4 decision takes effect upon expiration of any existing collective bargaining agreement  
5 between the employer and the existing representative.

6 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an  
7 employer individually or in concert with others to do any of the following:

8 (a) Interfere with, restrain, or coerce employees in the exercise of their rights  
9 guaranteed under s. 111.97.

10 (b) Except as otherwise provided in this paragraph, initiate, create, dominate,  
11 or interfere with the formation or administration of any labor or employee  
12 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)  
13 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement  
14 System under ch. 40 and no action by the employer that is authorized by such a law  
15 is a violation of this paragraph unless an applicable collective bargaining agreement  
16 specifically prohibits the change or action. No such change or action affects the  
17 continuing duty to bargain collectively regarding the Wisconsin Retirement System  
18 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice  
19 for the employer to reimburse an employee at his or her prevailing wage rate for the  
20 time spent during the employee's regularly scheduled hours conferring with the  
21 employer's officers or agents and for attendance at commission or court hearings  
22 necessary for the administration of this subchapter.

23 (c) Encourage or discourage membership in any labor organization by  
24 discrimination in regard to hiring, tenure, or other terms or conditions of

**ASSEMBLY BILL 977**

1 employment. This paragraph does not apply to fair-share or maintenance of  
2 membership agreements.

3 (d) Refuse to bargain collectively on matters set forth in s. 111.998 with a  
4 representative of a majority of its employees in an appropriate collective bargaining  
5 unit. Whenever the employer has a good faith doubt as to whether a labor  
6 organization claiming the support of a majority of its employees in an appropriate  
7 collective bargaining unit does in fact have that support, it may file with the  
8 commission a petition requesting an election as to that claim. The employer is not  
9 considered to have refused to bargain until an election has been held and the results  
10 of the election are certified to the employer by the commission. A violation of this  
11 paragraph includes the refusal to execute a collective bargaining agreement  
12 previously orally agreed upon.

13 (e) Violate any collective bargaining agreement previously agreed upon by the  
14 parties with respect to wages, hours, and conditions of employment affecting the  
15 employees, including an agreement to arbitrate or to accept the terms of an  
16 arbitration award, when previously the parties have agreed to accept such award as  
17 final and binding upon them.

18 (f) Deduct labor organization dues from an employee's earnings, unless the  
19 employer has been presented with an individual order therefor, signed by the  
20 employee personally, and terminable by at least the end of any year of its life or  
21 earlier by the employee giving at least 30 but not more than 120 days' written notice  
22 of such termination to the employer and to the representative labor organization,  
23 except if there is a fair-share or maintenance of membership agreement in effect.  
24 The employer shall give notice to the labor organization of receipt of such notice of  
25 termination.

**ASSEMBLY BILL 977**

1           (g) Use any moneys received for any purpose to discourage; to train any  
2 supervisor, management employee, or other employee to discourage; or to contract  
3 with any person for the purposes of discouraging employees in the exercise of their  
4 rights guaranteed under s. 111.97.

5           **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board  
6 to implement changes in salaries or conditions of employment for members of the  
7 faculty or academic staff at one institution, and not for other members of the faculty  
8 or academic staff at another institution, but this may be done only if the differential  
9 treatment is based on comparisons with the compensation and working conditions  
10 of employees performing similar services for comparable higher education  
11 institutions or based upon other competitive factors.

12           **(2)** It is unfair practice for an employee individually or in concert with others  
13 to do any of the following:

14           (a) Coerce or intimidate an employee in the enjoyment of the employee's legal  
15 rights, including those guaranteed under s. 111.97.

16           (b) Coerce, intimidate, or induce any officer or agent of the employer to interfere  
17 with any of the employer's employees in the enjoyment of their legal rights including  
18 those guaranteed under s. 111.97 or engage in any practice with regard to its  
19 employees which would constitute an unfair labor practice if undertaken by the  
20 officer or agent on the officer's or agent's own initiative.

21           (c) Refuse to bargain collectively on matters specified in s. 111.998 with the  
22 authorized officer or agent of the employer that is the recognized or certified  
23 exclusive collective bargaining representative of employees in an appropriate  
24 collective bargaining unit. Such refusal to bargain shall include a refusal to execute  
25 a collective bargaining agreement previously orally agreed upon.

**ASSEMBLY BILL 977**

1 (d) Violate the provisions of any written agreement with respect to terms and  
2 conditions of employment affecting employees, including an agreement to arbitrate  
3 or to accept the terms of an arbitration award, when previously the parties have  
4 agreed to accept such awards as final and binding upon them.

5 (e) Engage in, induce, or encourage any employees to engage in a strike or a  
6 concerted refusal to work or perform their usual duties as employees.

7 (f) Coerce or intimidate a supervisory employee, officer, or agent of the  
8 employer, working at the same trade or profession as the employer's employees, to  
9 induce the person to become a member of or act in concert with the labor organization  
10 of which the employee is a member.

11 **(3)** It is an unfair labor practice for any person to do or cause to be done on  
12 behalf of or in the interest of employers or employees, or in connection with or to  
13 influence the outcome of any controversy as to employment relations, any act  
14 prohibited by subs. (1) and (2).

15 **(3m)** This section does not interfere with a faculty member's right of academic  
16 freedom.

17 **(4)** Any controversy concerning unfair labor practices may be submitted to the  
18 commission as provided in s. 111.07, except that the commission shall schedule a  
19 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after  
20 filing of a complaint, and notice shall be given to each party interested by service on  
21 the party personally, or by telegram, advising the party of the nature of the complaint  
22 and of the date, time, and place of hearing. The commission may appoint a substitute  
23 tribunal to hear unfair labor practice charges by either appointing a 3-member panel  
24 or submitting a 7-member panel to the parties and allowing each to strike 2 names.  
25 Any panel shall report its finding to the commission for appropriate action.



**ASSEMBLY BILL 977****111.992 Fair-share and maintenance of membership agreements. (1)**

1 (a) 1. No fair-share agreement is effective unless authorized by a referendum. The  
2 commission shall order a referendum whenever it receives a petition supported by  
3 proof that at least 30 percent of the employees, or supervisors specified in s. 111.98  
4 (5), in a collective bargaining unit desire that a fair-share agreement be entered into  
5 between the employer and a labor organization.  
6

7 2. For a fair-share agreement to be authorized, at least a majority of the eligible  
8 employees or supervisors voting in a referendum must vote in favor of the agreement.

9 (b) No maintenance of membership agreement may be effective unless  
10 authorized. For a maintenance of membership agreement to be authorized, the  
11 employer and the labor organization representing the employees must voluntarily  
12 agree to establish the maintenance of membership agreement.

13 (c) If a fair-share agreement is authorized in a referendum, the employer shall  
14 enter into a fair-share agreement with the labor organization named on the ballot  
15 in the referendum. If a maintenance of membership agreement is authorized under  
16 par. (b), the employer shall enter into the maintenance of membership agreement  
17 with the labor union that voluntarily agreed to establish the agreement. Each  
18 fair-share or maintenance of membership agreement shall require the employer to  
19 deduct the amount of dues as certified by the labor organization from the earnings  
20 of the employees or supervisors affected by the agreement and to pay the amount  
21 deducted to the labor organization. Unless the parties agree to an earlier date, a  
22 fair-share agreement takes effect 60 days after the commission certifies that the  
23 referendum vote authorized the fair-share agreement, and unless the parties agree  
24 to an earlier date a maintenance of membership agreement takes effect 60 days after  
25 the commission certifies that the parties have voluntarily agreed to establish the

**ASSEMBLY BILL 977**

1 maintenance of membership agreement. The employer shall be held harmless  
2 against any claims, demands, suits, and other forms of liability made by employees  
3 or supervisors or local labor organizations which may arise for actions the employer  
4 takes in compliance with this section. All such lawful claims, demands, suits, and  
5 other forms of liability are the responsibility of the labor organization entering into  
6 the agreement.

7 (d) Under each fair-share or maintenance of membership agreement, an  
8 employee or supervisor who has religious convictions against dues payments to a  
9 labor organization may request the labor organization to pay his or her dues to a  
10 charity mutually agreed upon by the employee or supervisor and the labor  
11 organization. Any dispute under this paragraph may be submitted to the  
12 commission for adjudication.

13 **(2)** (a) 1. Once authorized, a fair-share agreement continues, subject to the  
14 right of the employer or labor organization concerned to petition the commission to  
15 conduct a new referendum. If the commission receives a petition and finds that at  
16 least 30 percent of the employees or supervisors in the collective bargaining unit  
17 want to discontinue the fair-share agreement, the commission shall conduct a new  
18 referendum. If the continuance of the fair-share agreement is approved in the  
19 referendum by at least the percentage of eligible voting employees or supervisors  
20 required for its initial authorization, it shall continue, subject to the right of the  
21 employer or labor organization to later initiate a further vote following the procedure  
22 prescribed in this subsection. If the continuance of the fair-share agreement is not  
23 supported in any referendum, it terminates at the termination of the collective  
24 bargaining agreement, or one year from the date of the certification of the result of  
25 the referendum, whichever is earlier.

**ASSEMBLY BILL 977**

1           2. Once authorized, a maintenance of membership agreement is in effect,  
2           subject to the right of the employer or the labor organization concerned to notify the  
3           commission that it no longer voluntarily agrees to continue the agreement. After the  
4           commission is notified, the maintenance of membership agreement terminates at the  
5           termination of the collective bargaining agreement or one year from the notification,  
6           whichever is earlier.

7           (b) The commission shall suspend any fair-share or maintenance of  
8           membership agreement upon such conditions and for such time as the commission  
9           decides whenever it finds that the labor organization involved has refused on the  
10          basis of race, color, sexual orientation, or creed to receive as a member any employee  
11          or supervisor in the collective bargaining unit involved, and the agreement shall be  
12          made subject to the findings and orders of the commission. Any of the parties to the  
13          agreement, or any employee or supervisor covered under the agreement, may come  
14          before the commission, as provided in s. 111.07, and petition the commission to make  
15          such a finding.

16          (3) A stipulation for a referendum executed by an employer and a labor  
17          organization may not be filed until after the representation election has been held  
18          and the results certified.

19          (4) The commission may, under rules adopted for that purpose, appoint as its  
20          agent an official of a state agency whose employees are entitled to vote in a  
21          referendum to conduct a referendum under this section.

22          **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the  
23          interpretation of a collective bargaining agreement may agree in writing to have the  
24          commission or any other appointing state agency serve as arbitrator or may

**ASSEMBLY BILL 977**

1 designate any other competent, impartial, and disinterested persons to so serve.  
2 Such arbitration proceedings shall be governed by ch. 788.

3 (2) The board shall charge an institution for the employer's share of the cost  
4 related to grievance arbitration under sub. (1) for any arbitration that involves one  
5 or more employees of the institution. Each institution charged shall pay the amount  
6 that the board charges from the appropriation account or accounts used to pay the  
7 salary of the grievant. Funds received under this subsection shall be credited to the  
8 appropriation account under s. 20.505 (1) (ks).

9 **111.994 Mediation.** The commission may appoint any competent, impartial,  
10 disinterested person to act as mediator in any labor dispute either upon its own  
11 initiative or upon the joint request of both parties to the dispute. It is the function  
12 of a mediator to bring the parties together voluntarily under such favorable  
13 conditions as will tend to effectuate settlement of the dispute, but neither the  
14 mediator nor the commission has any power of compulsion in mediation proceedings.

15 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable  
16 period of negotiation and after the settlement procedures, if any, established by the  
17 parties have been exhausted, the representative that has been certified by the  
18 commission after an election, as the exclusive representative of employees in an  
19 appropriate bargaining unit, and the employer, its officers, and agents, after a  
20 reasonable period of negotiation, are deadlocked with respect to any dispute between  
21 them arising in the collective bargaining process, either party, or the parties jointly,  
22 may petition the commission, in writing, to initiate fact-finding under this section,  
23 and to make recommendations to resolve the deadlock.

24 (2) Upon receipt of a petition to initiate fact-finding, the commission shall  
25 make an investigation with or without a formal hearing, to determine whether a

**ASSEMBLY BILL 977**

1 deadlock in fact exists. The commission shall certify the results of the investigation.  
2 If the commission decides that fact-finding should be initiated, it shall appoint a  
3 qualified, disinterested person or, when jointly requested by the parties, a 3-member  
4 panel to function as a fact finder.

5 (3) The fact finder may establish dates and place of hearings and shall conduct  
6 the hearings under rules established by the commission. Upon request, the  
7 commission shall issue subpoenas for hearings conducted by the fact finder. The fact  
8 finder may administer oaths. Upon completion of the hearing, the fact finder shall  
9 make written findings of fact and recommendations for solution of the dispute and  
10 shall cause the same to be served on the parties and the commission. In making  
11 findings and recommendations, the fact finder shall take into consideration among  
12 other pertinent factors the principles vital to the public interest in efficient and  
13 economical governmental administration. Upon the request of either party, the fact  
14 finder may orally present the recommendations in advance of service of the written  
15 findings and recommendations. Cost of fact-finding proceedings shall be divided  
16 equally between the parties. At the time the fact finder submits a statement of his  
17 or her costs to the parties, the fact finder shall submit a copy to the commission at  
18 its Madison office.

19 (4) A fact finder may mediate a dispute at any time prior to the issuance of the  
20 fact finder's recommendations.

21 (5) Within 30 days of the receipt of the fact finder's recommendations or within  
22 a time mutually agreed upon by the parties, each party shall advise the other, in  
23 writing, as to the party's acceptance or rejection, in whole or in part, of the fact  
24 finder's recommendations and, at the same time, send a copy of the notification to

**ASSEMBLY BILL 977**

1 the commission at its Madison office. Failure to comply with this subsection, by the  
2 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

3 **111.996 Strike prohibited. (1)** Upon establishing that a strike is in progress,  
4 the employer may either seek an injunction or file an unfair labor practice charge  
5 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the  
6 board to decide whether to seek an injunction or file an unfair labor practice charge.  
7 The existence of an administrative remedy does not constitute grounds for denial of  
8 injunctive relief.

9 **(2)** The occurrence of a strike and the participation in the strike by an employee  
10 do not affect the rights of the employer, in law or in equity, to deal with the strike,  
11 including all of the following:

12 (a) The right to impose discipline, including discharge, or suspension without  
13 pay, of any employee participating in the strike.

14 (b) The right to cancel the reinstatement eligibility of any employee engaging  
15 in the strike.

16 (c) The right of the employer to request the imposition of fines, either against  
17 the labor organization or the employee engaging in the strike, or to sue for damages  
18 because of such strike activity.

19 **111.997 Management rights.** Nothing in this subchapter interferes with the  
20 right of the board or the University of Wisconsin–Madison, in accordance with this  
21 subchapter, to do any of the following:

22 **(1)** Carry out the statutory mandate and goals assigned to the board or to the  
23 University of Wisconsin–Madison by the most appropriate and efficient methods and  
24 means and utilize personnel in the most appropriate and efficient manner possible.

**ASSEMBLY BILL 977**

1           **(2)** Suspend, demote, discharge, or take other appropriate disciplinary action  
2 against the employee; or to lay off employees in the event of lack of work or funds or  
3 under conditions where continuation of such work would be inefficient and  
4 nonproductive.

5           **111.998 Subjects of bargaining.** **(1)** (a) Except as provided in pars. (b) to  
6 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe  
7 benefits consistent with sub. (2); and hours and conditions of employment.

8           (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to  
9 (i) or (jk) to (r), the board and, with respect to a collective bargaining unit specified  
10 in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison is not required to  
11 bargain on management rights under s. 111.997, except that procedures for the  
12 adjustment or settlement of grievances or disputes arising out of any type of  
13 disciplinary action in s. 111.997 (2) is a subject of bargaining.

14           (c) The board and the University of Wisconsin–Madison are prohibited from  
15 bargaining on matters contained in sub. (2).

16           (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all  
17 laws governing the Wisconsin Retirement System under ch. 40 and all actions of the  
18 board and of the University of Wisconsin–Madison that are authorized under any  
19 such law that apply to nonrepresented individuals employed by the state shall apply  
20 to similarly situated employees, unless otherwise specifically provided in a collective  
21 bargaining agreement that applies to those employees.

22           (e) Demands relating to retirement and group insurance shall be submitted to  
23 the board or to the University of Wisconsin–Madison, whichever is appropriate, at  
24 least one year prior to commencement of negotiations.

**ASSEMBLY BILL 977**

1 (f) Neither the board nor the University of Wisconsin-Madison is required to  
2 bargain on matters related to employee occupancy of houses or other lodging  
3 provided by the state.

4 (2) The board and the University of Wisconsin-Madison are prohibited from  
5 bargaining on all of the following:

6 (a) The mission and goals of the University of Wisconsin System as set forth  
7 in the statutes; the diminution of the right of tenure provided the faculty, the rights  
8 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the  
9 rights of appointment provided academic staff under s. 36.15; or academic freedom.

10 (b) Amendments to this subchapter.

11 (c) Family leave and medical leave rights below the minimum afforded under  
12 s. 103.10. Nothing in this paragraph prohibits bargaining on rights to family leave  
13 or medical leave which are more generous to the employee than the rights provided  
14 under s. 103.10.

15 (e) The rights of employees to have retirement benefits computed under s.  
16 40.30.

17 (f) Honesty testing requirements that provide fewer rights and remedies to  
18 employees than are provided under s. 111.37.

19 (g) The requirement under s. 40.05 (1) (b) that the employer may not pay, on  
20 behalf of that employee, any employee required contributions or the employee share  
21 of required contributions and the impact of this requirement on the wages, hours,  
22 and conditions of employment of that employee.

23 (gm) All costs and payments associated with health care coverage plans, except  
24 for the employee premium contribution, and the design and selection of health care  
25 coverage plans by the employer, and the impact of such costs and payments and the



**ASSEMBLY BILL 977**

1 design and selection of the health care coverage plans on the wages, hours, and  
2 conditions of employment of the employees.

3 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

4 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)  
5 to (8) and (10), 632.747, and 632.748.

6 (j) Compliance with the insurance requirements under s. 631.95.

7 (k) The definition of earnings under s. 40.02 (22).

8 (L) The maximum benefit limitations under s. 40.31.

9 (m) The limitations on contributions under s. 40.32.

10 (n) The provision to employees of the health insurance coverage required under  
11 s. 632.895 (11) to (14).

12 (o) The requirements related to coverage of and prior authorization for  
13 treatment of an emergency medical condition under s. 632.85.

14 (p) The requirements related to coverage of drugs and devices under s. 632.853.

15 (q) The requirements related to experimental treatment under s. 632.855.

16 (r) The requirements under s. 609.10 related to offering a point-of-service  
17 option plan.

18 (s) The requirements related to internal grievance procedures under s. 632.83  
19 and independent review of certain health benefit plan determinations under s.  
20 632.835.

21 **(3)** Upon request, the chancellor at each institution, or his or her designee,  
22 shall meet and confer with the collective bargaining representative, if any, with  
23 regard to any issue that is a permissive subject of bargaining, except when the issue  
24 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

**ASSEMBLY BILL 977**

1           **111.999 Labor proposals. (1)** With respect to a collective bargaining unit  
2 specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall notify and consult with  
3 the joint committee on employment relations, in such form and detail as the  
4 committee requests, regarding substantial changes in wages, employee benefits,  
5 personnel management, and program policy contract provisions to be included in any  
6 contract proposal to be offered to any labor organization by the state or to be agreed  
7 to by the state before such proposal is actually offered or accepted.

8           **(2)** With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or  
9 (j), the University of Wisconsin-Madison shall notify and consult with the joint  
10 committee on employment relations, in such form and detail as the committee  
11 requests, regarding substantial changes in wages, employee benefits, personnel  
12 management, and program policy contract provisions to be included in any contract  
13 proposal to be offered to any labor organization or to be agreed to before such proposal  
14 is actually offered or accepted.

15           **111.9991 Agreements. (1)** (a) Any tentative agreement reached between the  
16 board, acting for the state, and any labor organization representing a collective  
17 bargaining unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r) shall, after official  
18 ratification by the labor organization, be submitted by the board to the joint  
19 committee on employment relations, which shall hold a public hearing before  
20 determining its approval or disapproval.

21           (b) Any tentative agreement reached between the University of  
22 Wisconsin-Madison, acting for the state, and any labor organization representing a  
23 collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official  
24 ratification by the labor organization, be submitted by the University of

**ASSEMBLY BILL 977**

1 Wisconsin-Madison to the joint committee on employment relations, which shall  
2 hold a public hearing before determining its approval or disapproval.

3 (c) If the committee approves a tentative agreement under par. (a) or (b), it shall  
4 introduce in a bill or companion bills, to be put on the calendar or referred to the  
5 appropriate scheduling committee of each house, that portion of the tentative  
6 agreement which requires legislative action for implementation, such as salary and  
7 wage adjustments, changes in fringe benefits, and any proposed amendments,  
8 deletions, or additions to existing law. Such bill or companion bills are not subject  
9 to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however,  
10 submit suitable portions of the tentative agreement to appropriate legislative  
11 committees for advisory recommendations on the proposed terms. The committee  
12 shall accompany the introduction of such proposed legislation with a message that  
13 informs the legislature of the committee's concurrence with the matters under  
14 consideration and that recommends the passage of such legislation without change.  
15 If the joint committee on employment relations does not approve the tentative  
16 agreement, it shall be returned to the parties for renegotiation. If the legislature  
17 does not adopt without change that portion of the tentative agreement introduced by  
18 the joint committee on employment relations, the tentative agreement shall be  
19 returned to the parties for renegotiation.

20 (2) No portion of any tentative agreement shall become effective separately.

21 (3) Agreements shall coincide with the fiscal year or biennium.

22 (4) The negotiation of collective bargaining agreements and their approval by  
23 the parties should coincide with the overall fiscal planning and processes of the state.

24 (5) All compensation adjustments for employees shall be effective on the  
25 beginning date of the pay period nearest the statutory or administrative date.

**ASSEMBLY BILL 977**

1           **111.9992 Status of existing benefits and rights.** Unless a prohibited  
2 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),  
3 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules  
4 governing the salaries, fringe benefits, hours, and conditions of employment apply  
5 to each employee, unless otherwise provided in a collective bargaining agreement.

6           **111.9993 Rules, transcripts, fees. (1)** The commission may adopt  
7 reasonable and proper rules relative to the exercise of its powers and authority and  
8 proper rules to govern its proceedings and to regulate the conduct of all elections and  
9 hearings under this subchapter. The commission shall, upon request, provide a  
10 transcript of a proceeding to any party to the proceeding for a fee, established by rule,  
11 by the commission at a uniform rate per page. All transcript fees shall be credited  
12 to the appropriation account under s. 20.425 (1) (i).

13           **(2)** The commission shall assess and collect a filing fee for filing a complaint  
14 alleging that an unfair labor practice has been committed under s. 111.991. The  
15 commission shall assess and collect a filing fee for filing a request that the  
16 commission act as an arbitrator to resolve a dispute involving the interpretation or  
17 application of a collective bargaining agreement under s. 111.993. The commission  
18 shall assess and collect a filing fee for filing a request that the commission initiate  
19 fact-finding under s. 111.995. The commission shall assess and collect a filing fee  
20 for filing a request that the commission act as a mediator under s. 111.994. For the  
21 performance of commission actions under ss. 111.993, 111.994, and 111.995, the  
22 commission shall require that the parties to the dispute equally share in the payment  
23 of the fee and, for the performance of commission actions involving a complaint  
24 alleging that an unfair labor practice has been committed under s. 111.991, the  
25 commission shall require that the party filing the complaint pay the entire fee. If any

**ASSEMBLY BILL 977**

1 party has paid a filing fee requesting the commission to act as a mediator for a labor  
2 dispute and the parties do not enter into a voluntary settlement of the labor dispute,  
3 the commission may not subsequently assess or collect a filing fee to initiate  
4 fact-finding to resolve the same labor dispute. If any request concerns issues arising  
5 as a result of more than one unrelated event or occurrence, each such separate event  
6 or occurrence shall be treated as a separate request. The commission shall  
7 promulgate rules establishing a schedule of filing fees to be paid under this  
8 subsection. Fees required to be paid under this subsection shall be paid at the time  
9 of filing the complaint or the request for fact-finding, mediation, or arbitration. A  
10 complaint or request for fact-finding, mediation, or arbitration is not filed until the  
11 date such fee or fees are paid. Fees collected under this subsection shall be credited  
12 to the appropriation account under s. 20.425 (1) (i).

13 **SECTION 223.** 118.22 (4) of the statutes is created to read:

14 118.22 (4) A collective bargaining agreement may modify, waive, or replace any  
15 of the provisions of this section as they apply to teachers in the collective bargaining  
16 unit, but neither the employer nor the bargaining agent for the employees is required  
17 to bargain such modification, waiver, or replacement.

18 **SECTION 224.** 118.223 of the statutes is repealed.

19 **SECTION 225.** 118.23 (5) of the statutes is created to read:

20 118.23 (5) A collective bargaining agreement may modify, waive, or replace any  
21 of the provisions of this section as they apply to teachers in the collective bargaining  
22 unit, but neither the employer nor the bargaining agent for the employees is required  
23 to bargain such modification, waiver, or replacement.

24 **SECTION 226.** 118.245 of the statutes is repealed.

25 **SECTION 227.** 118.42 (3) (a) 4. of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           118.42 (3) (a) 4. Implement changes in administrative and personnel  
2 structures that are consistent with applicable collective bargaining agreements.

3           **SECTION 228.** 118.42 (5) of the statutes is amended to read:

4           118.42 (5) Nothing in this section alters or otherwise affects the rights or  
5 remedies afforded school districts and school district employees under federal or  
6 state law or under the terms of any applicable collective bargaining agreement.

7           **SECTION 229.** 119.04 (1) of the statutes is amended to read:

8           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
9 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
10 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,  
11 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
12 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
13 ~~118.223~~, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258,  
14 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,  
15 118.55, 118.56, 120.12 (2m), ~~(4m)~~, (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to  
16 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20,  
17 120.21 (3), and 120.25 are applicable to a 1st class city school district and board but  
18 not, unless explicitly provided in this chapter or in the terms of a contract, to the  
19 commissioner or to any school transferred to an opportunity schools and partnership  
20 program.

21           **SECTION 230.** 120.12 (4m) of the statutes is repealed.

22           **SECTION 231.** 120.12 (15) of the statutes is amended to read:

23           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
24 school day. The school board may differentiate between the various elementary and  
25 high school grades in scheduling the school day. This subsection does not eliminate

**ASSEMBLY BILL 977**

1 a school district's duty to bargain with the employee's collective bargaining  
2 representative over any calendaring proposal that is primarily related to wages,  
3 hours, or conditions of employment.

4 **SECTION 232.** 120.18 (1) (gm) of the statutes is amended to read:

5 120.18 (1) (gm) Payroll and related benefit costs for all school district  
6 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees  
7 shall be based upon the costs of wages of any collective bargaining agreements  
8 covering such employees for the previous school year. If, as of the time specified by  
9 the department for filing the report, the school district has not entered into a  
10 collective bargaining agreement for any portion of the previous school year with the  
11 recognized or certified representative of any of its employees and the school district  
12 and the representative have been required to submit final offers under s. 111.70 (4)  
13 (cm) 6., increased costs of wages limited to the lower of the school district's offer or  
14 the representative's offer shall be reflected in the report shall be equal to the  
15 maximum wage expenditure that is subject to collective bargaining under s. 111.70  
16 (4) (mb) 2. for the employees. The school district shall amend the annual report to  
17 reflect any change in such costs as a result of any ~~collective bargaining agreement~~  
18 ~~entered into~~ award or settlement under s. 111.70 (4) (cm) 6. between the date of filing  
19 the report and October 1. Any such amendment shall be concurred in by the certified  
20 public accountant licensed or certified under ch. 442 certifying the school district  
21 audit.

22 **SECTION 233.** 230.01 (3) of the statutes is amended to read:

23 230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
24 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

25 **SECTION 234.** 230.03 (3) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           230.03 (3) “Agency” means any board, commission, committee, council, or  
2 department in state government or a unit thereof created by the constitution or  
3 statutes if such board, commission, committee, council, department, unit, or the  
4 head thereof, is authorized to appoint subordinate staff by the constitution or  
5 statute, except the Board of Regents of the University of Wisconsin System, a  
6 legislative or judicial board, commission, committee, council, department, or unit  
7 thereof or an authority created under subch. II of ch. 114 or under ch. 52, 231, 232,  
8 233, 234, 237, 238, or 279. “Agency” does not mean any local unit of government or  
9 body within one or more local units of government that is created by law or by action  
10 of one or more local units of government.

11           **SECTION 235.** 230.046 (10) (a) of the statutes is amended to read:

12           230.046 (10) (a) Conduct off-the-job employee development and training  
13 programs relating to functions under this chapter or subch. V or VI of ch. 111.

14           **SECTION 236.** 230.10 (1) of the statutes is amended to read:

15           230.10 (1) Except as provided under sub. (2), the compensation plan provisions  
16 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~  
17 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~  
18 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~  
19 ~~relating to matters that are subject to bargaining under a collective bargaining~~  
20 ~~agreement that covers the employee, unless they are covered by a collective~~  
21 bargaining agreement under subch. V of ch. 111.

22           **SECTION 237.** 230.12 (3) (e) 1. of the statutes is amended to read:

23           230.12 (3) (e) 1. The administrator, after receiving recommendations from the  
24 board of regents and the chancellor of the University of Wisconsin-Madison, shall  
25 submit to the joint committee on employment relations a proposal for adjusting



**ASSEMBLY BILL 977**

1 compensation and employee benefits for University of Wisconsin System employees  
2 who are not included in a collective bargaining unit under subch. VI of ch. 111 for  
3 which a representative is certified. The proposal shall be based upon the competitive  
4 ability of the board of regents to recruit and retain qualified faculty and academic  
5 staff, data collected as to rates of pay for comparable work in other public services,  
6 universities and commercial and industrial establishments, recommendations of the  
7 board of regents and any special studies carried on as to the need for any changes in  
8 compensation and employee benefits to cover each year of the biennium. The  
9 proposal shall also take proper account of prevailing pay rates, costs and standards  
10 of living and the state's employment policies. The proposal for such pay adjustments  
11 may contain recommendations for across-the-board pay adjustments, merit or other  
12 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
13 shall apply to the process for approval of all pay adjustments for University of  
14 Wisconsin System employees. The proposal as approved by the joint committee on  
15 employment relations and the governor shall be based upon a percentage of the  
16 budgeted salary base for University of Wisconsin System employees. The amount  
17 included in the proposal for merit and adjustments other than across-the-board pay  
18 adjustments is available for discretionary use by the board of regents.

19 **SECTION 238.** 230.34 (1) (ar) of the statutes is amended to read:

20 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
21 status in class in the classified service and all employees who have served with the  
22 state as an assistant district attorney or an assistant state public defender for a  
23 continuous period of 12 months or more, except that for employees specified in s.  
24 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized  
25 or certified, or for employees specified in s. 111.81 (7) (b) or (c) in a collective

**ASSEMBLY BILL 977**

1 bargaining unit for which a representative is certified, if a collective bargaining  
2 agreement is in effect covering employees in the collective bargaining unit, the  
3 provisions of the collective bargaining agreement govern just cause and all aspects  
4 of the appeal procedure.

5 **SECTION 239.** 230.35 (1s) of the statutes is amended to read:

6 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
7 by the board of regents of the University of Wisconsin System who provide services  
8 for a charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,  
9 shall be determined by the governing board of the charter school established by  
10 contract under s. 118.40 (2r) (cm), 2013 stats., as approved by the chancellor of the  
11 University of Wisconsin-Parkside and subject to the terms of any collective  
12 bargaining agreement under subch. V of ch. 111 covering the instructional staff.

13 **SECTION 240.** 230.35 (2d) (e) of the statutes is amended to read:

14 230.35 (2d) (e) For employees who are included in a collective bargaining unit  
15 for which a representative is recognized or certified under subch. V or VI of ch. 111,  
16 this subsection shall apply unless otherwise provided in a collective bargaining  
17 agreement.

18 **SECTION 241.** 230.35 (3) (e) 6. of the statutes is amended to read:

19 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit  
20 for which a representative is recognized or certified under subch. V or VI of ch. 111,  
21 this paragraph shall apply unless otherwise provided in a collective bargaining  
22 agreement.

23 **SECTION 242.** 230.88 (2) (b) of the statutes is amended to read:

24 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an  
25 employee under this subchapter. However, nothing in this subchapter affects any

**ASSEMBLY BILL 977**

1 right of an employee to pursue a grievance procedure under a collective bargaining  
2 agreement under subch. V or VI of ch. 111, and if the division of equal rights  
3 determines that a grievance arising under such a collective bargaining agreement  
4 involves the same parties and matters as a complaint under s. 230.85, it shall order  
5 the arbitrator's final award on the merits conclusive as to the rights of the parties  
6 to the complaint, on those matters determined in the arbitration which were at issue  
7 and upon which the determination necessarily depended.

8 **SECTION 243.** 233.02 (1) (h) of the statutes is created to read:

9 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom  
10 shall be an employee or a representative of a labor organization recognized or  
11 certified to represent employees in one of the collective bargaining units specified in  
12 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor  
13 organization recognized or certified to represent employees in one of the collective  
14 bargaining units specified in s. 111.825 (1r).

15 **SECTION 244.** 233.02 (8) of the statutes is amended to read:

16 233.02 (8) The members of the board of directors shall annually elect a  
17 chairperson and may elect other officers as they consider appropriate. Eight voting  
18 members of the board of directors constitute a quorum for the purpose of conducting  
19 the business and exercising the powers of the authority, notwithstanding the  
20 existence of any vacancy. The members of the board of directors specified under sub.  
21 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995  
22 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote  
23 of a majority of the members present, unless the bylaws of the authority require a  
24 larger number.

25 **SECTION 245.** 233.03 (7) of the statutes is amended to read:

**ASSEMBLY BILL 977**

1           233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
2           9159 (4) and the duty to engage in collective bargaining with employees in a collective  
3           bargaining unit for which a representative is recognized or certified under subch. I  
4           of ch. 111, employ any agent, employee or special advisor that the authority finds  
5           necessary and fix his or her compensation and provide any employee benefits,  
6           including an employee pension plan.

7           **SECTION 246.** 233.10 (2) (intro.) of the statutes is amended to read:

8           233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to  
9           engage in collective bargaining with employees in a collective bargaining unit for  
10          which a representative is recognized or certified under subch. I of ch. 111, the  
11          authority shall establish any of the following:

12          **SECTION 247.** 281.75 (4) (b) 3. of the statutes is amended to read:

13          281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
14          233, 234, 237, or 238.

15          **SECTION 248.** 285.59 (1) (b) of the statutes is amended to read:

16          285.59 (1) (b) "State agency" means any office, department, agency, institution  
17          of higher education, association, society, or other body in state government created  
18          or authorized to be created by the constitution or any law which is entitled to expend  
19          moneys appropriated by law, including the legislature and the courts, the Wisconsin  
20          Housing and Economic Development Authority, the Bradley Center Sports and  
21          Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
22          Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
23          Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
24          Development Corporation, and the Wisconsin Health and Educational Facilities  
25          Authority.

**ASSEMBLY BILL 977**

1           **SECTION 249.** 704.31 (3) of the statutes is amended to read:

2           704.31 (3) This section does not apply to a lease to which a local professional  
3           baseball park district created under subch. III of ch. 229, the Wisconsin Quality  
4           Home Care Authority, or the Fox River Navigational System Authority is a party.

5           **SECTION 250.** 851.71 (4) of the statutes is amended to read:

6           851.71 (4) In counties having a population of 500,000 or more, the appointment  
7           under subs. (1) and (2) shall be made as provided in those subsections but the judges  
8           shall not remove the register in probate and deputy registers, except through charges  
9           for dismissal made and sustained under s. 63.10 or an applicable collective  
10          bargaining agreement.

11          **SECTION 251.** 904.085 (2) (a) of the statutes is amended to read:

12          904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation  
13          under s. 111.54, mediation under s. 111.11, 111.70 (4) ~~(eg)~~ ~~or~~ (cm) 3. or 111.87,  
14          mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655  
15          or s. 767.405, or any similar statutory, contractual or court-referred process  
16          facilitating the voluntary resolution of disputes. “Mediation” does not include  
17          binding arbitration or appraisal.

18          **SECTION 252.** 978.12 (1) (c) of the statutes is amended to read:

19          978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
20          employed outside the classified service. For purposes of salary administration, the  
21          administrator of the division of personnel management in the department of  
22          administration shall establish one or more classifications for assistant district  
23          attorneys in accordance with the classification or classifications allocated to  
24          assistant attorneys general. Except as provided in ss. 111.93 (3) ~~(b)~~ and 230.12 (10),  
25          the salaries of assistant district attorneys shall be established and adjusted in

**ASSEMBLY BILL 977**

1 accordance with the state compensation plan for assistant attorneys general whose  
2 positions are allocated to the classification or classifications established by the  
3 administrator of the division of personnel management in the department of  
4 administration.

5 **SECTION 253. Initial applicability.**

6 (1) This act first applies to an employee who is covered by a collective  
7 bargaining agreement under subchapter I, IV, or V of chapter 111 of the statutes that  
8 contains provisions inconsistent with this act on the day on which the agreement  
9 expires or is terminated, extended, modified, or renewed, whichever occurs first.

10 (END)