



1995 ASSEMBLY BILL 810

January 23, 1996 – Introduced by Representatives VRAKAS, GROTHMAN, SERATTI, OLSEN, F. LASEE, DUFF, OWENS and PLACHE, cosponsored by Senator ZIEN. Referred to Committee on Labor and Employment.

1 **AN ACT to renumber and amend** 111.81 (13); **to amend** 111.825 (5); and **to**
2 **create** 111.81 (13) (b) of the statutes; **relating to:** exclusion of certain legal
3 counsels from collective bargaining units under the state employment labor
4 relations act and permissible bargaining unit representatives.

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. Under the state employment labor relations act (SELRA), state employees in the classified service and assistant district attorneys, except management, supervisory, confidential and project employees, are included within collective bargaining units established by law. The employees in each unit may select a representative for purposes of collective bargaining. The state is required to bargain collectively with the representative of each unit, if any, concerning wages, hours, conditions of employment and fringe benefits, with certain exceptions. Employees who are included within a collective bargaining unit may be required to contribute to the cost of collective bargaining and contract administration through a “fair-share” or “maintenance of membership” agreement between the representative and the state. The state and the employees, individually or collectively, are prohibited from engaging in certain unfair labor practices. Employees are expressly prohibited from engaging in a strike. Under SELRA, a “management” employee includes any individual who is engaged predominantly in executive and managerial functions, and specifically includes division administrators, bureau directors and institutional heads, as well as individuals exercising similar functions, as determined by the employment relations commission.

This bill excludes from coverage under SELRA, in addition, any individual who serves as “chief legal counsel” or “deputy chief legal counsel” in a state agency within the executive branch, or any individual who exercises functions and responsibilities similar to such an individual, as determined by the commission. Because some of the

individuals who serve in these positions may already be excluded as management, supervisory or confidential employees, the bill does not affect all such positions.

2. Under current law, the employment relations commission has the authority to consider a petition for a statewide collective bargaining unit that consists of professional supervisors or for a statewide bargaining unit that consists of nonprofessional supervisors who are in the classified service. Representatives of these bargaining units, however, may not be affiliated with any labor organization that represents employees other than employees who are supervisors, management employees or individuals who are privy to confidential matters affecting the employer-employee relationship. Under current law, it is also specifically provided that affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. This bill eliminates that provision regarding the meaning of "affiliation".

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

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

1 **SECTION 1.** 111.81 (13) of the statutes is renumbered 111.81 (13) (intro.) and
2 amended to read:

3 111.81 **(13)** (intro.) "Management" includes ~~those personnel~~;

4 (a) Those individuals who are engaged predominately in executive and
5 managerial functions, including such officials as division administrators, bureau
6 directors, institutional heads and ~~employees~~ individuals exercising similar functions
7 and responsibilities as determined by the commission.

8 **SECTION 2.** 111.81 (13) (b) of the statutes is created to read:

9 111.81 **(13)** (b) Any individual who is designated by his or her appointing
10 authority as a chief legal counsel or deputy chief legal counsel and who serves in the
11 office of a constitutional officer specified in s. 15.02 (1) or in a department, as defined
12 in s. 15.01 (5), or an independent agency, as defined in s. 15.01 (9), or any individual
13 who exercises functions and responsibilities similar to such an individual, as
14 determined by the commission.

1 **SECTION 3.** 111.825 (5) of the statutes is amended to read:

2 111.825 (5) Although supervisors are not considered employes for purposes of
3 this subchapter, the commission may consider a petition for a statewide collective
4 bargaining unit of professional supervisors or a statewide unit of nonprofessional
5 supervisors in the classified service, but the representative of supervisors may not
6 be affiliated with any labor organization representing employes. ~~For purposes of this~~
7 ~~subsection, affiliation does not include membership in a national, state, county or~~
8 ~~municipal federation of national or international labor organizations.~~ The certified
9 representative of supervisors may not bargain collectively with respect to any matter
10 other than wages and fringe benefits as provided in s. 111.91 (1).

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(END)