

1971 Assembly Bill 614

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CHAPTER 247, Laws of 1971

AN ACT to repeal 111.70 (4) (j); to amend 111.70 (1) (b) and (4) (b); and to create 111.70 (7) and 111.77 of the statutes, relating to settlement of municipal labor disputes involving certain law enforcement personnel and firefighters and providing a penalty for certain strikes.

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

SECTION 1. 111.70 (1) (b) and (4) (b) of the statutes are amended to read:

111.70 (1) (b) "Municipal employe" means any employe of a municipal employer ~~except city and village policemen, sheriff's deputies, and county traffic officers.~~

(4) (b) The commission may function as a mediator in disputes between municipal employes and their employers upon the request of both parties, and the parties may select a mediator by agreement or mutual consent. The commission may also function as a mediator on its own initiative under s. 111.77 (1) (e).

SECTION 2. 111.70 (4) (j) of the statutes is repealed.

SECTION 2m. 111.70 (7) of the statutes is created to read:

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

SECTION 3. 111.77 of the statutes is created to read:

111.77 SETTLEMENT OF DISPUTES IN COLLECTIVE BARGAINING UNITS COMPOSED OF LAW ENFORCEMENT PERSONNEL AND FIREFIGHTERS. In fire departments and city and county law enforcement agencies municipal employers and employes have the duty to bargain collectively in good faith including the duty to refrain from strikes or lockouts and to comply with the procedures set forth below:

(1) If a contract is in effect, the duty to bargain collectively means that a party to such contract shall not terminate or modify such contract unless the party desiring such termination or modification:

(a) Serves written notice upon the other party to the contract of the proposed termination or modification 180 days prior to the expiration date thereof or, if the contract contains no expiration date, 60 days prior to the time it is proposed to make such termination or modification. This paragraph shall not apply to negotiations initiated or occurring in 1971.

(b) Offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications.

(c) Notifies the commission within 30 days after the notice provided for in par. (a) of the existence of a dispute.

(d) Continues in full force and effect without resorting to strike or lockout all terms and conditions of the existing contract for a period of 60 days after such notice is given or until the expiration date of the contract, whichever occurs later.

(e) Participates in mediation sessions by the commission or its representatives if specifically requested to do so by the commission.

(f) Participates in procedures, including binding arbitration, agreed to between the parties.

(2) If there has never been a contract in effect, the union shall notify the commission within 30 days after the first demand upon the employer of the existence of a dispute provided no agreement is reached by that time, and in such case sub. (1) (b), (e) and (f) shall apply.

(3) If the parties have no procedures for the final disposition of the dispute and an impasse has been reached, either party may petition the commission to initiate compulsory final and binding arbitration of the dispute. On receipt of the petition, the commission shall investigate to determine if an impasse has been reached. If it so determines, it shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators. If the parties within 10 days after the issuance of the order have not selected an arbitrator or a board of arbitration, the commission shall then order each party to select one arbitrator, and if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the commission shall submit a list from which the parties may alternately strike names until a single name is left who shall be appointed by the commission as arbitrator. Costs of each party's appointee shall be paid by the party, and the costs of the proceedings otherwise shall be shared equally between the parties.

(4) There shall be 2 alternative forms of arbitration:

(a) Form 1. The arbitrator shall have the power to determine all issues in dispute involving wages, hours and conditions of employment.

(b) Form 2. Parties shall submit their final offer in effect at the time that the petition for final and binding arbitration was filed. Either party may amend its final offer within 5 days of the date of the hearing. The arbitrator shall select the final offer of one of the parties and shall issue an award incorporating that offer without modification.

(5) The proceedings shall be pursuant to form 2 unless the parties shall agree prior to the hearing that form 1 shall control.

(6) In reaching a decision the arbitrator shall give weight to the following factors:

(a) The lawful authority of the employer.

(b) Stipulations of the parties.

(c) The interests and welfare of the public and the financial ability of the unit of government to meet these costs.

(d) Comparison of the wages, hours and conditions of employment of the employes involved in the arbitration proceeding with the wages, hours and conditions of employment of other employes performing similar services and with other employes generally:

1. In public employment in comparable communities.

2. In private employment in comparable communities.

(e) The average consumer prices for goods and services, commonly known as the cost of living.

(f) The overall compensation presently received by the employes, including direct wage compensation, vacation, holidays and excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

(7) Proceedings, except as specifically provided in this section, shall be governed by ch. 298.

(8) This section shall not apply to police departments in cities having a population of 500,000 or more or municipalities having a population of 5,000 or less.

(9) Section 111.70 (4) (e), (f) and (g) shall not apply to employments covered by this section.

SECTION 4. This act shall be in effect until September 1, 1973, and after that date is void.