



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE AMENDMENT 36,
TO ASSEMBLY BILL 40**

June 20, 2013 – Offered by Senators ERPENBACH and RISSER.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 2: at the appropriate places, insert the following:

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

5 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
6 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
7 or 237.

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

9 7.33 (4) Except as otherwise provided in this subsection, each local
10 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
11 proper application under sub. (3), permit each of its employees to serve as an election
12 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
13 scheduled working hours during the period specified in sub. (3), without loss of pay

1 for scheduled working hours during the period specified in sub. (3) except as provided
2 in sub. (5), and without any other penalty. For employees who are included in a
3 collective bargaining unit for which a representative is recognized or certified under
4 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
5 collective bargaining agreement.

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

7 13.111 (2) DUTIES. The joint committee on employment relations shall perform
8 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
9 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923, and 40.05 (1) (b).

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

11 13.172 (1) In this section, “agency” means an office, department, agency,
12 institution of higher education, association, society, or other body in state
13 government created or authorized to be created by the constitution or any law, that
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
16 ch. 52, 231, 233, 234, 238, or 279.

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

18 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure, or
19 facility that is constructed for the benefit of or use of the state, any state agency,
20 board, commission, or department, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
22 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
23 or any local professional baseball park district created under subch. III of ch. 229 if
24 the construction is undertaken by the department of administration on behalf of the
25 district, shall be in compliance with all applicable state laws, rules, codes, and

1 regulations but the construction is not subject to the ordinances or regulations of the
2 municipality in which the construction takes place except zoning, including without
3 limitation because of enumeration ordinances or regulations relating to materials
4 used, permits, supervision of construction or installation, payment of permit fees, or
5 other restrictions.

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

7 13.62 (2) "Agency" means any board, commission, department, office, society,
8 institution of higher education, council, or committee in the state government, or any
9 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
10 233, 234, 237, 238, or 279, except that the term does not include a council or
11 committee of the legislature.

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

13 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
14 credentialing board, commission, independent agency, council, or office in the
15 executive branch of state government; all bodies created by the legislature in the
16 legislative or judicial branch of state government; any public body corporate and
17 politic created by the legislature including specifically the Wisconsin Quality Home
18 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
19 Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
20 Economic Development Corporation, a professional baseball park district, a local
21 professional football stadium district, a local cultural arts district, and a long-term
22 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
23 49; every provider of medical assistance under subch. IV of ch. 49; technical college
24 district boards; every county department under s. 51.42 or 51.437; every nonprofit
25 corporation or cooperative or unincorporated cooperative association to which

1 moneys are specifically appropriated by state law; and every corporation, institution,
2 association, or other organization which receives more than ~~50%~~ 50 percent of its
3 annual budget from appropriations made by state law, including subgrantee or
4 subcontractor recipients of such funds.

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

6 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
7 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
8 shall be strictly nonpartisan and shall at all times observe the confidential nature
9 of the research requests received by it; however, with the prior approval of the
10 requester in each instance, the bureau may duplicate the results of its research for
11 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
12 designated employees shall at all times, with or without notice, have access to all
13 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
14 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
15 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
16 Authority, the Wisconsin Economic Development Corporation, and the Fox River
17 Navigational System Authority, and to any books, records, or other documents
18 maintained by such agencies or authorities and relating to their expenditures,
19 revenues, operations, and structure.

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

21 16.002 (2) “Departments” means constitutional offices, departments, and
22 independent agencies and includes all societies, associations, and other agencies of
23 state government for which appropriations are made by law, but not including
24 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
25 233, 234, 237, 238, or 279.

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

2 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
5 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
6 and any other matter that in the secretary's judgment should be examined and may
7 interrogate the agency's employees publicly or privately relative thereto.

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

9 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
10 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
11 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
12 with the secretary and shall comply with every request of the secretary relating to
13 his or her functions.

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

15 16.004 (12) (a) In this subsection, "state agency" means an association,
16 authority, board, department, commission, independent agency, institution, office,
17 society, or other body in state government created or authorized to be created by the
18 constitution or any law, including the legislature, the office of the governor, and the
19 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
20 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
21 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
22 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
23 River Navigational System Authority.

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

1 16.045 (1) (a) “Agency” means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. 52, 231, 232, 233, 234, 237, 238, or 279.

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

8 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
9 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
10 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
11 Wisconsin Economic Development Corporation, and the Health Insurance
12 Risk-Sharing Plan Authority.

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

14 16.41 (4) In this section, “authority” means a body created under subch. II of
15 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

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

17 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
18 ch. 52, 231, 232, 233, 234, 237, 238, or 279.

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

20 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
21 the pay ranges prescribed in the compensation plan or as provided in a collective
22 bargaining agreement under subch. V or VI of ch. 111.

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

24 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
25 that is authorized to maintain a contingent fund under s. 20.920 may establish a

1 petty cash account from its contingent fund. The procedure for operation and
2 maintenance of petty cash accounts and the character of expenditures therefrom
3 shall be prescribed by the secretary. In this subsection, “agency” means an office,
4 department, independent agency, institution of higher education, association,
5 society, or other body in state government created or authorized to be created by the
6 constitution or any law, that is entitled to expend moneys appropriated by law,
7 including the legislature and the courts, but not including an authority created in
8 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

10 16.528 (1) (a) “Agency” means an office, department, independent agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
15 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

17 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
18 invoice, the agency shall notify the sender of the invoice within 10 working days after
19 it receives the invoice of the reason it is improperly completed. In this subsection,
20 “agency” means an office, department, independent agency, institution of higher
21 education, association, society, or other body in state government created or
22 authorized to be created by the constitution or any law, that is entitled to expend
23 moneys appropriated by law, including the legislature and the courts, but not
24 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
25 52, 231, 233, 234, 237, 238, or 279.

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

2 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, which
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
7 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

9 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.
10 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 237, or 279.

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

12 16.705 (3) The director of the office of state employment relations, prior to
13 award, under conditions established by rule of the department, shall review
14 contracts for contractual services in order to ensure that all agencies, except the
15 University of Wisconsin System, do all of the following:

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

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

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

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

22 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
25 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the

1 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
2 Entertainment Corporation shall include in all contracts executed by them a
3 provision obligating the contractor not to discriminate against any employee or
4 applicant for employment because of age, race, religion, color, handicap, sex, physical
5 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
6 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
7 orientation, obligating the contractor to take affirmative action to ensure equal
8 employment opportunities.

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

10 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
12 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
13 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
14 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
15 Entertainment Corporation shall include the following provision in every contract
16 executed by them: "In connection with the performance of work under this contract,
17 the contractor agrees not to discriminate against any employee or applicant for
18 employment because of age, race, religion, color, handicap, sex, physical condition,
19 developmental disability as defined in s. 51.01 (5), sexual orientation or national
20 origin. This provision shall include, but not be limited to, the following: employment,
21 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
22 termination; rates of pay or other forms of compensation; and selection for training,
23 including apprenticeship. Except with respect to sexual orientation, the contractor
24 further agrees to take affirmative action to ensure equal employment opportunities.
25 The contractor agrees to post in conspicuous places, available for employees and

1 applicants for employment, notices to be provided by the contracting officer setting
2 forth the provisions of the nondiscrimination clause”.”

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

4 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
7 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
8 the Bradley Center Sports and Entertainment Corporation shall take appropriate
9 action to revise the standard government contract forms under this section.

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

11 16.765 (5) The head of each contracting agency and the boards of directors of
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
13 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
14 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
15 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
16 Development Corporation, and the Bradley Center Sports and Entertainment
17 Corporation shall be primarily responsible for obtaining compliance by any
18 contractor with the nondiscrimination and affirmative action provisions prescribed
19 by this section, according to procedures recommended by the department. The
20 department shall make recommendations to the contracting agencies and the boards
21 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
22 River Navigational System Authority, the Wisconsin Aerospace Authority, the
23 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
24 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
25 Development Corporation, and the Bradley Center Sports and Entertainment

1 Corporation for improving and making more effective the nondiscrimination and
2 affirmative action provisions of contracts. The department shall promulgate such
3 rules as may be necessary for the performance of its functions under this section.

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

5 16.765 (6) The department may receive complaints of alleged violations of the
6 nondiscrimination provisions of such contracts. The department shall investigate
7 and determine whether a violation of this section has occurred. The department may
8 delegate this authority to the contracting agency, the University of Wisconsin
9 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
10 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
11 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
12 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
13 Sports and Entertainment Corporation for processing in accordance with the
14 department's procedures.

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

16 16.765 (7) (intro.) When a violation of this section has been determined by the
17 department, the contracting agency, the University of Wisconsin Hospitals and
18 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
19 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
20 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
21 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
22 Entertainment Corporation, the contracting agency, the University of Wisconsin
23 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
24 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
25 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care

1 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
2 Sports and Entertainment Corporation shall:

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

4 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
5 further violations of this section and to report its corrective action to the contracting
6 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
7 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
8 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
9 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
10 Development Corporation, or the Bradley Center Sports and Entertainment
11 Corporation.

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

13 16.765 (8) If further violations of this section are committed during the term
14 of the contract, the contracting agency, the Fox River Navigational System Authority,
15 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
16 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
17 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
18 Center Sports and Entertainment Corporation may permit the violating party to
19 complete the contract, after complying with this section, but thereafter the
20 contracting agency, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
22 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
23 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
24 Entertainment Corporation shall request the department to place the name of the
25 party on the ineligible list for state contracts, or the contracting agency, the Fox River

1 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
2 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
3 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
4 Development Corporation, or the Bradley Center Sports and Entertainment
5 Corporation may terminate the contract without liability for the uncompleted
6 portion or any materials or services purchased or paid for by the contracting party
7 for use in completing the 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 subch. III of ch. 149 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).

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 subch. III of ch. 149 or in ch.
9 52, 231, 232, 233, 234, 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.

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 (5) and (5m), 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

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.** 20.545 (1) (k) of the statutes is amended to read:

6 20.545 (1) (k) *General program operations.* The amounts in the schedule to
7 administer state employment relations functions and the civil service system under
8 ~~subch.~~ subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
9 to defray the expenses of the state employees suggestion board. All moneys received
10 from state agencies for materials and services provided by the office of state
11 employment relations shall be credited to this appropriation.

12 **SECTION 42.** 20.545 (1) (km) of the statutes is amended to read:

13 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
14 the schedule for the payment of the state's share of costs related to collective
15 bargaining grievance arbitrations under s. 111.86 and related to collective
16 bargaining grievance arbitrations under s. 111.993. All moneys received from state
17 agencies for the purpose of reimbursing the state's share of the costs related to
18 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
19 training related to grievance arbitrations, and all moneys received from institutions,
20 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
21 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
22 of costs for training related to grievance arbitrations shall be credited to this
23 appropriation account.

24 **SECTION 43.** 20.865 (1) (ci) of the statutes is amended to read:

1 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
2 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related
3 adjustments approved by the joint committee on employment relations under s.
4 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
5 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
6 for which a representative is certified under subch. V or VI of ch. 111, as determined
7 under s. 20.928, other than adjustments funded under par. (cj).

8 **SECTION 44.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
9 32, is amended to read:

10 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
11 *academic pay adjustments.* From the appropriate program revenue and program
12 revenue — service accounts, a sum sufficient to supplement the appropriations to the
13 University of Wisconsin System to pay the cost of pay and related adjustments
14 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
15 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
16 230.08 (2) (d) who are not included within a collective bargaining unit for which a
17 representative is certified under subch. V or VI of ch. 111, as determined under s.
18 20.928, other than adjustments funded under par. (cj).

19 **SECTION 45.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
22 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
23 to supplement the appropriations to the University of Wisconsin System to pay the
24 cost of pay and related adjustments approved by the joint committee on employment
25 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under

1 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
2 collective bargaining unit for which a representative is certified under subch. V or
3 VI of ch. 111, as determined under s. 20.928.

4 **SECTION 46.** 20.917 (3) (b) of the statutes is amended to read:

5 20.917 (3) (b) This subsection applies to employees in all positions in the civil
6 service, including those employees in positions included in collective bargaining
7 units under subch. V or VI of ch. 111, whether or not the employees are covered by
8 a collective bargaining agreement.

9 **SECTION 47.** 20.921 (1) (a) 2. of the statutes is amended to read:

10 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
11 ~~(15r),~~ payment Payment of dues to employee organizations.

12 **SECTION 48.** 20.921 (1) (b) of the statutes is amended to read:

13 20.921 (1) (b) Except as provided in s. ss. 111.06 (1) (c) and 111.84 (1) (f), the
14 request under par. (a) shall be made to the state agency or to the University of
15 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
16 directions and information prescribed by each state agency or by the authority. The
17 request may be withdrawn or the amount paid to the payee may be changed by
18 notifying the state agency or the authority to that effect, but no such withdrawal or
19 change shall affect a payroll certification already prepared.

20 **SECTION 49.** 20.923 (6) (intro.) of the statutes is amended to read:

21 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
22 following positions may be set by the appointing authority, subject to restrictions
23 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
24 where the salaries are a subject of bargaining with a certified representative of a
25 collective bargaining unit under s. 111.91 or 111.998:

1 **SECTION 50.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 36.09 (1) (j) Except where such matters are a subject of bargaining with a
4 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
5 board shall establish salaries for persons prior to July 1 of each year for the next fiscal
6 year, and shall designate the effective dates for payment of the new salaries. In the
7 first year of the biennium, payments of the salaries established for the preceding
8 year shall be continued until the biennial budget bill is enacted. If the budget is
9 enacted after July 1, payments shall be made following enactment of the budget to
10 satisfy the obligations incurred on the effective dates, as designated by the board, for
11 the new salaries, subject only to the appropriation of funds by the legislature and s.
12 20.928 (3). This paragraph does not limit the authority of the board to establish
13 salaries for new appointments. The board may not increase the salaries of employees
14 under this paragraph unless the salary increase conforms to the proposal as
15 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
16 salary inequities under par. (h), to fund job reclassifications or promotions, or to
17 recognize competitive factors. The granting of salary increases to recognize
18 competitive factors does not obligate inclusion of the annualized amount of the
19 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
20 No later than October 1 of each year, the board shall report to the joint committee
21 on finance and the secretary of administration and director of the office of state
22 employment relations concerning the amounts of any salary increases granted to
23 recognize competitive factors, and the institutions at which they are granted, for the
24 12-month period ending on the preceding June 30.

25 **SECTION 51.** 40.02 (25) (b) 8. of the statutes is amended to read:

1 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
2 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
3 under s. 230.12 or 233.10.

4 **SECTION 52.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

5 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
6 the contributions required by par. (a), but all the payments shall be available for
7 benefit purposes to the same extent as required contributions deducted from
8 earnings of the participating employees. Action to assume employee contributions
9 as provided under this paragraph shall be taken at the time and in the form
10 determined by the governing body of the participating employer. The state shall pay
11 under this paragraph for employees who are covered by a collective bargaining
12 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
13 are determined under s. 230.12 an amount equal to 4 percent of the earnings paid
14 by the state unless otherwise provided in a collective bargaining agreement under
15 subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The
16 University of Wisconsin Hospitals and Clinics Authority shall pay under this
17 paragraph for employees who are covered by a collective bargaining agreement
18 under subch. I of ch. 111 and for employees whose fringe benefits are determined
19 under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority
20 unless otherwise provided in a collective bargaining agreement under subch. I of ch.
21 111 or unless otherwise determined under s. 233.10. The state shall pay under this
22 paragraph for employees who are not covered by a collective bargaining agreement
23 under subch. V or VI of ch. 111 and for employees whose fringe benefits are not
24 determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the
25 state unless a different amount is recommended by the director of the office of state

1 employment relations and approved by the joint committee on employment relations
2 in the manner provided for approval of changes in the compensation plan under s.
3 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay
4 under this paragraph for its employees who are not covered by a collective bargaining
5 agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid
6 by the authority unless a different amount is established by the board of directors
7 of the authority under s. 233.10.

8 **SECTION 53.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

9 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining
10 agreement under s. 230.12 or 233.10 or subch. I, V, or VI of ch. 111, the employer shall
11 pay for its currently employed insured employees:

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

13 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
14 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
15 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,
16 upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25
17 (1) or upon termination of creditable service and qualifying as an eligible employee
18 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
19 he or she received while employed by the state, to credits for payment of health
20 insurance premiums on behalf of the employee or the employee's surviving insured
21 dependents. Any supplemental compensation that is paid to a state employee who
22 is classified under the state classified civil service as a teacher, teacher supervisor,
23 or education director for the employee's completion of educational courses that have
24 been approved by the employee's employer is considered as part of the employee's
25 basic pay for purposes of this paragraph. The full premium for any eligible employee

1 who is insured at the time of retirement, or for the surviving insured dependents of
2 an eligible employee who is deceased, shall be deducted from the credits until the
3 credits are exhausted and paid from the account under s. 40.04 (10), and then
4 deducted from annuity payments, if the annuity is sufficient. The department shall
5 provide for the direct payment of premiums by the insured to the insurer if the
6 premium to be withheld exceeds the annuity payment. Upon conversion of an
7 employee's unused sick leave to credits under this paragraph or par. (bf), the
8 employee or, if the employee is deceased, the employee's surviving insured
9 dependents may initiate deductions from those credits or may elect to delay
10 initiation of deductions from those credits, but only if the employee or surviving
11 insured dependents are covered by a comparable health insurance plan or policy
12 during the period beginning on the date of the conversion and ending on the date on
13 which the employee or surviving insured dependents later elect to initiate
14 deductions from those credits. If an employee or an employee's surviving insured
15 dependents elect to delay initiation of deductions from those credits, an employee or
16 the employee's surviving insured dependents may only later elect to initiate
17 deductions from those credits during the annual enrollment period under par. (be).
18 A health insurance plan or policy is considered comparable if it provides hospital and
19 medical benefits that are substantially equivalent to the standard health insurance
20 plan established under s. 40.52 (1).

21 **SECTION 55.** 40.05 (4) (bw) of the statutes is amended to read:

22 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
23 payment of health insurance premiums under par. (b), the department shall add
24 additional credits, calculated in the same manner as are credits under par. (b), that
25 are based on a state employee's accumulated sabbatical leave or earned vacation

1 leave from the state employee's last year of service prior to retirement, or both. The
2 department shall apply the credits awarded under this paragraph for the payment
3 of health insurance premiums only after the credits awarded under par. (b) are
4 exhausted. This paragraph applies only to state employees who are eligible for
5 accumulated unused sick leave conversion under par. (b) and who are entitled to the
6 benefits under this paragraph pursuant to a collective bargaining agreement under
7 subch. V or VI of ch. 111.

8 **SECTION 56.** 40.05 (4g) (a) 4. of the statutes is amended to read:

9 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
10 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
11 or under rules promulgated by the director of the office of state employment relations
12 or is eligible for reemployment with the state under s. 321.64 after completion of his
13 or her service in the U.S. armed forces.

14 **SECTION 57.** 40.05 (5) (intro.) of the statutes is amended to read:

15 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
16 continuation insurance provided under subch. V the employee shall pay the amount
17 remaining after the employer has contributed the following or, if different, the
18 amount determined under a collective bargaining agreement under subch. I, V, or VI
19 of ch. 111 or s. 230.12 or 233.10:

20 **SECTION 58.** 40.05 (5) (b) 4. of the statutes is amended to read:

21 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
22 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
23 and subch. I, V, or VI of ch. 111.

24 **SECTION 59.** 40.05 (6) (a) of the statutes is amended to read:

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

9 **SECTION 60.** 40.51 (7) (a) of the statutes is renumbered 40.51 (7) and amended
10 to read:

11 40.51 **(7)** Any employer, other than the state, including an employer that is not
12 a participating employer, may offer to all of its employees a health care coverage plan
13 through a program offered by the group insurance board. Notwithstanding sub. (2)
14 and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different
15 eligibility standards or contribution requirements for such employees and
16 employers. Beginning on January 1, 2012, except as otherwise provided in a
17 collective bargaining agreement under subch. IV of ch. 111 ~~and except as provided~~
18 ~~in par. (b)~~, an employer may not offer a health care coverage plan to its employees
19 under this subsection if the employer pays more than 88 percent of the average
20 premium cost of plans offered in any tier with the lowest employee premium cost
21 under this subsection.

22 **SECTION 61.** 40.51 (7) (b) of the statutes is repealed.

23 **SECTION 62.** 40.62 (2) of the statutes is amended to read:

24 40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules
25 of the department, any collective bargaining agreement under subch. I, V, or VI of

1 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
2 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

3 **SECTION 63.** 40.80 (3) of the statutes is amended to read:

4 40.80 (3) Any action taken under this section shall apply to employees covered
5 by a collective bargaining agreement under subch. V or VI of ch. 111.

6 **SECTION 64.** 40.81 (3) of the statutes is amended to read:

7 40.81 (3) Any action taken under this section shall apply to employees covered
8 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

9 **SECTION 65.** 40.95 (1) (a) 2. of the statutes is amended to read:

10 40.95 (1) (a) 2. The employee has his or her compensation established in a
11 collective bargaining agreement under subch. V or VI of ch. 111.

12 **SECTION 66.** 46.284 (4) (m) of the statutes is created to read:

13 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
14 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
15 directly by an enrollee and make any payroll deductions authorized by those
16 agreements.

17 **SECTION 67.** 46.2895 (8) (a) 1. of the statutes is amended to read:

18 46.2895 (8) (a) 1. If the long-term care district offers employment to any
19 individual who was previously employed by a county, which participated in creating
20 the district and at the time of the offer had not withdrawn or been removed from the
21 district under sub. (14), and who while employed by the county performed duties
22 relating to the same or a substantially similar function for which the individual is
23 offered employment by the district and whose wages, hours, and conditions of
24 employment were established in a collective bargaining agreement with the county
25 under subch. IV of ch. 111 that is in effect on the date that the individual commences

1 employment with the district, with respect to that individual, abide by the terms of
2 the collective bargaining agreement concerning the individual's wages and, if
3 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
4 allowance, funeral leave allowance, personal day allowance, or paid time off
5 allowance until the time of the expiration of that collective bargaining agreement or
6 adoption of a collective bargaining agreement with the district under subch. IV of ch.
7 111 covering the individual as an employee of the district, whichever occurs first.

8 **SECTION 68.** 46.2898 of the statutes is created to read:

9 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

17 c. A county in which the Program of All-Inclusive Care for the Elderly under
18 42 USC 1396u-4 is available.

19 d. A county in which the self-directed services option program under 42 USC
20 1396n (c) is available or in which a program operated under an amendment to the
21 state medical assistance plan under 42 USC 1396n (j) is available.

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

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

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

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

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

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

7 (dm) “Home care” means supportive home care, personal care, and other
8 nonprofessional services of a type that may be covered under a medical assistance
9 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
10 in meeting their daily living needs, ensuring adequate functioning in their homes,
11 and permitting safe access to their communities.

12 (e) “Provider” means an individual who is hired by a consumer to provide home
13 care to the consumer but does not include any of the following:

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

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

17 b. A personal care provider agency.

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

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

20 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
21 51.437.

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

24 (f) “Qualified provider” means a provider who meets the qualifications for
25 payment through the Family Care Program under s. 46.286, the Program for

1 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
2 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
3 waiver program operated under a waiver from the secretary of the federal
4 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
5 (b) and (c) and any qualification criteria established in the rules promulgated under
6 sub. (7) and who the authority determines is eligible for placement on the registry
7 maintained by the authority under s. 52.20 (1).

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

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

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

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

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

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

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

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

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

9 **(7) DEPARTMENT RULE MAKING.** The department may promulgate rules defining
10 terms, specifying which services constitute home care, establishing the qualification
11 criteria that apply under sub. (1) (f), and establishing procedures for implementation
12 of this section.

13 **SECTION 69.** 46.48 (9m) of the statutes is created to read:

14 46.48 **(9m) QUALITY HOME CARE.** The department shall award a grant to the
15 Wisconsin Quality Home Care Authority for the purpose of providing services to
16 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
17 grants to counties to facilitate transition to procedures established under s. 46.2898.

18 **SECTION 70.** 49.825 (3) (b) 4. of the statutes is created to read:

19 49.825 **(3) (b) 4.** The department may enter into a memorandum of
20 understanding, as described in s. 111.70 (3m), with the certified representative of the
21 county employees performing services under this section for the unit. If there is a
22 dispute as to hours or conditions of employment that remains between the
23 department and the certified representative after a good faith effort to resolve it, the
24 department may unilaterally resolve the dispute.

25 **SECTION 71.** 49.826 (3) (b) 4. of the statutes is created to read:

1 known as the “Wisconsin Quality Home Care Authority.” The members of the board
2 shall consist of the following members:

3 (a) The secretary of the department of health services or his or her designee.

4 (b) The secretary of the department of workforce development or his or her
5 designee.

6 (c) The following, to be appointed by the governor to serve 3-year terms:

7 1. One representative from the state assembly.

8 2. One representative from the state senate.

9 3. One representative of care management organizations.

10 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
11 51.42, or 51.437, selected from counties where the Family Care Program is not
12 available.

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

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

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

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

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

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

22 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
23 The executive committee shall consist of the chair of the board, the secretary of the
24 department of health services or his or her designee, the secretary of the department

1 of workforce development or his or her designee, and 3 persons selected from board
2 members appointed under sub. (1) (c) 9.

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

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

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

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

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

10 (6) QUORUM. A majority of the members of the board constitutes a quorum for
11 the purpose of conducting its business and exercising its powers and for all other
12 purposes, notwithstanding the existence of any vacancies. Action may be taken by
13 the board upon a vote of a majority of the members present. Meetings of the members
14 of the board may be held anywhere within the state.

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

22 (8) COMPENSATION. The members of the board are not entitled to compensation
23 for the performance of their duties. The authority may reimburse members of the
24 board for actual and necessary expenses incurred in the discharge of their official
25 duties as provided by the board.

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

4 **52.10 Powers of authority.** The authority shall have all the powers
5 necessary or convenient to carry out the purposes and provisions of this chapter and
6 s. 46.2898. In addition to all other powers granted the authority under this chapter,
7 the authority may:

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

10 **(2)** Employ, appoint, engage, compensate, transfer, or discharge necessary
11 personnel.

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

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

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

16 **(6)** Sue and be sued.

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

19 **(8)** Collect fees for its services.

20 **52.20 Duties of authority.** The authority shall:

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

24 **(2)** Determine the eligibility of individuals for placement on the registry. For
25 purposes of determining eligibility, the authority shall apply the criteria described

1 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
2 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
3 of placement on or removal of a provider from the registry consistent with the terms
4 of the medical assistance waiver programs, the Family Care Program, an
5 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
6 Program of All-Inclusive Care for the Elderly, as determined by the department.

7 (3) Comply with any conditions necessary for consumers receiving home care
8 services to receive federal medical assistance funding through a medical assistance
9 waiver program, the Family Care Program, an amendment to the state medical
10 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
11 Elderly.

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

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

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

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

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

1 **(9)** Inform consumers of the experience and qualifications of home care
2 providers on the registry and home care providers identified by consumers of home
3 care services for employment.

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

6 **(11)** Report annually to the governor on the number of home care providers on
7 the registry and the number of home care providers providing services under the
8 authority.

9 **(12)** Conduct activities to improve the supply and quality of home care
10 providers.

11 **52.30 Liability limited.** **(1)** The state, any political subdivision of the state,
12 or any officer, employee, or agent of the state or a political subdivision who is acting
13 within the scope of employment or agency is not liable for any debt, obligation, act,
14 or omission of the authority.

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

17 **52.40 Health data.** Any health data or identifying information collected by
18 the authority is collected for the purpose of government regulatory and management
19 functions.

20 **SECTION 73.** 59.875 (2) (a) of the statutes is renumbered 59.875 (2) and
21 amended to read:

22 59.875 **(2)** Beginning on July 1, 2011, in any employee retirement system of a
23 county, except as otherwise provided in a collective bargaining agreement entered
24 into under subch. IV of ch. 111 and ~~except as provided in par. (b)~~, employees shall pay
25 half of all actuarially required contributions for funding benefits under the

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

3 **SECTION 74.** 59.875 (2) (b) of the statutes is repealed.

4 **SECTION 75.** 62.623 (1) of the statutes is renumbered 62.623 and amended to
5 read:

6 **62.623 Payment of contributions in an employee retirement system of**
7 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of
8 a 1st class city, except as otherwise provided in a collective bargaining agreement
9 entered into under subch. IV of ch. 111 ~~and except as provided in sub. (2)~~, employees
10 shall pay all employee required contributions for funding benefits under the
11 retirement system. The employer may not pay on behalf of an employee any of the
12 employee's share of the required contributions.

13 **SECTION 76.** 62.623 (2) of the statutes is repealed.

14 **SECTION 77.** 66.0506 of the statutes is repealed.

15 **SECTION 78.** 66.0508 of the statutes is repealed.

16 **SECTION 79.** 66.0509 (1m) of the statutes is repealed.

17 **SECTION 80.** 70.11 (41s) of the statutes is created to read:

18 70.11 **(41s)** WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
19 the Wisconsin Quality Home Care Authority, provided that use of the property is
20 primarily related to the purposes of the authority.

21 **SECTION 81.** 71.26 (1) (be) of the statutes is amended to read:

22 71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin
23 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
24 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River

1 Navigational System Authority, of the Wisconsin Economic Development
2 Corporation, and of the Wisconsin Aerospace Authority.

3 **SECTION 82.** 73.03 (68) of the statutes is repealed.

4 **SECTION 83.** 77.54 (9a) (a) of the statutes is amended to read:

5 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
6 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
7 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
8 Authority, the Wisconsin Economic Development Corporation, and the Fox River
9 Navigational System Authority.

10 **SECTION 84.** 100.45 (1) (dm) of the statutes is amended to read:

11 100.45 (1) (dm) "State agency" means any office, department, agency,
12 institution of higher education, association, society, or other body in state
13 government created or authorized to be created by the constitution or any law which
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
16 Center Sports and Entertainment Corporation, the University of Wisconsin
17 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
18 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
19 Authority, the Wisconsin Economic Development Corporation, and the Fox River
20 Navigational System Authority.

21 **SECTION 85.** 109.03 (1) (b) of the statutes is amended to read:

22 109.03 (1) (b) School district and private school employees who voluntarily
23 request payment over a 12-month period for personal services performed during the
24 school year, unless, ~~with respect to private school employees, the~~ such employees are

1 covered under a valid collective bargaining agreement which precludes this method
2 of payment.

3 **SECTION 86.** Subchapter VI of chapter 111 of the statutes is created to read:

4 **CHAPTER 111**

5 **SUBCHAPTER VI**

6 **UNIVERSITY OF WISCONSIN SYSTEM**

7 **FACULTY AND ACADEMIC STAFF**

8 **LABOR RELATIONS**

9 **111.95 Declaration of policy.** The public policy of the state as to labor
10 relations and collective bargaining involving faculty and academic staff at the
11 University of Wisconsin System, in furtherance of which this subchapter is enacted,
12 is as follows:

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

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

20 **111.96 Definitions.** In this subchapter:

21 (1) "Academic staff" means academic staff under s. 36.15, but does not include
22 any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is
23 appointed to a visiting faculty position.

24 (2) "Board" means the Board of Regents of the University of Wisconsin System.

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

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

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

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

14 **(7)** “Employee” includes:

15 (a) All faculty, including faculty who are supervisors or management
16 employees, but not including faculty holding a limited appointment under s. 36.17
17 or deans.

18 (b) All academic staff, except for supervisors, management employees, and
19 individuals who are privy to confidential matters affecting the employer–employee
20 relationship.

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

22 **(9)** “Faculty” means faculty under s. 36.13, except for an individual holding an
23 appointment under s. 36.15.

24 **(10)** “Fair–share agreement” means an agreement between the employer and
25 a labor organization representing employees under which all of the employees in a

1 collective bargaining unit are required to pay their proportionate share of the cost
2 of the collective bargaining process and contract administration measured by the
3 amount of dues uniformly required of all members.

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

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

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

11 (a) Advocates the overthrow of the constitutional form of government in the
12 United States.

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

15 (14) “Maintenance of membership agreement” means an agreement between
16 the employer and a labor organization representing employees that requires that all
17 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
18 or 111.992 (1) (c) at or after the time the agreement takes effect continue to have dues
19 deducted for the duration of the agreement and that dues be deducted from the
20 earnings of all employees who are hired on or after the effective date of the
21 agreement.

22 (15) “Management employees” includes those personnel engaged
23 predominately in executive and managerial functions.

24 (16) “Office” means the office of state employment relations in the department
25 of administration.

1 **(17)** “Referendum” means a proceeding conducted by the commission in which
2 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
3 may cast a secret ballot on the question of directing the labor organization and the
4 employer to enter into a fair-share agreement or to terminate a fair-share
5 agreement.

6 **(18)** “Representative” includes any person chosen by an employee to represent
7 the employee.

8 **(19)** “Strike” includes any strike or other concerted stoppage of work by
9 employees, any concerted slowdown or other concerted interruption of operations or
10 services by employees, or any concerted refusal to work or perform their usual duties
11 as employees of the state.

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

18 **(21)** “Unfair labor practice” means any unfair labor practice specified in s.
19 111.991.

20 **111.965 Duties of the state.** (1) (a) In the furtherance of this subchapter, the
21 state shall be considered as a single employer. With respect to a collective bargaining
22 unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall negotiate and
23 administer collective bargaining agreements. To coordinate the employer position
24 in the negotiation of agreements, the board shall maintain close liaison with the
25 office relative to the negotiation of agreements and the fiscal ramifications of those

1 agreements. The board shall coordinate its collective bargaining activities with the
2 office. The legislative branch shall act upon those portions of tentative agreements
3 negotiated by the board that require legislative action.

4 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
5 (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall
6 represent the state in its responsibility as an employer under this subchapter. The
7 board shall coordinate its actions with the director of the office.

8 **(2m)** (a) With respect to a collective bargaining unit specified in s. 111.98 (1)
9 (a) or (j), the University of Wisconsin-Madison shall negotiate and administer
10 collective bargaining agreements. To coordinate the employer position in the
11 negotiation of agreements, the University of Wisconsin-Madison shall maintain
12 close liaison with the office relative to the negotiation of agreements and the fiscal
13 ramifications of those agreements. The University of Wisconsin-Madison shall
14 coordinate its collective bargaining activities with the office. The legislative branch
15 shall act upon those portions of tentative agreements negotiated by the University
16 of Wisconsin-Madison that require legislative action.

17 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
18 (j), the University of Wisconsin-Madison shall establish a collective bargaining
19 capacity and shall represent the state in its responsibility as an employer under this
20 subchapter. The University of Wisconsin-Madison shall coordinate its actions with
21 the director of the office.

22 **111.97 Rights of employees.** Employees have the right of self-organization
23 and the right to form, join, or assist labor organizations, to bargain collectively
24 through representatives of their own choosing under this subchapter, and to engage

1 in lawful, concerted activities for the purpose of collective bargaining or other mutual
2 aid or protection. Employees also have the right to refrain from any such activities.

3 **111.98 Collective bargaining units.** (1) Collective bargaining units for
4 faculty and staff are structured with a collective bargaining unit for each of the
5 following groups:

6 (a) Faculty of the University of Wisconsin-Madison.

7 (b) Faculty of the University of Wisconsin-Milwaukee.

8 (c) Faculty of the University of Wisconsin-Extension.

9 (cm) Faculty of the University of Wisconsin-Eau Claire.

10 (d) Faculty of the University of Wisconsin-Green Bay.

11 (dm) Faculty of the University of Wisconsin-La Crosse.

12 (e) Faculty of the University of Wisconsin-Oshkosh.

13 (em) Faculty of the University of Wisconsin-Parkside.

14 (f) Faculty of the University of Wisconsin-Platteville.

15 (fm) Faculty of the University of Wisconsin-River Falls.

16 (g) Faculty of the University of Wisconsin-Stevens Point.

17 (gm) Faculty of the University of Wisconsin-Stout.

18 (h) Faculty of the University of Wisconsin-Superior.

19 (hm) Faculty of the University of Wisconsin-Whitewater.

20 (i) Faculty of the University of Wisconsin Colleges.

21 (j) Academic staff of the University of Wisconsin-Madison.

22 (jk) Academic staff employed at the University of Wisconsin System
23 administration.

24 (jm) Academic staff of the University of Wisconsin-Milwaukee.

25 (k) Academic staff of the University of Wisconsin-Extension.

1 (km) Academic staff of the University of Wisconsin–Eau Claire.

2 (L) Academic staff of the University of Wisconsin–Green Bay.

3 (Lm) Academic staff of the University of Wisconsin–La Crosse.

4 (n) Academic staff of the University of Wisconsin–Oshkosh.

5 (nm) Academic staff of the University of Wisconsin–Parkside.

6 (o) Academic staff of the University of Wisconsin–Platteville.

7 (om) Academic staff of the University of Wisconsin–River Falls.

8 (p) Academic staff of the University of Wisconsin–Stevens Point.

9 (pm) Academic staff of the University of Wisconsin–Stout.

10 (q) Academic staff of the University of Wisconsin–Superior.

11 (qm) Academic staff of the University of Wisconsin–Whitewater.

12 (r) Academic staff of the University of Wisconsin Colleges.

13 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
14 under sub. (1) (b) to (i) or (jk) to (r) may be combined into a single unit or the collective
15 bargaining units described under sub. (1) (a) and (j) may be combined into a single
16 unit. If 2 or more collective bargaining units seek to combine into a single collective
17 bargaining unit, the commission shall, upon the petition of at least 30 percent of the
18 employees in each unit, hold an election, or include on any ballot for an election held
19 under s. 111.990 (2) the question of whether to combine units, to determine whether
20 a majority of those employees voting in each unit desire to combine into a single unit.
21 A combined collective bargaining unit shall be formed including all employees from
22 each of those units in which a majority of the employees voting in the election approve
23 a combined unit. The collective bargaining units shall be combined immediately
24 unless there is no existing collective bargaining agreement in force in any of the units

1 to be combined and then the collective bargaining units shall be combined upon
2 expiration of the last agreement for the units concerned.

3 (b) If 2 or more collective bargaining units have combined under par. (a), the
4 commission shall, upon petition of at least 30 percent of the employees in any of the
5 original units, hold an election of the employees in the original unit to determine
6 whether the employees in that unit desire to withdraw from the combined collective
7 bargaining unit. If a majority of the employees voting desire to withdraw from the
8 combined collective bargaining unit, separate units consisting of the unit in which
9 the election was held and a unit composed of the remainder of the combined unit shall
10 be formed. The new collective bargaining units shall be formed immediately unless
11 there is a collective bargaining agreement in force for the combined unit and then the
12 new units shall be formed upon the expiration of the agreement. While there is a
13 collective bargaining agreement in force for the combined collective bargaining unit,
14 a petition for an election under this paragraph may be filed only during October in
15 the calendar year prior to the expiration of the agreement.

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

24 (5) Although academic staff supervisors are not considered employees for the
25 purpose of this subchapter, the commission may consider a petition for a statewide

1 collective bargaining unit consisting of academic staff supervisors, but the
2 representative of the supervisors may not be affiliated with any labor organization
3 representing employees. For purposes of this subsection, affiliation does not include
4 membership in a national, state, county, or municipal federation of national or
5 international labor organizations. The certified representative of the supervisors
6 may not bargain collectively with respect to any matter other than wages and fringe
7 benefits.

8 **111.990 Representatives and elections.** (1) A representative chosen for the
9 purposes of collective bargaining by a majority of the employees voting in a collective
10 bargaining unit is the exclusive representative of all of the employees in such unit
11 for the purposes of collective bargaining. Any individual employee, or any minority
12 group of employees in any collective bargaining unit, may present any grievance to
13 the employer in person, or through representatives of their own choosing, and the
14 employer shall confer with the individual employee or group of employees with
15 respect to the grievance if the majority representative has been given the
16 opportunity to be present at the conference. Any adjustment resulting from a
17 conference may not be inconsistent with the conditions of employment established
18 by the majority representative and the employer.

19 (2) (a) Whenever a question arises concerning the representation of employees
20 in a collective bargaining unit, the commission shall determine the representation
21 by taking a secret ballot of the employees and certifying in writing the results to the
22 interested parties. There shall be included on any ballot for the election of
23 representatives the names of all labor organizations having an interest in
24 representing the employees participating in the election as indicated in petitions
25 filed with the commission. The name of any existing representative shall be included

1 on the ballot without the necessity of filing a petition. The commission may exclude
2 from the ballot one who, at the time of the election, stands deprived of his or her rights
3 under this subchapter by reason of a prior adjudication of his or her having engaged
4 in an unfair labor practice. The ballot shall permit a vote against representation by
5 anyone named on the ballot.

6 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
7 composed of employees who are members of the faculty or academic staff, whenever
8 more than one representative qualifies to appear on the ballot, the ballot shall
9 provide separate votes on 2 questions. The first question shall be: "Shall the
10 employees of the (name of collective bargaining unit) participate in collective
11 bargaining?" The 2nd question shall be: "If the employees of the (name of
12 collective bargaining unit) elect to participate in collective bargaining, which labor
13 organization do you favor to act as representative of the employees?" The 2nd
14 question may not include a choice for no representative. All employees in the
15 collective bargaining unit may vote on both questions. Unless a majority of those
16 employees voting in the election vote to participate in collective bargaining, no votes
17 for a particular representative may be counted. If a majority of those employees
18 voting in the election vote to participate in collective bargaining, the ballots for
19 representatives shall be counted.

20 2. For elections in a collective bargaining unit composed of employees who are
21 members of the faculty or academic staff, whenever more than one representative
22 qualifies to appear on the ballot and a question of whether to combine collective
23 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
24 the ballot shall provide separate votes on 3 questions and each ballot shall identify
25 the collective bargaining unit to which each voter currently belongs. The first

1 question shall be: "Shall the employees of the ... (name of the voter's current
2 collective bargaining unit) participate in collective bargaining?" The 2nd question
3 shall be: "Shall the employees of the ... (names of all of the collective bargaining
4 units that qualify to appear on the ballot, including the name of the voter's current
5 collective bargaining unit) combine to participate in collective bargaining?" The 3rd
6 question shall be: "If the employees of the ... (name of the voter's current collective
7 bargaining unit) elect to participate in collective bargaining, which labor
8 organization do you favor to act as representative of the employees?" The 3rd
9 question may not include a choice for no representative. All employees in the
10 collective bargaining unit may vote on all questions. Unless a majority of those
11 employees voting in the election vote to participate in collective bargaining, no votes
12 for combination or for a particular representative may be counted. If a majority of
13 those employees voting in the election vote to participate in collective bargaining, the
14 ballots for combination shall be counted. If the ballots for combination are counted
15 and a majority of those employees voting from each collective bargaining unit listed
16 in the 2nd question on the ballot vote to combine, then the ballots for representatives
17 of the combined collective bargaining unit shall be counted. If the ballots for
18 combination are counted and a majority of those employees voting from each
19 collective bargaining unit listed in the 2nd question on the ballot do not vote to
20 combine, then the ballots for representatives of each current collective bargaining
21 unit shall be counted.

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

24 **(3)** Whenever an election has been conducted under sub. (2) in which the ballots
25 for representatives have been counted but in which no named representative is

1 favored by a majority of the employees voting, the commission may, if requested by
2 a party to the proceeding within 30 days from the date of the certification of the
3 results of the election, conduct a runoff election. In that runoff election, the
4 commission shall drop from the ballot the name of the representative who received
5 the least number of votes at the original election.

6 (4) While a collective bargaining agreement between a labor organization and
7 an employer is in force under this subchapter, a petition for an election in the
8 collective bargaining unit to which the agreement applies may be filed only during
9 October in the calendar year prior to the expiration of that agreement. An election
10 held under that petition may be held only if the petition is supported by proof that
11 at least 30 percent of the employees in the collective bargaining unit desire a change
12 or discontinuance of existing representation. Within 60 days of the time that an
13 original petition is filed, another petition may be filed supported by proof that at least
14 10 percent of the employees in the same collective bargaining unit desire a different
15 representative. If a majority of the employees in the collective bargaining unit vote
16 for a change or discontinuance of representation by any named representative, the
17 decision takes effect upon expiration of any existing collective bargaining agreement
18 between the employer and the existing representative.

19 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
20 employer individually or in concert with others to do any of the following:

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

23 (b) Except as otherwise provided in this paragraph, initiate, create, dominate,
24 or interfere with the formation or administration of any labor or employee
25 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)

1 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
2 System under ch. 40 and no action by the employer that is authorized by such a law
3 is a violation of this paragraph unless an applicable collective bargaining agreement
4 specifically prohibits the change or action. No such change or action affects the
5 continuing duty to bargain collectively regarding the Wisconsin Retirement System
6 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
7 for the employer to reimburse an employee at his or her prevailing wage rate for the
8 time spent during the employee's regularly scheduled hours conferring with the
9 employer's officers or agents and for attendance at commission or court hearings
10 necessary for the administration of this subchapter.

11 (c) Encourage or discourage membership in any labor organization by
12 discrimination in regard to hiring, tenure, or other terms or conditions of
13 employment. This paragraph does not apply to fair-share or maintenance of
14 membership agreements.

15 (d) Refuse to bargain collectively on matters set forth in s. 111.998 with a
16 representative of a majority of its employees in an appropriate collective bargaining
17 unit. Whenever the employer has a good faith doubt as to whether a labor
18 organization claiming the support of a majority of its employees in an appropriate
19 collective bargaining unit does in fact have that support, it may file with the
20 commission a petition requesting an election as to that claim. The employer is not
21 considered to have refused to bargain until an election has been held and the results
22 of the election are certified to the employer by the commission. A violation of this
23 paragraph includes the refusal to execute a collective bargaining agreement
24 previously orally agreed upon.

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

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

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

18 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
19 to implement changes in salaries or conditions of employment for members of the
20 faculty or academic staff at one institution, and not for other members of the faculty
21 or academic staff at another institution, but this may be done only if the differential
22 treatment is based on comparisons with the compensation and working conditions
23 of employees performing similar services for comparable higher education
24 institutions or based upon other competitive factors.

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

3 (a) Coerce or intimidate an employee in the enjoyment of the employee’s legal
4 rights, including those guaranteed under s. 111.97.

5 (b) Coerce, intimidate, or induce any officer or agent of the employer to interfere
6 with any of the employer’s employees in the enjoyment of their legal rights including
7 those guaranteed under s. 111.97 or engage in any practice with regard to its
8 employees which would constitute an unfair labor practice if undertaken by the
9 officer or agent on the officer’s or agent’s own initiative.

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

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

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

21 (f) Coerce or intimidate a supervisory employee, officer, or agent of the
22 employer, working at the same trade or profession as the employer’s employees, to
23 induce the person to become a member of or act in concert with the labor organization
24 of which the employee is a member.

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

5 **(3m)** This section does not interfere with a faculty member's right of academic
6 freedom.

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

16 **111.992 Fair-share and maintenance of membership agreements. (1)**

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

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

24 (b) No maintenance of membership agreement may be effective unless
25 authorized. For a maintenance of membership agreement to be authorized, the

1 employer and the labor organization representing the employees must voluntarily
2 agree to establish the maintenance of membership agreement.

3 (c) If a fair-share agreement is authorized in a referendum, the employer shall
4 enter into a fair-share agreement with the labor organization named on the ballot
5 in the referendum. If a maintenance of membership agreement is authorized under
6 par. (b), the employer shall enter into the maintenance of membership agreement
7 with the labor union that voluntarily agreed to establish the agreement. Each
8 fair-share or maintenance of membership agreement shall require the employer to
9 deduct the amount of dues as certified by the labor organization from the earnings
10 of the employees or supervisors affected by the agreement and to pay the amount
11 deducted to the labor organization. Unless the parties agree to an earlier date, a
12 fair-share agreement takes effect 60 days after the commission certifies that the
13 referendum vote authorized the fair-share agreement, and unless the parties agree
14 to an earlier date a maintenance of membership agreement takes effect 60 days after
15 the commission certifies that the parties have voluntarily agreed to establish the
16 maintenance of membership agreement. The employer shall be held harmless
17 against any claims, demands, suits, and other forms of liability made by employees
18 or supervisors or local labor organizations which may arise for actions the employer
19 takes in compliance with this section. All such lawful claims, demands, suits, and
20 other forms of liability are the responsibility of the labor organization entering into
21 the agreement.

22 (d) Under each fair-share or maintenance of membership agreement, an
23 employee or supervisor who has religious convictions against dues payments to a
24 labor organization may request the labor organization to pay his or her dues to a
25 charity mutually agreed upon by the employee or supervisor and the labor

1 organization. Any dispute under this paragraph may be submitted to the
2 commission for adjudication.

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

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

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

1 or supervisor in the collective bargaining unit involved, and the agreement shall be
2 made subject to the findings and orders of the commission. Any of the parties to the
3 agreement, or any employee or supervisor covered under the agreement, may come
4 before the commission, as provided in s. 111.07, and petition the commission to make
5 such a finding.

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

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

12 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
13 interpretation of a collective bargaining agreement may agree in writing to have the
14 commission or any other appointing state agency serve as arbitrator or may
15 designate any other competent, impartial, and disinterested persons to so serve.
16 Such arbitration proceedings shall be governed by ch. 788.

17 (2) The board shall charge an institution for the employer's share of the cost
18 related to grievance arbitration under sub. (1) for any arbitration that involves one
19 or more employees of the institution. Each institution charged shall pay the amount
20 that the board charges from the appropriation account or accounts used to pay the
21 salary of the grievant. Funds received under this subsection shall be credited to the
22 appropriation account under s. 20.545 (1) (km).

23 **111.994 Mediation.** The commission may appoint any competent, impartial,
24 disinterested person to act as mediator in any labor dispute either upon its own
25 initiative or upon the joint request of both parties to the dispute. It is the function

1 of a mediator to bring the parties together voluntarily under such favorable
2 conditions as will tend to effectuate settlement of the dispute, but neither the
3 mediator nor the commission has any power of compulsion in mediation proceedings.

4 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
5 period of negotiation and after the settlement procedures, if any, established by the
6 parties have been exhausted, the representative that has been certified by the
7 commission after an election, as the exclusive representative of employees in an
8 appropriate bargaining unit, and the employer, its officers, and agents, after a
9 reasonable period of negotiation, are deadlocked with respect to any dispute between
10 them arising in the collective bargaining process, either party, or the parties jointly,
11 may petition the commission, in writing, to initiate fact-finding under this section,
12 and to make recommendations to resolve the deadlock.

13 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall
14 make an investigation with or without a formal hearing, to determine whether a
15 deadlock in fact exists. The commission shall certify the results of the investigation.
16 If the commission decides that fact-finding should be initiated, it shall appoint a
17 qualified, disinterested person or, when jointly requested by the parties, a 3-member
18 panel to function as a fact finder.

19 **(3)** The fact finder may establish dates and place of hearings and shall conduct
20 the hearings under rules established by the commission. Upon request, the
21 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
22 finder may administer oaths. Upon completion of the hearing, the fact finder shall
23 make written findings of fact and recommendations for solution of the dispute and
24 shall cause the same to be served on the parties and the commission. In making
25 findings and recommendations, the fact finder shall take into consideration among

1 other pertinent factors the principles vital to the public interest in efficient and
2 economical governmental administration. Upon the request of either party, the fact
3 finder may orally present the recommendations in advance of service of the written
4 findings and recommendations. Cost of fact-finding proceedings shall be divided
5 equally between the parties. At the time the fact finder submits a statement of his
6 or her costs to the parties, the fact finder shall submit a copy to the commission at
7 its Madison office.

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

10 (5) Within 30 days of the receipt of the fact finder's recommendations or within
11 a time mutually agreed upon by the parties, each party shall advise the other, in
12 writing, as to the party's acceptance or rejection, in whole or in part, of the fact
13 finder's recommendations and, at the same time, send a copy of the notification to
14 the commission at its Madison office. Failure to comply with this subsection, by the
15 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

16 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
17 the employer may either seek an injunction or file an unfair labor practice charge
18 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
19 board to decide whether to seek an injunction or file an unfair labor practice charge.
20 The existence of an administrative remedy does not constitute grounds for denial of
21 injunctive relief.

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

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

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

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

8 **111.997 Management rights.** Nothing in this subchapter interferes with the
9 right of the board or the University of Wisconsin–Madison, in accordance with this
10 subchapter, to do any of the following:

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

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

18 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to
19 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe
20 benefits consistent with sub. (2); and hours and conditions of employment.

21 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
22 (i) or (jk) to (r), the board and, with respect to a collective bargaining unit specified
23 in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison is not required to
24 bargain on management rights under s. 111.997, except that procedures for the

1 adjustment or settlement of grievances or disputes arising out of any type of
2 disciplinary action in s. 111.997 (2) is a subject of bargaining.

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

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

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

14 (f) Neither the board nor the University of Wisconsin–Madison is required to
15 bargain on matters related to employee occupancy of houses or other lodging
16 provided by the state.

17 **(2)** The board and the University of Wisconsin–Madison are prohibited from
18 bargaining on all of the following:

19 (a) The mission and goals of the University of Wisconsin System as set forth
20 in the statutes; the diminution of the right of tenure provided the faculty under s.
21 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09
22 (4m), or the rights of appointment provided academic staff under s. 36.15; or
23 academic freedom.

24 (b) Amendments to this subchapter.

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

5 (e) The rights of employees to have retirement benefits computed under s.
6 40.30.

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

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

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

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

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

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

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

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

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

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

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

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

1 (s) The requirements related to internal grievance procedures under s. 632.83
2 and independent review of certain health benefit plan determinations under s.
3 632.835.

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

8 **111.999 Labor proposals. (1)** With respect to a collective bargaining unit
9 specified in s. 111.98 (1) (b) to (i) or (jk) to (r), the board shall notify and consult with
10 the joint committee on employment relations, in such form and detail as the
11 committee requests, regarding substantial changes in wages, employee benefits,
12 personnel management, and program policy contract provisions to be included in any
13 contract proposal to be offered to any labor organization by the state or to be agreed
14 to by the state before such proposal is actually offered or accepted.

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

22 **111.9991 Agreements. (1)** (a) Any tentative agreement reached between the
23 board, acting for the state, and any labor organization representing a collective
24 bargaining unit specified in s. 111.98 (1) (b) to (i) or (jk) to (r) shall, after official
25 ratification by the labor organization, be submitted by the board to the joint

1 committee on employment relations, which shall hold a public hearing before
2 determining its approval or disapproval.

3 (b) Any tentative agreement reached between the University of
4 Wisconsin-Madison, acting for the state, and any labor organization representing a
5 collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official
6 ratification by the labor organization, be submitted by the University of
7 Wisconsin-Madison to the joint committee on employment relations, which shall
8 hold a public hearing before determining its approval or disapproval.

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

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

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

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

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

7 **111.9992 Status of existing benefits and rights.** Unless a prohibited
8 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
9 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
10 governing the salaries, fringe benefits, hours, and conditions of employment apply
11 to each employee, unless otherwise provided in a collective bargaining agreement.

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

19 (2) The commission shall assess and collect a filing fee for filing a complaint
20 alleging that an unfair labor practice has been committed under s. 111.991. The
21 commission shall assess and collect a filing fee for filing a request that the
22 commission act as an arbitrator to resolve a dispute involving the interpretation or
23 application of a collective bargaining agreement under s. 111.993. The commission
24 shall assess and collect a filing fee for filing a request that the commission initiate
25 fact-finding under s. 111.995. The commission shall assess and collect a filing fee

1 for filing a request that the commission act as a mediator under s. 111.994. For the
2 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
3 commission shall require that the parties to the dispute equally share in the payment
4 of the fee and, for the performance of commission actions involving a complaint
5 alleging that an unfair labor practice has been committed under s. 111.991, the
6 commission shall require that the party filing the complaint pay the entire fee. If any
7 party has paid a filing fee requesting the commission to act as a mediator for a labor
8 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
9 the commission may not subsequently assess or collect a filing fee to initiate
10 fact-finding to resolve the same labor dispute. If any request concerns issues arising
11 as a result of more than one unrelated event or occurrence, each such separate event
12 or occurrence shall be treated as a separate request. The commission shall
13 promulgate rules establishing a schedule of filing fees to be paid under this
14 subsection. Fees required to be paid under this subsection shall be paid at the time
15 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
16 complaint or request for fact-finding, mediation, or arbitration is not filed until the
17 date such fee or fees are paid. Fees collected under this subsection shall be credited
18 to the appropriation account under s. 20.425 (1) (i).

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

20 111.02 (1) "All-union agreement" means an agreement between an employer
21 other than the University of Wisconsin Hospitals and Clinics Authority and the
22 representative of the employer's employees in a collective bargaining unit whereby
23 all or any of the employees in such unit are required to be members of a single labor
24 organization.

25 **SECTION 88.** 111.02 (2) of the statutes is amended to read:

1 111.02 (2) “Collective bargaining” means the negotiation by an employer and
2 a majority of the employer’s employees in a collective bargaining unit, or their
3 representatives, concerning representation or terms and conditions of employment
4 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a
5 mutually genuine effort to reach an agreement with reference to the subject under
6 negotiation.

7 **SECTION 89.** 111.02 (3) of the statutes is amended to read:

8 111.02 (3) “Collective bargaining unit” means all of the employees of one
9 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
10 except that where a majority of the employees engaged in a single craft, division,
11 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
12 constitute such group a separate bargaining unit they shall be so considered, but, in
13 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
14 111.19, the commission may find, where agreeable to all parties affected in any way
15 thereby, an industry, trade or business comprising more than one employer in an
16 association in any geographical area to be a “collective bargaining unit”. A collective
17 bargaining unit thus established by the commission shall be subject to all rights by
18 termination or modification given by ss. 111.01 to 111.19 in reference to collective
19 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
20 collective bargaining units may bargain collectively through the same
21 representative where a majority of the employees in each separate unit have voted
22 by secret ballot as provided in s. 111.05 (2) so to do.

23 **SECTION 90.** 111.02 (6) (am) of the statutes is created to read:

24 111.02 (6) (am) “Employee” includes a child care provider certified under s.
25 48.651 and a child care provider licensed under s. 48.65 who provides care and

1 supervision for not more than 8 children who are not related to the child care
2 provider.

3 **SECTION 91.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
4 and amended to read:

5 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
6 an employee, and includes ~~a~~ all of the following:

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

9 **SECTION 92.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

10 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

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

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

15 **SECTION 93.** 111.02 (7) (b) 1. of the statutes is amended to read:

16 111.02 (7) (b) 1. ~~The~~ Except as provided in par. (a) 4., the state or any political
17 subdivision thereof.

18 **SECTION 94.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

19 111.02 (7m) “Fair-share agreement” means an agreement between the
20 University of Wisconsin Hospitals and Clinics Authority and a labor organization
21 representing employees of that authority, or between an employer defined under sub.
22 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
23 which all of the employees in a collective bargaining unit are required to pay their
24 proportionate share of the cost of the collective bargaining process and contract
25 administration measured by the amount of dues uniformly required of all members.

1 **(9m)** “Maintenance of membership agreement” means any of the following:

2 (a) An agreement between the University of Wisconsin Hospitals and Clinics
3 Authority and a labor organization representing employees of that authority that
4 requires that all of the employees whose dues are being deducted from earnings
5 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect continue
6 to have dues deducted for the duration of the agreement and that dues be deducted
7 from the earnings of all employees who are hired on or after the effective date of the
8 agreement.

9 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
10 organization representing employees under sub. (6) (am) that requires that all of the
11 employees whose dues are being deducted from earnings under s. 111.06 (1) (i) at the
12 time the agreement takes effect continue to have dues deducted for the duration of
13 the agreement and that dues be deducted from the earnings of all employees who are
14 hired on or after the effective date of the agreement.

15 **(10m)** “Referendum” means a proceeding conducted by the commission in
16 which employees of the University of Wisconsin Hospitals and Clinics Authority in
17 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
18 bargaining unit may cast a secret ballot on the question of directing the labor
19 organization and the employer to enter into a fair-share or maintenance of
20 membership agreement or to terminate such an agreement.

21 **SECTION 95.** 111.05 (2) of the statutes is amended to read:

22 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
23 question arises concerning the determination of a collective bargaining unit, it shall
24 be determined by secret ballot, and the commission, upon request, shall cause the
25 ballot to be taken in such manner as to show separately the wishes of the employees

1 in any craft, division, department or plant as to the determination of the collective
2 bargaining unit.

3 **SECTION 96.** 111.05 (5) of the statutes is created to read:

4 111.05 (5) (a) Collective bargaining units for representation of the employees
5 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
6 for employees engaged in each of the following functions:

- 7 1. Fiscal and staff services.
- 8 2. Patient care.
- 9 3. Science.
- 10 4. Clerical and related.
- 11 5. Blue collar and nonbuilding trades.
- 12 6. Building trades crafts.
- 13 7. Security and public safety.
- 14 8. Technical.

15 (b) Collective bargaining units for representation of the employees of the
16 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
17 function not specified in par. (a) shall be determined in the manner provided in this
18 section. The creation of any collective bargaining unit for the employees is subject
19 to approval of the commission. The commission may not permit fragmentation of the
20 collective bargaining units or creation of any collective bargaining unit that is too
21 small to provide adequate representation of employees. In approving the collective
22 bargaining units, the commission shall give primary consideration to the authority's
23 needs to fulfill its statutory missions.

24 **SECTION 97.** 111.05 (6) of the statutes is created to read:

1 111.05 (6) If a single representative is recognized or certified to represent more
2 than one of the collective bargaining units specified in sub. (5), that representative
3 and the employer may jointly agree to combine the collective bargaining units,
4 subject to the right of the employees in any of the collective bargaining units that
5 were combined to petition for an election under sub. (3). Any agreement under this
6 subsection is effective when the parties provide written notice of the agreement to
7 the commission and terminates when the party provides written notice of
8 termination to the commission or when the representative entering into the
9 agreement is decertified as representative of one of the combined collective
10 bargaining units, whichever occurs first.

11 **SECTION 98.** 111.05 (7) of the statutes is created to read:

12 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
13 bargaining unit.

14 **SECTION 99.** 111.06 (1) (c) 1. of the statutes is amended to read:

15 111.06 (1) (c) 1. To encourage or discourage membership in any labor
16 organization, employee agency, committee, association, or representation plan by
17 discrimination in regard to hiring, tenure, or other terms or conditions of
18 employment except in a collective bargaining unit where an all-union, fair-share,
19 or maintenance of membership agreement is in effect. An employer may enter into
20 an all-union agreement with the voluntarily recognized representative of the
21 employees in a collective bargaining unit, where at least a majority of such employees
22 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement
23 in a referendum conducted by the commission, except that where the bargaining
24 representative has been certified by either the commission or the national labor
25 relations board as the result of a representation election, no referendum is required

1 to authorize the entry into an all-union agreement. An authorization of an all-union
2 agreement continues, subject to the right of either party to the all-union agreement
3 to petition the commission to conduct a new referendum on the subject. Upon receipt
4 of the petition, if the commission determines there is reasonable ground to believe
5 that the employees concerned have changed their attitude toward the all-union
6 agreement, the commission shall conduct a referendum. If the continuance of the
7 all-union agreement is supported on a referendum by a vote at least equal to that
8 provided in this subdivision for its initial authorization, it may continue, subject to
9 the right to petition for a further vote by the procedure under this subdivision. If the
10 continuance of the all-union agreement is not supported on a referendum, it
11 terminates at the expiration of the contract of which it is then a part or at the end
12 of one year from the date of the announcement by the commission of the result of the
13 referendum, whichever is earlier. The commission shall declare any all-union
14 agreement terminated whenever it finds that the labor organization involved has
15 unreasonably refused to receive as a member any employee of such employer. An
16 interested person may, as provided in s. 111.07, request the commission to perform
17 this duty. Any all-union agreement in effect on October 4, 1975, made in accordance
18 with the law in effect at the time it is made is valid.

19 **SECTION 100.** 111.06 (1) (d) of the statutes is amended to read:

20 111.06 (1) (d) To refuse to bargain collectively with the representative of a
21 majority of the employer's employees in any collective bargaining unit with respect
22 to representation or terms and conditions of employment, except as provided under
23 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
24 the commission a petition requesting a determination as to majority representation,
25 the employer ~~shall not be deemed to have~~ has not refused to bargain until an election

1 has been held and the commission has certified the result thereof has been certified
2 to the employer by the commission.

3 **SECTION 101.** 111.06 (1) (i) of the statutes is amended to read:

4 111.06 (1) (i) To deduct labor organization dues or assessments from an
5 employee's earnings, unless the employer has been presented with an individual
6 order ~~therefor~~, signed by the employee personally, and terminable at the end of any
7 year of its life by the employee giving at least thirty days' written notice of ~~such the~~
8 termination unless there is an all-union fair-share, or maintenance of membership
9 agreement in effect. The employer shall give notice to the labor organization of
10 receipt of ~~such a~~ notice of termination.

11 **SECTION 102.** 111.06 (1) (m) of the statutes is created to read:

12 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
13 provided in s. 111.115 (2).

14 **SECTION 103.** 111.06 (2) (i) of the statutes is amended to read:

15 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
16 in s. 111.115 (2) or (3).

17 **SECTION 104.** 111.075 of the statutes is created to read:

18 **111.075 Fair-share and maintenance of membership agreements. (1)**

19 (a) No fair-share or maintenance of membership agreement is effective unless
20 authorized by a referendum. The commission shall order a referendum whenever it
21 receives a petition supported by proof that at least 30 percent of the employees in a
22 collective bargaining unit desire that a fair-share or maintenance of membership
23 agreement be entered into between the employer and a labor organization. If the
24 petition requests a referendum on a maintenance of membership agreement only, the
25 ballot shall be limited to that question.

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

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

22 (d) Under each fair-share or maintenance of membership agreement, an
23 employee who has religious convictions against dues payments to a labor
24 organization may request the labor organization to pay his or her dues to a charity

1 mutually agreed upon by the employee and the labor organization. Any dispute
2 under this paragraph may be submitted to the commission for adjudication.

3 (2) (a) Once authorized, a fair-share or maintenance of membership
4 agreement continues, subject to the right of the employer or labor organization
5 concerned to petition the commission to conduct a new referendum. If the
6 commission receives a petition and finds that at least 30 percent of the employees in
7 the collective bargaining unit want to discontinue the fair-share or maintenance of
8 membership agreement, the commission shall conduct a new referendum. If the
9 continuance of the fair-share or maintenance of membership agreement is approved
10 in the referendum by at least the percentage of eligible voting employees required
11 for its initial authorization, it shall continue, subject to the right of the employer or
12 labor organization to later initiate a further vote following the procedure prescribed
13 in this subsection. If the continuation of the agreement is not supported in any
14 referendum, it terminates at the expiration of the collective bargaining agreement,
15 or one year from the date of the certification of the result of the referendum,
16 whichever is earlier.

17 (b) The commission shall suspend any fair-share or maintenance of
18 membership agreement upon such conditions and for such time as the commission
19 decides whenever it finds that the labor organization involved has refused on the
20 basis of race, color, sexual orientation, or creed to receive as a member any employee
21 in the collective bargaining unit involved, and the agreement shall be subject to the
22 findings and orders of the commission. Any of the parties to the agreement, or any
23 employee covered thereby, may come before the commission, as provided in s. 111.07,
24 and petition the commission to make such a finding.

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

4 **(4)** The commission may, under rules adopted for that purpose, appoint as its
5 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
6 conduct the referenda provided for in this section.

7 **(5)** This section applies only in collective bargaining units comprised of
8 employees of the University of Wisconsin Hospitals and Clinics Authority.

9 **SECTION 105.** 111.115 (title) of the statutes is amended to read:

10 **111.115 (title) Notice of certain proposed lockouts or strikes.**

11 **SECTION 106.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and
12 amended to read:

13 111.115 (1) (intro.) In this section, ~~“strike”~~ subsection:

14 (b) “Strike” includes any concerted stoppage of work by employees, and any
15 concerted slowdown or other concerted interruption of operations or services by
16 employees, or any concerted refusal of employees to work or perform their usual
17 duties as employees, for the purpose of enforcing demands upon an employer.

18 **SECTION 107.** 111.115 (1) (a) of the statutes is created to read:

19 111.115 (1) (a) “Lockout” means the barring of any employee from employment
20 in an establishment by an employer as a part of a labor dispute, which is not directly
21 subsequent to a strike or other job action of a labor organization or group of
22 employees of the employer, or which continues or occurs after the termination of a
23 strike or other job action of a labor organization or group of employees of the
24 employer.

25 **SECTION 108.** 111.115 (2) of the statutes is created to read:

1 111.115 (2) If no collective bargaining agreement is in effect between the
2 University of Wisconsin Hospitals and Clinics Authority and the recognized or
3 certified representative of employees of that authority in a collective bargaining unit,
4 the employer may not engage in a lockout affecting employees in that collective
5 bargaining unit without first giving 10 days' written notice to the representative of
6 its intention to engage in a lockout, and the representative may not engage in a strike
7 without first giving 10 days' written notice to the employer of its intention to engage
8 in a strike.

9 **SECTION 109.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended
10 to read:

11 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
12 the provisions of other statutes or laws conflict with the application of the provisions
13 of this subchapter, this subchapter shall prevail, except ~~that in~~ for the following:

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

16 **SECTION 110.** 111.17 (2) of the statutes is created to read:

17 111.17 (2) All fringe benefits authorized or required to be provided by the
18 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
19 40 shall be governed exclusively by ch. 40, except that if any provision of ch. 40
20 specifically permits a collective bargaining agreement under this subchapter to
21 govern the eligibility for or the application, cost, or terms of a fringe benefit under
22 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
23 benefit under ch. 40 shall be governed by a collective bargaining agreement under
24 this subchapter, such a provision in a collective bargaining agreement supersedes
25 any provision of ch. 40 with respect to the employees to whom the agreement applies.

1 The employer is prohibited from engaging in collective bargaining concerning any
2 matter governed exclusively by ch. 40 under this subsection.

3 **SECTION 111.** 111.70 (1) (a) of the statutes is amended to read:

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

19 **SECTION 112.** 111.70 (1) (cm) of the statutes is repealed.

20 **SECTION 113.** 111.70 (1) (f) of the statutes is amended to read:

21 111.70 (1) (f) "Fair-share agreement" means an agreement between a
22 municipal employer and a labor organization ~~that represents public safety~~
23 ~~employees or transit employees~~ under which all or any of the public safety municipal
24 employees or transit employees in the collective bargaining unit are required to pay

1 their proportionate share of the cost of the collective bargaining process and contract
2 administration measured by the amount of dues uniformly required of all members.

3 **SECTION 114.** 111.70 (1) (fm) of the statutes is repealed.

4 **SECTION 115.** 111.70 (1) (j) of the statutes is amended to read:

5 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
6 metropolitan sewerage district, school district, long-term care district, ~~transit~~
7 ~~authority under s. 59.58 (7) or 66.1039, local cultural arts district created under~~
8 ~~subch. V of ch. 229, or any other political subdivision of the state, or instrumentality~~
9 of one or more political subdivisions of the state, that engages the services of an
10 employee and includes any person acting on behalf of a municipal employer within
11 the scope of the person's authority, express or implied, but does not include a local
12 cultural arts district created under subch. V of ch. 229.

13 **SECTION 116.** 111.70 (1) (mm) of the statutes is repealed.

14 **SECTION 117.** 111.70 (1) (n) of the statutes is amended to read:

15 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
16 in which ~~public safety employees or transit~~ municipal employees in a collective
17 bargaining unit may cast a secret ballot on the question of authorizing a labor
18 organization and the employer to continue a fair-share agreement.

19 **SECTION 118.** 111.70 (1) (p) of the statutes is repealed.

20 **SECTION 119.** 111.70 (1g) of the statutes is created to read:

21 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
22 disputes arising in municipal employment is to encourage voluntary settlement
23 through the procedures of collective bargaining. Accordingly, it is in the public
24 interest that municipal employees so desiring be given an opportunity to bargain
25 collectively with the municipal employer through a labor organization or other

1 representative of the employees' own choice. If such procedures fail, the parties
2 should have available to them a fair, speedy, effective and, above all, peaceful
3 procedure for settlement as provided in this subchapter.

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

10 **SECTION 120.** 111.70 (2) of the statutes is amended to read:

11 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
12 of self-organization, and the right to form, join, or assist labor organizations, to
13 bargain collectively through representatives of their own choosing, and to engage in
14 lawful, concerted activities for the purpose of collective bargaining or other mutual
15 aid or protection. Municipal employees have the right to refrain from any and all
16 such activities. ~~A general municipal employee has the right to refrain from paying~~
17 ~~dues while remaining a member of a collective bargaining unit. A public safety~~
18 ~~employee or a transit employee, however, except that an employee may be required~~
19 ~~to pay dues in the manner provided in a fair-share agreement; a fair-share~~
20 ~~agreement covering a public safety employee or a transit employee must contain a~~
21 ~~provision requiring require the municipal employer to deduct the amount of dues as~~
22 ~~certified by the labor organization from the earnings of the employee affected by the~~
23 ~~fair-share agreement and to pay the amount deducted to the labor organization. A~~
24 ~~fair-share agreement covering a public safety employee or transit employee is~~
25 subject to the right of the municipal employer or a labor organization to petition the

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

14 **SECTION 121.** 111.70 (3) (a) 3. of the statutes is amended to read:

15 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
16 organization by discrimination in regard to hiring, tenure, or other terms or
17 conditions of employment; but the prohibition shall not apply to a fair-share
18 agreement that ~~covers public safety employees or transit employees.~~

19 **SECTION 122.** 111.70 (3) (a) 5. of the statutes is amended to read:

20 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
21 agreed upon by the parties with respect to wages, hours and conditions of
22 employment affecting ~~public safety employees or transit~~ municipal employees,
23 including an agreement to arbitrate questions arising as to the meaning or
24 application of the terms of a collective bargaining agreement or to accept the terms
25 of such arbitration award, where previously the parties have agreed to accept such

1 award as final and binding upon them ~~or to violate any collective bargaining~~
2 ~~agreement affecting general municipal employees, that was previously agreed upon~~
3 ~~by the parties with respect to wages.~~

4 **SECTION 123.** 111.70 (3) (a) 6. of the statutes is amended to read:

5 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a ~~public~~
6 ~~safety employee or a transit~~ municipal employee, unless the municipal employer has
7 been presented with an individual order therefor, signed by the employee personally,
8 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~
9 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such
10 termination to the municipal employer and to the representative organization,
11 except when a fair-share agreement is in effect.

12 **SECTION 124.** 111.70 (3) (a) 7. of the statutes is created to read:

13 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision
14 lawfully made under sub. (4) (cm).

15 **SECTION 125.** 111.70 (3) (a) 7m. of the statutes is repealed.

16 **SECTION 126.** 111.70 (3) (a) 9. of the statutes is amended to read:

17 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
18 ~~employee or transit employee, after~~ After a collective bargaining agreement expires
19 and before another collective bargaining agreement takes effect, to fail to follow any
20 fair-share agreement in the expired collective bargaining agreement.

21 **SECTION 127.** 111.70 (3) (b) 6. of the statutes is created to read:

22 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
23 lawfully made under sub. (4) (cm).

24 **SECTION 128.** 111.70 (3) (b) 6m. of the statutes is repealed.

25 **SECTION 129.** 111.70 (3g) of the statutes is repealed.

1 **SECTION 130.** 111.70 (3m) of the statutes is created to read:

2 **111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT.** A collective
3 bargaining agreement that covers municipal employees performing services for the
4 Milwaukee County enrollment services unit under s. 49.825 must contain a provision
5 that permits the terms of the agreement to be modified with respect to hours and
6 conditions of employment by a memorandum of understanding under s. 49.825 (3)
7 (b) 4.

8 **SECTION 131.** 111.70 (3p) of the statutes is created to read:

9 **111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT.** A collective bargaining
10 agreement that covers municipal employees performing services for the child care
11 provider services unit under s. 49.826 must contain a provision that permits the
12 terms of the agreement to be modified with respect to hours and conditions of
13 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

14 **SECTION 132.** 111.70 (4) (bm) of the statutes is repealed.

15 **SECTION 133.** 111.70 (4) (c) (title) of the statutes is amended to read:

16 **111.70 (4) (c) (title)** *Methods for peaceful settlement of disputes; ~~public safety~~*
17 *employees law enforcement and fire fighting personnel.*

18 **SECTION 134.** 111.70 (4) (c) 1. of the statutes is renumbered 111.70 (4) (c) 1m.
19 and amended to read:

20 **111.70 (4) (c) 1m.** ‘Mediation.’ The commission may function as a mediator in
21 labor disputes ~~involving a collective bargaining unit containing a public safety~~
22 ~~employee.~~ Such mediation may be carried on by a person designated to act by the
23 commission upon request of one or both of the parties or upon initiation of the
24 commission. The function of the mediator is to encourage voluntary settlement by
25 the parties but no mediator has the power of compulsion.

1 **SECTION 135.** 111.70 (4) (c) 1g. of the statutes is created to read:

2 111.70 (4) (c) 1g. 'Applicability.' This paragraph applies only to municipal
3 employees who are engaged in law enforcement or fire fighting functions.

4 **SECTION 136.** 111.70 (4) (c) 2. of the statutes is amended to read:

5 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning
6 or application of the terms of a written collective bargaining agreement ~~involving a~~
7 ~~collective bargaining unit containing a public safety employee~~ may agree in writing
8 to have the commission or any other appropriate agency serve as arbitrator or may
9 designate any other competent, impartial and disinterested person to so serve.

10 **SECTION 137.** 111.70 (4) (c) 3. (intro.) of the statutes is amended to read:

11 111.70 (4) (c) 3. 'Fact-finding.' (intro.) Unless s. 111.77 applies, if a dispute
12 ~~involving a collective bargaining unit containing a public safety employee~~ has not
13 been settled after a reasonable period of negotiation and after the settlement
14 procedures, if any, established by the parties have been exhausted, and the parties
15 are deadlocked with respect to any dispute between them arising in the collective
16 bargaining process, either party, or the parties jointly, may petition the commission,
17 in writing, to initiate fact-finding, and to make recommendations to resolve the
18 deadlock, as follows:

19 **SECTION 138.** 111.70 (4) (cg) of the statutes is repealed.

20 **SECTION 139.** 111.70 (4) (cm) (title) of the statutes is amended to read:

21 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; general*
22 *municipal employees other personnel.*

23 **SECTION 140.** 111.70 (4) (cm) 1. of the statutes is renumbered 111.70 (4) (cm)
24 1m. and amended to read:

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

12 **SECTION 141.** 111.70 (4) (cm) 1g. of the statutes is created to read:

13 111.70 (4) (cm) 1g. ‘Application.’

14 a. Chapter 788 does not apply to arbitration proceedings under this paragraph.

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

17 **SECTION 142.** 111.70 (4) (cm) 2., 3. and 4. of the statutes are amended to read:

18 111.70 (4) (cm) 2. ‘Presentation of initial proposals; open meetings.’ The
19 meetings between parties to a collective bargaining agreement or proposed collective
20 bargaining agreement under this subchapter that ~~involve a collective bargaining~~
21 ~~unit containing a general municipal employee and that~~ are held for the purpose of
22 presenting initial bargaining proposals, along with supporting rationale, ~~shall be~~ are
23 open to the public. Each party shall submit its initial bargaining proposals to the
24 other party in writing. Failure to comply with this subdivision is not cause to
25 invalidate a collective bargaining agreement under this subchapter.

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

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

12 **SECTION 143.** 111.70 (4) (cm) 5. of the statutes is created to read:

13 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
14 other impasse resolution procedures provided in this paragraph, a municipal
15 employer and labor organization may, as a permissive subject of bargaining, agree
16 in writing to a dispute settlement procedure, including authorization for a strike by
17 municipal employees or binding interest arbitration, that is acceptable to the parties
18 for resolving an impasse over terms of any collective bargaining agreement under
19 this subchapter. The parties shall file a copy of the agreement with the commission.
20 If the parties agree to any form of binding interest arbitration, the arbitrator shall
21 give weight to the factors enumerated under subs. 7. and 7g. for a collective
22 bargaining unit consisting of municipal employees who are not school district
23 employees and under subd. 7r. for a collective bargaining unit consisting of municipal
24 employees.

25 **SECTION 144.** 111.70 (4) (cm) 6. of the statutes is created to read:

1 111.70 (4) (cm) 6. 'Interest arbitration.' a. If in any collective bargaining unit
2 a dispute relating to any issue has not been settled after a reasonable period of
3 negotiation and after mediation by the commission under subd. 3. and other
4 settlement procedures, if any, established by the parties have been exhausted, and
5 the parties are deadlocked with respect to any dispute between them over wages,
6 hours, or conditions of employment to be included in a new collective bargaining
7 agreement, either party, or the parties jointly, may petition the commission, in
8 writing, to initiate compulsory, final, and binding arbitration, as provided in this
9 paragraph. At the time the petition is filed, the petitioning party shall submit in
10 writing to the other party and the commission its preliminary final offer containing
11 its latest proposals on all issues in dispute. Within 14 calendar days after the date
12 of that submission, the other party shall submit in writing its preliminary final offer
13 on all disputed issues to the petitioning party and the commission. If a petition is
14 filed jointly, both parties shall exchange their preliminary final offers in writing and
15 submit copies to the commission at the time the petition is filed.

16 am. Upon receipt of a petition to initiate arbitration, the commission shall
17 investigate, with or without a formal hearing, whether arbitration should be
18 commenced. If in determining whether an impasse exists the commission finds that
19 the procedures under this paragraph have not been complied with and that the
20 compliance would tend to result in a settlement, it may order compliance before
21 ordering arbitration. The validity of any arbitration award or collective bargaining
22 agreement is not affected by failure to comply with the procedures. Prior to the close
23 of the investigation each party shall submit in writing to the commission its single
24 final offer containing its final proposals on all issues in dispute that are subject to
25 interest arbitration under this subdivision. If a party fails to submit a single final

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

1 to an arbitration proceeding otherwise agree in writing, every individual whose
2 name is submitted by the commission for appointment as an arbitrator must be a
3 resident of this state at the time of submission and every individual who is
4 designated as an arbitration panel chairperson must be a resident of this state at the
5 time of designation.

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

17 c. Prior to the arbitration hearing, either party may, within a time limit
18 established by the arbitrator, withdraw its final offer and any mutually agreed upon
19 modifications and shall immediately provide written notice of any withdrawal to the
20 other party, the arbitrator, and the commission. If both parties withdraw their final
21 offers and mutually agreed upon modifications, the labor organization, after giving
22 10 days' written notice to the municipal employer and the commission, may strike.
23 Unless both parties withdraw their final offers and mutually agreed upon
24 modifications, the final offer of neither party is considered withdrawn and the

1 arbitrator shall proceed to resolve the dispute by final and binding arbitration as
2 provided in this paragraph.

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

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

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

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

1 with the commission's ruling, subject to automatic amendment by any subsequent
2 court reversal.

3 **SECTION 145.** 111.70 (4) (cm) 7. of the statutes is created to read:

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

12 **SECTION 146.** 111.70 (4) (cm) 7g. of the statutes is created to read:

13 111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under
14 the arbitration procedures authorized by this paragraph, except for any decision
15 involving a collective bargaining unit consisting of school district employees, the
16 arbitrator or arbitration panel shall consider and shall give greater weight to
17 economic conditions in the jurisdiction of the municipal employer than to any of the
18 factors specified in subd. 7r.

19 **SECTION 147.** 111.70 (4) (cm) 7r. of the statutes is created to read:

20 111.70 (4) (cm) 7r. 'Other factors considered.' In making any decision under the
21 arbitration procedures authorized by this paragraph, the arbitrator or arbitration
22 panel shall give weight to the following factors:

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

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,

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

3 **SECTION 148.** 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 149.** 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

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 150.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

7 111.70 **(4)** (d) 2. a. The commission shall determine the appropriate collective
8 bargaining unit for the purpose of collective bargaining and shall whenever possible
9 avoid fragmentation by maintaining as few collective bargaining units as practicable
10 in keeping with the size of the total municipal workforce. The commission may
11 decide whether, in a particular case, the municipal employees in the same or several
12 departments, divisions, institutions, crafts, professions, or other occupational
13 groupings constitute a collective bargaining unit. Before making its determination,
14 the commission may provide an opportunity for the municipal employees concerned
15 to determine, by secret ballot, whether they desire to be established as a separate
16 collective bargaining unit. The commission may not decide, ~~however,~~ that any group
17 of municipal employees constitutes an appropriate collective bargaining unit if the
18 group includes both professional employees and nonprofessional employees, unless
19 a majority of the professional employees vote for inclusion in the unit. The
20 commission may not decide that any group of municipal employees constitutes an
21 appropriate collective bargaining unit if the group includes both school district
22 employees and ~~general~~ municipal employees who are not school district employees.
23 ~~The commission may not decide that any group of municipal employees constitutes~~
24 ~~an appropriate collective bargaining unit if the group includes both public safety~~
25 ~~employees and general municipal employees, if the group include includes both~~

1 ~~transit employees and general municipal employees, or if the group includes both~~
2 ~~transit employees and public safety employees.~~ The commission may not decide that
3 any group of municipal employees constitutes an appropriate collective bargaining
4 unit if the group includes both craft employees and noncraft employees unless a
5 majority of the craft employees vote for inclusion in the unit. The commission shall
6 place the professional employees who are assigned to perform any services at a
7 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
8 from a unit that includes any other professional employees whenever at least 30%
9 of those professional employees request an election to be held to determine that issue
10 and a majority of the professional employees at the charter school who cast votes in
11 the election decide to be represented in a separate collective bargaining unit.

12 **SECTION 151.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated,
13 renumbered 111.70 (4) (d) 3. and amended to read:

14 111.70 (4) (d) 3. Whenever, in a particular case, a question arises concerning
15 representation or appropriate unit, calling for a vote, the commission shall certify the
16 results in writing to the municipal employer and the labor organization involved and
17 to any other interested parties. e. Any ballot used in a representation proceeding
18 under this subdivision shall include the names of all persons having an interest in
19 representing or the results. The ballot should be so designed as to permit a vote
20 against representation by any candidate named on the ballot. The findings of the
21 commission, on which a certification is based, shall be conclusive unless reviewed as
22 provided by s. 111.07 (8).

23 **SECTION 152.** 111.70 (4) (d) 3. b. of the statutes is repealed.

24 **SECTION 153.** 111.70 (4) (L) of the statutes is amended to read:

1 111.70 (4) (L) *Strikes prohibited.* ~~Nothing~~ Except as authorized under par. (cm)
2 5. and 6. c., nothing contained in this subchapter constitutes a grant of grants the
3 right to strike ~~by~~ to any municipal employee or labor organization, and such strikes
4 are ~~hereby~~ expressly prohibited. Paragraph (cm) does not authorize a strike after
5 an injunction has been issued against a strike under sub. (7m).

6 **SECTION 154.** 111.70 (4) (m) of the statutes is created to read:

7 111.70 (4) (m) *Prohibited subjects of bargaining; school district municipal*
8 *employers.* In a school district, the municipal employer is prohibited from bargaining
9 collectively with respect to all of the following:

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

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

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

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

3 **SECTION 155.** 111.70 (4) (mb) of the statutes is repealed.

4 **SECTION 156.** 111.70 (4) (mbb) of the statutes is repealed.

5 **SECTION 157.** 111.70 (4) (mc) (intro.) of the statutes is renumbered 111.70 (4)
6 (mc) and amended to read:

7 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.* The
8 If the municipal employee is a clerk who is not an employee of a city of the first class,
9 the municipal employer is prohibited from bargaining collectively with a collective
10 bargaining unit containing a public safety employee with respect to any of the
11 following: the judge's authority over the supervisory tasks provided in s. 755.10.

12 **SECTION 158.** 111.70 (4) (mc) 5. and 6. of the statutes are repealed.

13 **SECTION 159.** 111.70 (4) (n) of the statutes is created to read:

14 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
15 to any subject of bargaining on which the municipal employer is required to bargain
16 under sub. (1) (a), the municipal employer is required to bargain collectively with
17 respect to all of the following:

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

21 2. The development of or any changes to a teacher evaluation plan under s.
22 118.225.

23 **SECTION 160.** 111.70 (4) (p) of the statutes is amended to read:

24 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety and*
25 *transit employees.* A municipal employer is not required to bargain with public safety

1 ~~employees or transit employees~~ on subjects reserved to management and direction
2 of the governmental unit except insofar as the manner of exercise of such functions
3 affects the wages, hours, and conditions of employment of the ~~public safety~~
4 ~~employees or of the transit~~ municipal employees in a collective bargaining unit.

5 **SECTION 161.** 111.70 (7) of the statutes is created to read:

6 111.70 (7) PENALTY FOR STRIKER. (a) Whoever violates sub. (4) (L) after an
7 injunction against a strike has been issued shall be fined \$10. After the injunction
8 has been issued, any employee who is absent from work because of purported illness
9 is presumed to be on strike unless the illness is verified by a written report from a
10 physician to the employer. Each day of continued violation constitutes a separate
11 offense. The court shall order that any fine imposed under this subsection be paid
12 by means of a salary deduction at a rate to be determined by the court.

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

15 **SECTION 162.** 111.70 (7m) (a) of the statutes is renumbered 111.70 (7m) (ar).

16 **SECTION 163.** 111.70 (7m) (ag) of the statutes is created to read:

17 111.70 (7m) (ag) *Application.* This subsection does not apply to strikes
18 involving municipal employees who are engaged in law enforcement or fire fighting
19 functions.

20 **SECTION 164.** 111.70 (7m) (b) of the statutes is created to read:

21 111.70 (7m) (b) *Injunction; threat to public health or safety.* At any time after
22 a labor organization gives advance notice of a strike under sub. (4) (cm) that is
23 expressly authorized under sub. (4) (cm), the municipal employer or any citizen
24 directly affected by the strike may petition the circuit court to enjoin the strike. If
25 the court finds that the strike poses an imminent threat to the public health or safety,

1 the court shall, within 48 hours after the receipt of the petition but after notice to the
2 parties and after holding a hearing, issue an order immediately enjoining the strike,
3 and shall order the parties to submit a new final offer on all disputed issues to the
4 commission for final and binding arbitration as provided in sub. (4) (cm). The
5 commission, upon receipt of the final offers of the parties, shall transmit them to the
6 arbitrator or a successor designated by the commission. The arbitrator shall omit
7 preliminary steps and shall commence immediately to arbitrate the dispute.

8 **SECTION 165.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

9 111.70 (7m) (c) 1. a. Any labor organization that ~~represents public safety~~
10 ~~employees or transit employees which~~ violates sub. (4) (L) may not collect any dues
11 under a collective bargaining agreement or under a fair-share agreement from any
12 municipal employee covered by either agreement for a period of one year. At the end
13 of the period of suspension, ~~any such~~ the agreement shall be reinstated unless the
14 labor organization is no longer authorized to represent the ~~public safety employees~~
15 ~~or transit~~ municipal employees covered by the collective bargaining agreement or
16 fair-share agreement or the agreement is no longer in effect.

17 **SECTION 166.** 111.70 (7m) (c) 3. of the statutes is created to read:

18 111.70 (7m) (c) 3. 'Strike in violation of award.' Any person who authorizes or
19 participates in a strike after a final and binding arbitration award or decision under
20 sub. (4) (cm) is issued and before the end of the term of the agreement which the
21 award or decision amends or creates shall forfeit \$15 per offense. Each day of
22 continued violation constitutes a separate offense.

23 **SECTION 167.** 111.70 (7m) (e) of the statutes is created to read:

24 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
25 award or decision under sub. (4) (cm) in a written collective bargaining agreement

1 or failing to implement the award or decision, unless good cause is shown, is liable
2 for attorney fees, interest on delayed monetary benefits, and other costs incurred in
3 any action by the nonoffending party to enforce the award or decision.

4 **SECTION 168.** 111.70 (8) (a) of the statutes is amended to read:

5 111.70 (8) (a) This section, except ~~sub. subs. (1) (nm), (4) (eg) and (cm), and (7m),~~
6 applies to law enforcement supervisors employed by a 1st class city. This section,
7 except ~~sub. subs. (1) (nm), (4) (cm) and (jm), and (7m)~~ applies to law enforcement
8 supervisors employed by a county having a population of 500,000 or more. For
9 purposes of such application, the terms term “municipal employee” and ~~“public~~
10 ~~safety employee” include~~ includes such a supervisor.

11 **SECTION 169.** 111.71 (2) of the statutes is amended to read:

12 111.71 (2) The commission shall assess and collect a filing fee for filing a
13 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
14 The commission shall assess and collect a filing fee for filing a request that the
15 commission act as an arbitrator to resolve a dispute involving the interpretation or
16 application of a collective bargaining agreement under s. 111.70 (4) (c) ~~2., (eg) 4.,~~ or
17 (cm) 4. The commission shall assess and collect a filing fee for filing a request that
18 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
19 assess and collect a filing fee for filing a request that the commission act as a
20 mediator under s. 111.70 (4) (c) ~~1., (eg) 3.,~~ or (cm) 3. The commission shall assess and
21 collect a filing fee for filing a request that the commission initiate compulsory, final
22 and binding arbitration under s. 111.70 (4) ~~(eg) (cm) 6.~~ or (jm) or 111.77 (3). For the
23 performance of commission actions under ss. 111.70 (4) (c) ~~1., 1m., 2., and 3., (eg) 3.,~~
24 ~~4., and 6.,~~ (cm) 3. ~~and 4., and 6.,~~ and (jm) and 111.77 (3), the commission shall require
25 that the parties to the dispute equally share in the payment of the fee and, for the

1 performance of commission actions involving a complaint alleging that a prohibited
2 practice has been committed under s. 111.70 (3), the commission shall require that
3 the party filing the complaint pay the entire fee. If any party has paid a filing fee
4 requesting the commission to act as a mediator for a labor dispute and the parties
5 do not enter into a voluntary settlement of the dispute, the commission may not
6 subsequently assess or collect a filing fee to initiate fact-finding or arbitration to
7 resolve the same labor dispute. If any request for the performance of commission
8 actions concerns issues arising as a result of more than one unrelated event or
9 occurrence, each such separate event or occurrence shall be treated as is a separate
10 request. The commission shall promulgate rules establishing a schedule of filing fees
11 to be paid under this subsection. Fees required to be paid under this subsection shall
12 be paid at the time of filing the complaint or the request for fact-finding, mediation
13 or arbitration. A complaint or request for fact-finding, mediation or arbitration is
14 not filed until the date such the fee or fees are paid, except that the failure of the
15 respondent party to pay the filing fee for having the commission initiate compulsory,
16 final and binding arbitration under s. 111.70 (4) ~~(eg)~~ (cm) 6. or (jm) or 111.77 (3) may
17 not prohibit the commission from initiating such the arbitration. The commission
18 may initiate collection proceedings against the respondent party for the payment of
19 the filing fee. Fees collected under this subsection shall be credited to the
20 appropriation account under s. 20.425 (1) (i).

21 **SECTION 170.** 111.71 (4) of the statutes is created to read:

22 111.71 (4) The commission shall collect on a systematic basis information on
23 the operation of the arbitration law under s. 111.70 (4) (cm) and shall annually
24 submit a report on the opinion to the chief clerk of each house of the legislature for
25 distribution to the legislature under s. 13.172 (2).

1 **SECTION 171.** 111.71 (4m) of the statutes is repealed.

2 **SECTION 172.** 111.71 (5) of the statutes is created to read:

3 111.71 (5) The commission shall, on a regular basis, provide training programs
4 to prepare individuals to arbitrate under s. 111.70 (4) (cm). The commission shall
5 promote the programs to and recruit participation throughout the state, including
6 at least 10 residents of each congressional district. The commission may also provide
7 training programs to individuals and organizations on other aspects of collective
8 bargaining, including on areas of management and labor cooperation directly or
9 indirectly affecting collective bargaining. The commission may charge a reasonable
10 fee to participate in the programs.

11 **SECTION 173.** 111.71 (5m) of the statutes is repealed.

12 **SECTION 174.** 111.77 (intro.) of the statutes is amended to read:

13 **111.77 Settlement of disputes in collective bargaining units composed**
14 **of law enforcement personnel and fire fighters.** (intro.) ~~Municipal~~ In fire
15 departments and city and county law enforcement agencies municipal employers
16 and ~~public safety~~ employees, as provided in sub. (8), have the duty to bargain
17 collectively in good faith including the duty to refrain from strikes or lockouts and
18 to comply with the following:

19 **SECTION 175.** 111.77 (8) (a) of the statutes is amended to read:

20 111.77 (8) (a) This section applies to ~~public safety employees who are~~ law
21 enforcement supervisors employed by a county having a population of 500,000 or
22 more. For purposes of such application, the term “municipal employee” includes
23 such a supervisor.

24 **SECTION 176.** 111.77 (9) of the statutes is amended to read:

1 111.77 **(9)** Section 111.70 (4) (c) 3., ~~(eg)~~, and (cm) does not apply to employments
2 covered by this section.

3 **SECTION 177.** 111.80 of the statutes is created to read:

4 **111.80 Declaration of policy.** The public policy of the state as to labor
5 relations and collective bargaining in state employment, in the furtherance of which
6 this subchapter is enacted, is as follows:

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

11 **(2)** Orderly and constructive employment relations for employees and the
12 efficient administration of state government are promotive of all these interests.
13 They are largely dependent upon the maintenance of fair, friendly, and mutually
14 satisfactory employee management relations in state employment, and the
15 availability of suitable machinery for fair and peaceful adjustment of whatever
16 controversies may arise. It is recognized that whatever may be the rights of
17 disputants with respect to each other in any controversy regarding state
18 employment relations, neither party has any right to engage in acts or practices that
19 jeopardize the public safety and interest and interfere with the effective conduct of
20 public business.

21 **(3)** Where permitted under this subchapter, negotiations of terms and
22 conditions of state employment should result from voluntary agreement between the
23 state and its agents as employer, and its employees. For that purpose an employee
24 may, if the employee desires, associate with others in organizing and in bargaining

1 collectively through representatives of the employee's own choosing without
2 intimidations or coercion from any source.

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

10 **SECTION 178.** 111.81 (1) of the statutes is amended to read:

11 111.81 (1) "Collective bargaining" means the performance of the mutual
12 obligation of the state as an employer, by its officers and agents, and the
13 representatives of its employees, to meet and confer at reasonable times, in good
14 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
15 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~
16 ~~with respect to general employees,~~ with the intention of reaching an agreement, or
17 to resolve questions arising under such an agreement. The duty to bargain, however,
18 does not compel either party to agree to a proposal or require the making of a
19 concession. Collective bargaining includes the reduction of any agreement reached
20 to a written and signed document.

21 **SECTION 179.** 111.81 (3h) of the statutes is created to read:

22 111.81 (3h) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

23 **SECTION 180.** 111.81 (3n) of the statutes is repealed.

24 **SECTION 181.** 111.81 (7) (g) of the statutes is created to read:

1 111.81 (7) (g) For purposes of this subchapter only, home care providers. This
2 paragraph does not make home care providers state employees for any other purpose
3 except collective bargaining.

4 **SECTION 182.** 111.81 (9) of the statutes is amended to read:

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

11 **SECTION 183.** 111.81 (9g) of the statutes is repealed.

12 **SECTION 184.** 111.81 (9k) of the statutes is created to read:

13 111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898
14 (1) (f).

15 **SECTION 185.** 111.81 (12) (intro.) of the statutes is amended to read:

16 111.81 (12) (intro.) “Labor organization” means any employee organization
17 whose purpose is to represent employees in collective bargaining with the employer,
18 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~
19 ~~or (3), whichever is applicable~~ pertaining to terms and conditions of employment; but
20 the term shall not include any organization:

21 **SECTION 186.** 111.81 (12m) of the statutes is amended to read:

22 111.81 (12m) “Maintenance of membership agreement” means an agreement
23 between the employer and a labor organization representing ~~public safety~~ employees
24 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~
25 employees or supervisors whose dues are being deducted from earnings under s.

1 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
2 have dues deducted for the duration of the agreement, and that dues shall be
3 deducted from the earnings of all ~~public safety employees~~ or supervisors who are
4 hired on or after the effective date of the agreement.

5 **SECTION 187.** 111.81 (15r) of the statutes is repealed.

6 **SECTION 188.** 111.81 (16) of the statutes is amended to read:

7 111.81 (16) "Referendum" means a proceeding conducted by the commission in
8 which ~~public safety employees, or supervisors specified in s. 111.825 (5),~~ in a
9 collective bargaining unit may cast a secret ballot on the question of directing the
10 labor organization and the employer to enter into a fair-share or maintenance of
11 membership agreement or to terminate such an agreement.

12 **SECTION 189.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
13 is renumbered 111.815 (1) (a) and amended to read:

14 111.815 (1) (a) In the furtherance of this subchapter, the state shall be
15 considered as a single employer and employment relations policies and practices
16 throughout the state service shall be as consistent as practicable. The office shall
17 negotiate and administer collective bargaining agreements, except that the
18 department of health services, subject to the approval of the federal centers for
19 medicare and medicaid services to use collective bargaining as the method of setting
20 rates for reimbursement of home care providers, shall negotiate and administer
21 collective bargaining agreements entered into with the collective bargaining unit
22 specified in s. 111.825 (2g). To coordinate the employer position in the negotiation
23 of agreements, the office shall maintain close liaison with the legislature relative to
24 the negotiation of agreements and the fiscal ramifications of those agreements.

1 **(b) 1.** Except with respect to the collective bargaining unit specified in s.
2 111.825 (1r), (1t), ~~and (2g)~~, the office is responsible for the employer functions of the
3 executive branch under this subchapter, and shall coordinate its collective
4 bargaining activities with operating state agencies on matters of agency concern.
5 The legislative branch shall act upon those portions of tentative agreements
6 negotiated by the office that require legislative action.

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

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

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

16 **SECTION 190.** 111.815 (1) (b) 5. of the statutes is created to read:

17 111.815 (1) (b) 5. With respect to the collective bargaining unit specified in s.
18 111.825 (2g), the department of health services is responsible for the employer
19 functions of the executive branch under this subchapter.

20 **SECTION 191.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
21 is amended to read:

22 111.815 (2) ~~The~~ In the furtherance of the policy under s. 111.80 (4), the director
23 of the office shall, together with the appointing authorities or their representatives,
24 represent the state in its responsibility as an employer under this subchapter except
25 with respect to negotiations in the collective bargaining ~~unit~~ units specified in s.

1 111.825 (1r), (1t), and (2g). The director of the office shall establish and maintain,
2 wherever practicable, consistent employment relations policies and practices
3 throughout the state service.

4 **SECTION 192.** 111.82 of the statutes is amended to read:

5 **111.82 Rights of employees.** Employees have the right of self-organization
6 and the right to form, join, or assist labor organizations, to bargain collectively
7 through representatives of their own choosing under this subchapter, and to engage
8 in lawful, concerted activities for the purpose of collective bargaining or other mutual
9 aid or protection. Employees also have the right to refrain from any or all of such
10 activities. ~~A general employee has the right to refrain from paying dues while~~
11 ~~remaining a member of a collective bargaining unit.~~

12 **SECTION 193.** 111.825 (1) (g) of the statutes is repealed.

13 **SECTION 194.** 111.825 (2g) of the statutes is created to read:

14 111.825 (2g) A collective bargaining unit for employees who are home care
15 providers shall be structured as a single statewide collective bargaining unit.

16 **SECTION 195.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is amended to read:

18 111.825 (3) The commission shall assign employees to the appropriate
19 collective bargaining units set forth in subs. (1), (1r), (1t), ~~and (2)~~, and (2g).

20 **SECTION 196.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
21 is amended to read:

22 111.825 (4) Any labor organization may petition for recognition as the exclusive
23 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), ~~or (2)~~, or
24 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
25 petition is accompanied by a 30% showing of interest in the form of signed

1 authorization cards. Each additional labor organization seeking to appear on the
2 ballot shall file petitions within 60 days of the date of filing of the original petition
3 and prove, through signed authorization cards, that at least 10% of the employees
4 in the collective bargaining unit want it to be their representative.

5 **SECTION 197.** 111.825 (5) of the statutes is amended to read:

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

18 **SECTION 198.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
19 32, is renumbered 111.825 (6).

20 **SECTION 199.** 111.825 (6) (b) of the statutes is repealed.

21 **SECTION 200.** 111.83 (1) of the statutes is amended to read:

22 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
23 chosen for the purposes of collective bargaining by a majority of the employees voting
24 in a collective bargaining unit shall be the exclusive representative of all of the
25 employees in such unit for the purposes of collective bargaining. Any individual

1 employee, or any minority group of employees in any collective bargaining unit, may
2 present grievances to the employer in person, or through representatives of their own
3 choosing, and the employer shall confer with said employee or group of employees in
4 relation thereto if the majority representative has been afforded the opportunity to
5 be present at the conference. Any adjustment resulting from such a conference may
6 not be inconsistent with the conditions of employment established by the majority
7 representative and the employer.

8 **SECTION 201.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

9 **SECTION 202.** 111.83 (3) (b) of the statutes is repealed.

10 **SECTION 203.** 111.83 (4) of the statutes is amended to read:

11 111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which
12 the name of more than one proposed representative appears on the ballot and results
13 in no conclusion, the commission may, if requested by any party to the proceeding
14 within 30 days from the date of the certification of the results of the election, conduct
15 a runoff election. In that runoff election, the commission shall drop from the ballot
16 the name of the representative who received the least number of votes at the original
17 election. The commission shall drop from the ballot the privilege of voting against
18 any representative if the least number of votes cast at the first election was against
19 representation by any named representative.

20 **SECTION 204.** 111.83 (5m) of the statutes is created to read:

21 111.83 (5m) (a) This subsection applies only to a collective bargaining unit
22 specified in s. 111.825 (2g).

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

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

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

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

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

11 (b) Upon the filing of a petition with the commission indicating a showing of
12 interest of at least 30 percent of the home care providers included in the collective
13 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
14 change the existing representative, the commission shall hold an election in which
15 the home care providers may vote on the question of representation. The labor
16 organization named in the petition shall be included on the ballot. Within 60 days
17 of the time that the petition is filed, another petition may be filed with the
18 commission indicating a showing of interest of at least 10 percent of the home care
19 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
20 be represented by another labor organization, in which case the name of that labor
21 organization shall also be included on the ballot.

22 (c) If at an election held under par. (b), a majority of home care providers voting
23 in the collective bargaining unit vote for a single labor organization, the labor
24 organization shall be the exclusive representative for all home care providers in that
25 collective bargaining unit. If no single labor organization receives a majority of the

1 votes cast, the commission may hold one or more runoff elections under sub. (4) until
2 one labor organization receives a majority of the votes cast.

3 **SECTION 205.** 111.84 (1) (b) of the statutes is amended to read:

4 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
5 create, dominate or interfere with the formation or administration of any labor or
6 employee organization or contribute financial support to it. Except as provided in
7 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
8 retirement system under ch. 40 and no action by the employer that is authorized by
9 such a law constitutes a violation of this paragraph unless an applicable collective
10 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
11 specifically prohibits the change or action. No such change or action affects the
12 continuing duty to bargain collectively with a collective bargaining unit under s.
13 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
14 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
15 reimburse an employee at his or her prevailing wage rate for the time spent during
16 the employee's regularly scheduled hours conferring with the employer's officers or
17 agents and for attendance at commission or court hearings necessary for the
18 administration of this subchapter. Professional supervisory or craft personnel may
19 maintain membership in professional or craft organizations; however, as members
20 of such organizations they shall be prohibited from those activities related to
21 collective bargaining in which the organizations may engage.

22 **SECTION 206.** 111.84 (1) (d) of the statutes is amended to read:

23 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
24 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its
25 employees in an appropriate collective bargaining unit. Where the employer has a

1 good faith doubt as to whether a labor organization claiming the support of a majority
2 of its employees in appropriate collective bargaining unit does in fact have that
3 support, it may file with the commission a petition requesting an election as to that
4 claim. It is not deemed to have refused to bargain until an election has been held and
5 the results thereof certified to it by the commission. A violation of this paragraph
6 includes, but is not limited to, the refusal to execute a collective bargaining
7 agreement previously orally agreed upon.

8 **SECTION 207.** 111.84 (1) (f) of the statutes is amended to read:

9 111.84 (1) (f) To deduct labor organization dues from ~~the~~ an employee's
10 ~~earnings of a public safety employee~~, unless the employer has been presented with
11 an individual order therefor, signed by the ~~public safety~~ employee personally, and
12 terminable by at least the end of any year of its life or earlier by the ~~public safety~~
13 employee giving at least 30 but not more than 120 days' written notice of such
14 termination to the employer and to the representative labor organization, except if
15 there is a fair-share or maintenance of membership agreement in effect. The
16 employer shall give notice to the labor organization of receipt of such notice of
17 termination.

18 **SECTION 208.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
19 32, is amended to read:

20 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
21 (1) ~~or (3), whichever is appropriate~~, with the duly authorized officer or agent of the
22 employer which is the recognized or certified exclusive collective bargaining
23 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
24 bargaining unit or with the certified exclusive collective bargaining representative
25 of employees specified in s. 111.81 (7) (ar) to ~~(f)~~ (g) in an appropriate collective

1 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
2 refusal to execute a collective bargaining agreement previously orally agreed upon.

3 **SECTION 209.** 111.84 (3) of the statutes is amended to read:

4 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
5 on behalf of or in the interest of employers or employees, or in connection with or to
6 influence the outcome of any controversy as to employment relations, any act
7 prohibited by ~~sub.~~ subs. (1) ~~or~~ and (2).

8 **SECTION 210.** 111.845 of the statutes is repealed.

9 **SECTION 211.** 111.85 (1), (2) and (4) of the statutes are amended to read:

10 111.85 (1) (a) No fair-share or maintenance of membership agreement
11 ~~covering public safety employees may become~~ is effective unless authorized by a
12 referendum. The commission shall order a referendum whenever it receives a
13 petition supported by proof that at least ~~30%~~ 30 percent of the ~~public safety~~
14 ~~employees or supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit
15 desire that a fair-share or maintenance of membership agreement be entered into
16 between the employer and a labor organization. A petition may specify that a
17 referendum is requested on a maintenance of membership agreement only, in which
18 case the ballot shall be limited to that question.

19 (b) For a fair-share agreement to be authorized, at least two-thirds of the
20 eligible ~~public safety employees~~ or supervisors voting in a referendum shall vote in
21 favor of the agreement. For a maintenance of membership agreement to be
22 authorized, at least a majority of the eligible ~~public safety employees~~ or supervisors
23 voting in a referendum ~~shall~~ must vote in favor of the agreement. In a referendum
24 on a fair-share agreement, if less than two-thirds but more than one-half of the

1 eligible ~~public safety~~ employees or supervisors vote in favor of the agreement, a
2 maintenance of membership agreement is authorized.

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

17 (d) Under each fair-share or maintenance of membership agreement, ~~a public~~
18 ~~safety~~ an employee or supervisor who has religious convictions against dues
19 payments to a labor organization based on teachings or tenets of a church or religious
20 body of which he or she is a member ~~shall, on~~ may request to the labor organization,
21 ~~have to pay~~ his or her dues paid to a charity mutually agreed upon by the public
22 ~~safety~~ employee or supervisor and the labor organization. Any dispute ~~concerning~~
23 under this paragraph may be submitted to the commission for adjudication.

24 **(2)** (a) Once authorized, a fair-share or maintenance of membership
25 agreement covering ~~public safety~~ employees shall ~~continue~~ is in effect, subject to the

1 right of the employer or labor organization concerned to petition the commission to
2 conduct a new referendum. Such petition must be supported by proof that at least
3 ~~30%~~ 30 percent of the ~~public safety~~ employees or supervisors in the collective
4 bargaining unit desire that the fair-share or maintenance of membership agreement
5 be discontinued. Upon so finding, the commission shall conduct a new referendum.
6 If the continuance of the fair-share or maintenance of membership agreement is
7 approved in the referendum by at least the percentage of eligible voting ~~public safety~~
8 employees or supervisors required for its initial authorization, it shall be continued
9 in effect, subject to the right of the employer or labor organization to later initiate a
10 further vote following the procedure prescribed in this subsection. If the
11 continuation of the agreement is not supported in any referendum, it is ~~deemed~~
12 ~~terminated~~ terminates at the termination of the collective bargaining agreement, or
13 one year from the date of the certification of the result of the referendum, whichever
14 is earlier.

15 (b) The commission shall ~~declare~~ suspend any fair-share or maintenance of
16 membership agreement ~~suspended~~ upon such conditions and for such time as the
17 commission decides whenever it finds that the labor organization involved has
18 refused on the basis of race, color, sexual orientation, or creed to receive as a member
19 any ~~public safety~~ employee or supervisor in the collective bargaining unit involved,
20 and the agreement shall be made subject to the findings and orders of the
21 commission. Any of the parties to the agreement, or any ~~public safety~~ employee or
22 supervisor covered thereby, may come before the commission, as provided in s.
23 111.07, and petition the commission to make such a finding.

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

4 **SECTION 212.** 111.905 of the statutes is created to read:

5 **111.905 Rights of consumer.** (1) This subchapter does not interfere with the
6 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
7 or discipline home care providers or to set conditions and duties of employment.

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

10 **SECTION 213.** 111.91 (1) (a) of the statutes is amended to read:

11 111.91 (1) (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~
12 ~~bargaining unit under s. 111.825 (1) (g) (e)~~, matters subject to collective bargaining
13 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
14 reassignment of classifications to pay ranges, determination of an incumbent's pay
15 status resulting from position reallocation or reclassification, and pay adjustments
16 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher
17 classification or downward reallocations of a classified ~~public safety~~ employee's
18 position; fringe benefits consistent with sub. (2); hours and conditions of
19 employment.

20 **SECTION 214.** 111.91 (1) (b) of the statutes is amended to read:

21 111.91 (1) (b) The employer is not required to bargain ~~with a collective~~
22 ~~bargaining unit under s. 111.825 (1) (g)~~ on management rights under s. 111.90, except
23 that procedures for the adjustment or settlement of grievances or disputes arising
24 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of
25 bargaining.

1 **SECTION 215.** 111.91 (1) (c) of the statutes is amended to read:

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

4 **SECTION 216.** 111.91 (1) (cg) of the statutes is created to read:

5 111.91 (1) (cg) The representative of home care providers in the collective
6 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with
7 respect to any matter other than wages and fringe benefits.

8 **SECTION 217.** 111.91 (1) (cm) of the statutes is amended to read:

9 111.91 (1) (cm) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23
10 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all
11 actions of the employer that are authorized under any such law which apply to
12 nonrepresented individuals employed by the state shall apply to similarly situated
13 ~~public safety~~ employees, unless otherwise specifically provided in a collective
14 bargaining agreement that applies to the ~~public safety~~ employees.

15 **SECTION 218.** 111.91 (1) (d) of the statutes is amended to read:

16 111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~
17 ~~demands~~ Demands relating to retirement and group insurance shall be submitted
18 to the employer at least one year prior to commencement of negotiations.

19 **SECTION 219.** 111.91 (1) (e) of the statutes is created to read:

20 111.91 (1) (e) The employer is not be required to bargain on matters related to
21 employee occupancy of houses or other lodging provided by the state.

22 **SECTION 220.** 111.91 (2) (intro.) of the statutes is amended to read:

23 111.91 (2) (intro.) The employer is prohibited from bargaining with a collective
24 bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

25 **SECTION 221.** 111.91 (2) (fm) of the statutes is repealed.

1 **SECTION 222.** 111.91 (2) (gu) of the statutes is amended to read:

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

7 **SECTION 223.** 111.91 (2c) of the statutes is created to read:

8 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
9 is prohibited from bargaining with a collective bargaining unit formed under s.
10 111.825 (2g) on any of the following:

11 (a) Policies.

12 (b) Work rules.

13 (c) Hours of employment.

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

15 **SECTION 224.** 111.91 (3) of the statutes is repealed.

16 **SECTION 225.** 111.91 (3q) of the statutes is repealed.

17 **SECTION 226.** 111.92 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
18 32, is amended to read:

19 111.92 (1) (a) 1. Any tentative agreement reached between the office, or, as
20 provided in s. 111.815 (1), the department of health services acting for the state, and
21 any labor organization representing a collective bargaining unit specified in s.
22 111.825 (1) ~~or~~, (2) (d) or (e), or (2g) shall, after official ratification by the labor
23 organization, be submitted by the office or department of health services to the joint
24 committee on employment relations, which shall hold a public hearing before
25 determining its approval or disapproval.

1 **SECTION 227.** 111.92 (2m) of the statutes is created to read:

2 111.92 (2m) A collective bargaining agreement entered into by a collective
3 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2013.

4 **SECTION 228.** 111.92 (3) (a) of the statutes is renumbered 111.92 (3) and
5 amended to read:

6 111.92 (3) Agreements covering a collective bargaining unit specified under s.
7 111.825 (1) (g) shall coincide with the fiscal year or biennium.

8 **SECTION 229.** 111.92 (3) (b) of the statutes is repealed.

9 **SECTION 230.** 111.93 (3) (intro.) and (a) of the statutes are consolidated,
10 renumbered 111.93 (3) and amended to read:

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

21 **SECTION 231.** 111.93 (3) (b) of the statutes is repealed.

22 **SECTION 232.** 118.22 (4) of the statutes is created to read:

23 118.22 (4) A collective bargaining agreement may modify, waive, or replace any
24 of the provisions of this section as they apply to teachers in the collective bargaining

1 unit, but neither the employer nor the bargaining agent for the employees is required
2 to bargain such modification, waiver, or replacement.

3 **SECTION 233.** 118.223 of the statutes is repealed.

4 **SECTION 234.** 118.23 (5) of the statutes is created to read:

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

9 **SECTION 235.** 118.245 of the statutes is repealed.

10 **SECTION 236.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

11 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
12 board of regents' authority to establish and adjust all compensation and fringe
13 benefits of instructional staff, subject to the terms of any collective bargaining
14 agreement under subch. V of ch. 111 that covers the instructional staff. In the
15 absence of a collective bargaining agreement, the governing board may establish and
16 adjust all compensation and fringe benefits of the instructional staff only with the
17 approval of the chancellor of the University of Wisconsin-Parkside.

18 **SECTION 237.** 118.42 (3) (a) 4. of the statutes is amended to read:

19 118.42 (3) (a) 4. Implement changes in administrative and personnel
20 structures that are consistent with applicable collective bargaining agreements.

21 **SECTION 238.** 118.42 (5) of the statutes is amended to read:

22 118.42 (5) Nothing in this section alters or otherwise affects the rights or
23 remedies afforded school districts and school district employees under federal or
24 state law or under the terms of any applicable collective bargaining agreement.

25 **SECTION 239.** 119.04 (1) of the statutes is amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
4 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
5 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
6 ~~118.223~~, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258,
7 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
8 (2m), ~~(4m)~~, (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
9 (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to
10 a 1st class city school district and board.

11 **SECTION 240.** 120.12 (4m) of the statutes is repealed.

12 **SECTION 241.** 120.12 (15) of the statutes is amended to read:

13 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
14 school day. The school board may differentiate between the various elementary and
15 high school grades in scheduling the school day. The equivalent of 180 such days, as
16 defined in s. 115.01 (10), shall be held during the school term. This subsection does
17 not eliminate a school district's duty to bargain with the employee's collective
18 bargaining representative over any calendaring proposal that is primarily related to
19 wages, hours, or conditions of employment.

20 **SECTION 242.** 120.18 (1) (gm) of the statutes is amended to read:

21 120.18 (1) (gm) Payroll and related benefit costs for all school district
22 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
23 shall be based upon the costs of wages of any collective bargaining agreements
24 covering such employees for the previous school year. If, as of the time specified by
25 the department for filing the report, the school district has not entered into a

1 collective bargaining agreement for any portion of the previous school year with the
2 recognized or certified representative of any of its employees and the school district
3 and the representative have been required to submit final offers under s. 111.70 (4)
4 (cm) 6., increased costs of wages limited to the lower of the school district's offer or
5 the representative's offer shall be reflected in the report shall be equal to the
6 maximum wage expenditure that is subject to collective bargaining under s. 111.70
7 (4) (mb) 2. for the employees. The school district shall amend the annual report to
8 reflect any change in such costs as a result of any collective bargaining agreement
9 entered into award or settlement under s. 111.70 (4) (cm) 6. between the date of filing
10 the report and October 1. Any such amendment shall be concurred in by the certified
11 public accountant licensed or certified under ch. 442 certifying the school district
12 audit.

13 **SECTION 243.** 230.01 (3) of the statutes is amended to read:

14 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
15 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

16 **SECTION 244.** 230.03 (3) of the statutes is amended to read:

17 230.03 (3) "Agency" means any board, commission, committee, council, or
18 department in state government or a unit thereof created by the constitution or
19 statutes if such board, commission, committee, council, department, unit, or the
20 head thereof, is authorized to appoint subordinate staff by the constitution or
21 statute, except the Board of Regents of the University of Wisconsin System, a
22 legislative or judicial board, commission, committee, council, department, or unit
23 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or
24 under ch. 53, 231, 232, 233, 234, 237, 238, or 279. "Agency" does not mean any local

1 unit of government or body within one or more local units of government that is
2 created by law or by action of one or more local units of government.

3 **SECTION 245.** 230.046 (10) (a) of the statutes is amended to read:

4 230.046 (10) (a) Conduct off-the-job employee development and training
5 programs relating to functions under this chapter or subch. V or VI of ch. 111.

6 **SECTION 246.** 230.10 (1) of the statutes is amended to read:

7 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
8 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~
9 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~
10 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~
11 ~~relating to matters that are subject to bargaining under a collective bargaining~~
12 ~~agreement that covers the employee, unless they are covered by a collective~~
13 bargaining agreement under subch. V of ch. 111.

14 **SECTION 247.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 230.12 (3) (e) 1. The director, after receiving recommendations from the board
17 of regents and the chancellor of the University of Wisconsin-Madison, shall submit
18 to the joint committee on employment relations a proposal for adjusting
19 compensation and employee benefits for University of Wisconsin System employees
20 who are not included in a collective bargaining unit under subch. VI of ch. 111 for
21 which a representative is certified. The proposal shall be based upon the competitive
22 ability of the board of regents to recruit and retain qualified faculty and academic
23 staff, data collected as to rates of pay for comparable work in other public services,
24 universities and commercial and industrial establishments, recommendations of the
25 board of regents and any special studies carried on as to the need for any changes in

1 compensation and employee benefits to cover each year of the biennium. The
2 proposal shall also take proper account of prevailing pay rates, costs and standards
3 of living and the state's employment policies. The proposal for such pay adjustments
4 may contain recommendations for across-the-board pay adjustments, merit or other
5 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
6 shall apply to the process for approval of all pay adjustments for University of
7 Wisconsin System employees. The proposal as approved by the joint committee on
8 employment relations and the governor shall be based upon a percentage of the
9 budgeted salary base for University of Wisconsin System employees. The amount
10 included in the proposal for merit and adjustments other than across-the-board pay
11 adjustments is available for discretionary use by the board of regents.

12 **SECTION 248.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act
13 32, is amended to read:

14 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
15 status in class in the classified service and all employees who have served with the
16 state as an assistant district attorney for a continuous period of 12 months or more
17 (ar), except that for employees specified in s. 111.81 (7) (a) in a collective bargaining
18 unit for which a representative is recognized or certified, or for employees specified
19 in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is
20 certified, if a collective bargaining agreement is in effect covering employees in the
21 collective bargaining unit, the provisions of the collective bargaining agreement
22 govern just cause and all aspects of the appeal procedure.

23 **SECTION 249.** 230.35 (1s) of the statutes is amended to read:

24 230.35 (1s) Annual leave of absence with pay for instructional staff employed
25 by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
2 determined by the governing board of the charter school established by contract
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
4 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement
5 under subch. V of ch. 111 covering the instructional staff.

6 **SECTION 250.** 230.35 (2d) (e) of the statutes is amended to read:

7 230.35 (2d) (e) For employees who are included in a collective bargaining unit
8 for which a representative is recognized or certified under subch. V or VI of ch. 111,
9 this subsection shall apply unless otherwise provided in a collective bargaining
10 agreement.

11 **SECTION 251.** 230.35 (3) (e) 6. of the statutes is amended to read:

12 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
13 for which a representative is recognized or certified under subch. V or VI of ch. 111,
14 this paragraph shall apply unless otherwise provided in a collective bargaining
15 agreement.

16 **SECTION 252.** 230.88 (2) (b) of the statutes is amended to read:

17 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
18 employee under this subchapter. However, nothing in this subchapter affects any
19 right of an employee to pursue a grievance procedure under a collective bargaining
20 agreement under subch. V or VI of ch. 111, and if the division of equal rights
21 determines that a grievance arising under such a collective bargaining agreement
22 involves the same parties and matters as a complaint under s. 230.85, it shall order
23 the arbitrator's final award on the merits conclusive as to the rights of the parties
24 to the complaint, on those matters determined in the arbitration which were at issue
25 and upon which the determination necessarily depended.

1 **SECTION 253.** 233.02 (1) (h) of the statutes is created to read:

2 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
3 shall be an employee or a representative of a labor organization recognized or
4 certified to represent employees in one of the collective bargaining units specified in
5 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
6 organization recognized or certified to represent employees in one of the collective
7 bargaining units specified in s. 111.825 (1m).

8 **SECTION 254.** 233.02 (8) of the statutes is amended to read:

9 233.02 (8) The members of the board of directors shall annually elect a
10 chairperson and may elect other officers as they consider appropriate. Eight voting
11 members of the board of directors constitute a quorum for the purpose of conducting
12 the business and exercising the powers of the authority, notwithstanding the
13 existence of any vacancy. The members of the board of directors specified under sub.
14 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
15 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
16 of a majority of the members present, unless the bylaws of the authority require a
17 larger number.

18 **SECTION 255.** 233.03 (7) of the statutes is amended to read:

19 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
20 9159 (4) and the duty to engage in collective bargaining with employees in a collective
21 bargaining unit for which a representative is recognized or certified under subch. I
22 of ch. 111, employ any agent, employee or special advisor that the authority finds
23 necessary and fix his or her compensation and provide any employee benefits,
24 including an employee pension plan.

25 **SECTION 256.** 233.10 (2) (intro.) of the statutes is amended to read:

1 233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to
2 engage in collective bargaining with employees in a collective bargaining unit for
3 which a representative is recognized or certified under subch. I of ch. 111, the
4 authority shall establish any of the following:

5 **SECTION 257.** 281.75 (4) (b) 3. of the statutes is amended to read:

6 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
7 233, 234, 237, or 238.

8 **SECTION 258.** 285.59 (1) (b) of the statutes is amended to read:

9 285.59 (1) (b) "State agency" means any office, department, agency, institution
10 of higher education, association, society, or other body in state government created
11 or authorized to be created by the constitution or any law which is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, the Wisconsin
13 Housing and Economic Development Authority, the Bradley Center Sports and
14 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
15 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Wisconsin Health and Educational Facilities
18 Authority.

19 **SECTION 259.** 704.31 (3) of the statutes is amended to read:

20 704.31 (3) This section does not apply to a lease to which a local professional
21 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
22 Home Care Authority, or the Fox River Navigational System Authority is a party.

23 **SECTION 260.** 851.71 (4) of the statutes is amended to read:

24 851.71 (4) In counties having a population of 500,000 or more, the appointment
25 under subs. (1) and (2) shall be made as provided in those subsections but the judges

1 shall not remove the register in probate and deputy registers, except through charges
2 for dismissal made and sustained under s. 63.10 or an applicable collective
3 bargaining agreement.

4 **SECTION 261.** 904.085 (2) (a) of the statutes is amended to read:

5 904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation
6 under s. 111.54, mediation under s. 111.11, 111.70 (4) ~~(eg)~~ or (cm) 3. or 111.87,
7 mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
8 or s. 767.405, or any similar statutory, contractual or court-referred process
9 facilitating the voluntary resolution of disputes. “Mediation” does not include
10 binding arbitration or appraisal.

11 **SECTION 262.** 978.12 (1) (c) of the statutes is amended to read:

12 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
13 employed outside the classified service. For purposes of salary administration, the
14 director of the office of state employment relations shall establish one or more
15 classifications for assistant district attorneys in accordance with the classification
16 or classifications allocated to assistant attorneys general. Except as provided in ss.
17 111.93 (3) ~~(b)~~ and 230.12 (10), the salaries of assistant district attorneys shall be
18 established and adjusted in accordance with the state compensation plan for
19 assistant attorneys general whose positions are allocated to the classification or
20 classifications established by the director of the office of state employment relations.

21 **SECTION 263.** 2011 Wisconsin Act 10, section 9132 is repealed.

22 **SECTION 264.** 2011 Wisconsin Act 10, section 9155 is repealed.”.

23 **2.** Page 1362, line 9: after that line insert:

1 “(1h) PUBLIC SECTOR COLLECTIVE BARGAINING. All material inserted into 2013
2 Assembly Bill 40, as shown by Assembly Substitute Amendment 1, under item 1. of
3 LRBb0722/1 first applies to an employee who is covered by a collective bargaining
4 agreement under subchapter I, IV, or V of chapter 111 of the statutes on the day on
5 which the agreement expires, or is terminated, extended, modified, or renewed,
6 whichever comes first.”.

7

(END)