



## 2011 ASSEMBLY BILL 29

February 22, 2011 – Introduced by Representatives VOS, NASS, PRIDEMORE, JACQUE, LEMAHIEU, WYNN, J. OTT, BIES, THIESFELDT, TAUCHEN, LITJENS, KESTELL, MEYER, KAPENGA, BERNIER, RIVARD, VAN ROY, STRACHOTA and MURSAU, cosponsored by Senators GROTHMAN, DARLING, LAZICH, VUKMIR, GALLOWAY, LASEE, OLSEN and LEIBHAM. Referred to Committee on Labor and Workforce Development.

1     **AN ACT** *to renumber* 111.825 (3); *to renumber and amend* 111.81 (7); *to*  
2           *amend* 111.84 (2) (c), 111.88 (1), 111.91 (4), 111.93 (2), 230.10 (2) and 230.34 (1)  
3           (ar); and *to create* 111.81 (7) (bm), 111.825 (3) (b) and 111.98 (1m) of the  
4           statutes; **relating to:** collective bargaining unit assignments under the State  
5           Employment Labor Relations Act.

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### *Analysis by the Legislative Reference Bureau*

Current law provides collective bargaining rights for state employees under the State Employment Labor Relations Act (SELRA) and for faculty and academic staff of the University of Wisconsin System (UW System). Under SELRA, the Wisconsin Employment Relations Commission (WERC) assigns state employees to the appropriate collective bargaining unit. This draft specifies that WERC may not assign faculty and staff of the UW System to a collective bargaining unit under SELRA.

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

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

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1           **SECTION 1.** 111.81 (7) of the statutes is renumbered 111.81 (7) (am), and 111.81  
2 (7) (am) 6., as renumbered, is amended to read:

3           111.81 (7) (am) 6. For purposes of this subchapter only, home care providers.  
4 This paragraph subdivision does not make home care providers state employees for  
5 any other purpose except collective bargaining.

6           **SECTION 2.** 111.81 (7) (bm) of the statutes is created to read:

7           111.81 (7) (bm) “Employee” does not include academic staff or faculty appointed  
8 by the Board of Regents of the University of Wisconsin System under s. 36.13 or  
9 36.15.

10          **SECTION 3.** 111.825 (3) of the statutes is renumbered 111.825 (3) (a).

11          **SECTION 4.** 111.825 (3) (b) of the statutes is created to read:

12          111.825 (3) (b) The commission may not assign to any collective bargaining unit  
13 set forth in sub. (1), (1m), or (2) any individual appointed by the Board of Regents of  
14 the University of Wisconsin System under s. 36.13 or 36.15.

15          **SECTION 5.** 111.84 (2) (c) of the statutes is amended to read:

16          111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
17 (1) with the duly authorized officer or agent of the employer which is the recognized  
18 or certified exclusive collective bargaining representative of employees specified in  
19 s. 111.81 (7) (a) (am) 1. in an appropriate collective bargaining unit or with the  
20 certified exclusive collective bargaining representative of employees specified in s.  
21 111.81 (7) ~~(b) to (g)~~ (am) 2. to 7. in an appropriate collective bargaining unit. Such  
22 refusal to bargain shall include, but not be limited to, the refusal to execute a  
23 collective bargaining agreement previously orally agreed upon.

24          **SECTION 6.** 111.88 (1) of the statutes is amended to read:

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1           111.88 (1) If a dispute has not been settled after a reasonable period of  
2 negotiation and after the settlement procedures, if any, established by the parties  
3 have been exhausted, the representative which has been certified by the commission  
4 after an election, or, in the case of a representative of employees specified in s. 111.81  
5 (7) ~~(a)~~ (am) 1., has been duly recognized by the employer, as the exclusive  
6 representative of employees in an appropriate collective bargaining unit, and the  
7 employer, its officers and agents, after a reasonable period of negotiation, are  
8 deadlocked with respect to any dispute between them arising in the collective  
9 bargaining process, the parties jointly, may petition the commission, in writing, to  
10 initiate fact-finding under this section, and to make recommendations to resolve the  
11 deadlock.

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

13           111.91 (4) The director of the office, in connection with the development of  
14 tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),  
15 shall endeavor to obtain tentative agreements with each recognized or certified labor  
16 organization representing employees or supervisors of employees specified in s.  
17 111.81 (7) ~~(a)~~ (am) 1. and with each certified labor organization representing  
18 employees specified in s. 111.81 (7) ~~(b) to (e)~~ (am) 2. to 5. which do not contain any  
19 provision for the payment to any employee of a cumulative or noncumulative amount  
20 of compensation in recognition of or based on the period of time an employee has been  
21 employed by the state.

22           **SECTION 8.** 111.93 (2) of the statutes is amended to read:

23           111.93 (2) All civil service and other applicable statutes concerning wages,  
24 fringe benefits, hours and conditions of employment apply to employees specified in  
25 s. 111.81 (7) ~~(a)~~ (am) 1. who are not included in collective bargaining units for which

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1 a representative is recognized or certified and to employees specified in s. 111.81 (7)  
2 ~~(b) to (f)~~ (am) 2. to 6. who are not included in a collective bargaining unit for which  
3 a representative is certified.

4 **SECTION 9.** 111.98 (1m) of the statutes is created to read:

5 111.98 **(1m)** No employee appointed by the board under s. 36.13 or 36.15 may  
6 be assigned by the commission to a collective bargaining unit set forth in s. 111.825  
7 (1), (1m), or (2).

8 **SECTION 10.** 230.10 (2) of the statutes is amended to read:

9 230.10 **(2)** The compensation plan in effect at the time that a representative  
10 is recognized or certified to represent employees in a collective bargaining unit and  
11 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
12 that a representative is certified to represent employees in a collective bargaining  
13 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
14 and benefit provisions for employees in the collective bargaining unit until a  
15 collective bargaining agreement becomes effective for that unit. If a collective  
16 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
17 a subsequent agreement, and a representative continues to be recognized or certified  
18 to represent employees specified in s. 111.81 (7) ~~(a)~~ (am) 1. or certified to represent  
19 employees specified in s. 111.81 (7) ~~(b) to (f)~~ (am) 2. to 6. in that collective bargaining  
20 unit, the wage rates of the employees in such a unit shall be frozen until a subsequent  
21 agreement becomes effective, and the compensation plan under s. 230.12 and salary  
22 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
23 unit.

24 **SECTION 11.** 230.34 (1) (ar) of the statutes is amended to read:

