

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/29/2001

Received By: champra

Wanted: Today

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**  
**Employ Pub - employee benefits**

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Collective bargaining for certain legislative employees

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**Instructions:**

Draft 2001 AB 180

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 06/29/2001	jdye 06/29/2001		_____			
/1			pgreensl 06/29/2001	_____	lrb_docadmin 06/29/2001	lrb_docadmin 06/29/2001	

FE Sent For:

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1?	champra	11/6/29 jld	by DS PS	by 1/29 PS/ST			

FE Sent For:

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2001

Date (time) needed \_\_\_\_\_

LRB b 1950, 1

**ADC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

RAC: jld:

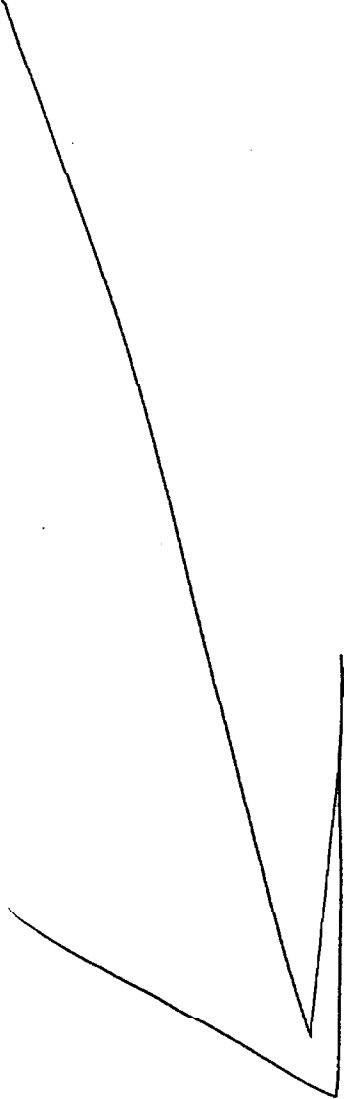
See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :



**ASSEMBLY BILL 180**

Under SELRA in current law, strikes are prohibited. Strikes constitute an unfair labor practice and may be enjoined by a court. Currently, strikes by covered legislative employees are not authorized, but no law specifically treats the matter.

“Fair-share” (agency shop) and “maintenance of membership” agreements similar to those currently provided for represented employees are authorized. Under an agency shop agreement, the state must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employees in the bargaining unit represented by that union, regardless of whether the employees are union members, and pay the total amount deducted to the union. Such an agreement requires the approval of two-thirds of the employees voting in a unit before it may take effect; it may also be discontinued according to a similar procedure.

Under a maintenance of membership agreement, the state must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employees in the bargaining unit who are members of the union, and all employees who are hired after the effective date of the agreement, and pay the total amount deducted to the union. A maintenance of membership agreement requires the approval of a majority of the employees voting in a unit before it may become effective, and may also be discontinued according to a similar procedure.

Currently, no employment relations act applies to legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, other individuals employed by the assembly and senate, and unclassified employees of all legislative service agencies. Although these employees may organize and join labor unions, the state is not required to recognize or bargain collectively with them by statute. The commission has no responsibility to conduct elections, mediate disputes, arbitrate grievances, or adjudicate alleged unfair labor practices involving these employees and their employer.

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:***

#. Page 9, line 19: after that line insert:

- 1            <sup>cc</sup> SECTION 13.20 (2) of the statutes is amended to read:  
                   ↑            L 102 r ← (3)
- 2            13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All Except where compensation
- 3            is a subject of bargaining with a certified representative of a collective bargaining
- 4            unit under s. 111.91, legislative employees shall be paid in accordance with the
- 5            compensation and classification plan for employees in the classified civil service
- 6            within ranges approved by the joint committee on legislative organization. The

## ASSEMBLY BILL 180

1 secretary of employment relations shall make recommendations concerning a  
 2 compensation and classification schedule for legislative employees if requested to do  
 3 so by the joint committee on legislative organization or by the committee on  
 4 organization of either house. If the joint committee does not approve pay ranges for  
 5 legislative employees, the committee on organization of either house may approve  
 6 pay ranges for its employees. Appointments shall be made for the legislative session,  
 7 unless earlier terminated by the appointing officer. )

*# Page 913, line 2: after that line insert:*  
 8 " SECTION ~~7.~~ 111.81 (7) (f) of the statutes is created to read:

9 111.81 (7) (f) Legislative policy research personnel, assistants to legislators,  
 10 research staff assigned to legislative committees and party caucuses, and other  
 11 individuals employed under s. 13.20, except supervisors, management employees,  
 12 and individuals who are privy to confidential matters affecting the  
 13 employer–employee relationship.

14 SECTION ~~3.~~ 111.81 (7) (g) of the statutes is created to read:

15 111.81 (7) (g) Employees of legislative service agencies, as defined in s. 16.70  
 16 (6), except supervisors, management employees, and individuals who are privy to  
 17 confidential matters affecting the employer–employee relationship.

18 SECTION ~~4.~~ 111.825 (1) (intro.) of the statutes is amended to read:

19 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
 20 collective bargaining, units must be structured in such a way as to avoid excessive  
 21 fragmentation whenever possible. In accordance with this policy, collective  
 22 bargaining units for employees in the classified service of the state, except for  
 23 employees in the collective bargaining units specified in s. 111.825 (1m), and for  
 24 employees in the unclassified service of the state specified in s. 111.81 (7) (f) and (g),

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SECTION 4

1 are structured on a statewide basis with one collective bargaining unit for each of the  
2 following occupational groups:

3 SECTION 5. 111.825 (2) (intro.) of the statutes is amended to read:

4 111.825 (2) (intro.) Collective Except as provided in sub. (1), collective  
5 bargaining units for employees in the unclassified service of the state shall be  
6 structured with one collective bargaining unit for each of the following groups:

7 SECTION 6. 111.84 (2) (c) of the statutes is amended to read:

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

16 SECTION 7. 111.91 (4) of the statutes is amended to read:

17 111.91 (4) The secretary of the department, in connection with the development  
18 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),  
19 shall endeavor to obtain tentative agreements with each recognized or certified labor  
20 organization representing employees or supervisors of employees specified in s.  
21 111.81 (7) (a) and with each certified labor organization representing employees  
22 specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) which do not contain any provision for the  
23 payment to any employee of a cumulative or noncumulative amount of compensation  
24 in recognition of or based on the period of time an employee has been employed by  
25 the state.

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1 SECTION 8 111.93 (2) of the statutes is amended to read:

2 111.93 (2) All civil service and other applicable statutes concerning wages,  
3 fringe benefits, hours and conditions of employment apply to employees specified in  
4 s. 111.81 (7) (a) who are not included in collective bargaining units for which a  
5 representative is recognized or certified and to employees specified in s. 111.81 (7)  
6 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a  
7 representative is certified.

*# Page 1006, line 13: after that line insert:*  
8 (c) SECTION 230.10 (2) of the statutes is amended to read:

9 230.10 (2) The compensation plan in effect at the time that a representative  
10 is recognized or certified to represent employees in a collective bargaining unit and  
11 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
12 that a representative is certified to represent employees in a collective bargaining  
13 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
14 and benefit provisions for employees in the collective bargaining unit until a  
15 collective bargaining agreement becomes effective for that unit. If a collective  
16 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
17 a subsequent agreement, and a representative continues to be recognized or certified  
18 to represent employees specified in s. 111.81 (7) (a) or certified to represent  
19 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,  
20 the wage rates of the employees in such a unit shall be frozen until a subsequent  
21 agreement becomes effective, and the compensation plan under s. 230.12 and salary  
22 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
23 unit.

*# Page 1007, line 14: after that line insert:*  
24 (c) SECTION 230.34 (1) (ar) of the statutes is amended to read:

*30 78 r*

