



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5068/1
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2021 ASSEMBLY BILL 687

November 12, 2021 - Introduced by Representatives SHANKLAND, HESSELBEIN, SUBECK, NEUBAUER, SINICKI, EMERSON, CONSIDINE, BILLINGS, SPREITZER, HINTZ, ANDERSON, VINING, STUBBS, VRUWINK, DOYLE, BALDEH, MILROY, OHNSTAD, S. RODRIGUEZ, POPE, CONLEY, SHELTON, HEBL, HONG, BROSTOFF, SNODGRASS, HAYWOOD, MOORE OMOKUNDE, GOYKE, ANDRACA, BOWEN, CABRERA, DRAKE, MCGUIRE, B. MEYERS, L. MYERS, ORTIZ-VELEZ and RIEMER, cosponsored by Senators LARSON, ROYS, AGARD, RINGHAND, WIRCH, JOHNSON, CARPENTER, BEWLEY, SMITH, PFAFF, ERPENBACH and L. TAYLOR. Referred to Committee on Labor and Integrated Employment.

1 **AN ACT to amend** 7.33 (4), 13.111 (2), 16.50 (3) (e), 19.82 (1), 19.85 (3), 19.86,
2 20.425 (1) (a), 20.425 (1) (i), 20.505 (1) (ks), 20.505 (1) (kz), 20.917 (3) (b), 20.921
3 (1) (a) 2., 20.923 (6) (intro.), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (4g) (a) 4., 40.80
4 (3), 40.81 (3), 111.70 (1) (a), 111.70 (1) (fm), 111.70 (1) (j), 111.70 (3) (a) 5., 111.70
5 (3) (a) 6., 111.70 (4) (cg) (title), 1. to 5. and 6. a., 111.70 (4) (cg) 7r. d., 111.70 (4)
6 (cg) 7r. e., 111.70 (4) (cg) 7r. f., 111.70 (4) (cg) 7r. h., 111.70 (4) (cg) 8m., 111.70
7 (4) (d) 1., 111.70 (4) (d) 2. a., 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.81 (1), 111.81
8 (9g), 111.81 (12m), 111.81 (16), 111.825 (5), 111.83 (1), 111.83 (5) (d), 111.83 (5)
9 (e), 111.83 (5) (f), 111.84 (1) (f), 111.85 (1) (a), 111.85 (1) (b), 111.85 (1) (c), 111.85
10 (1) (d), 111.85 (2) (a), 111.85 (2) (b), 111.85 (4), 111.91 (1) (a), 111.91 (1) (b), 111.91
11 (1) (c), 111.93 (3) (a), 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d)
12 (e), 230.35 (3) (e) 6. and 230.88 (2) (b); and **to create** 111.70 (1) (cn), 111.70 (1)
13 (om) and subchapter VI of chapter 111 [precedes 111.95] of the statutes;
14 **relating to:** collective bargaining for employees of school districts, employees

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1 of cooperative educational service agencies, employees of technical college
2 districts, and employees of the University of Wisconsin System and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill allows employees of school districts, employees of cooperative educational service agencies, and employees of technical college districts, if the employees are not in managerial or supervisory positions, to collectively bargain over wages, hours, and conditions of employment. This bill also allows the University of Wisconsin System and employees to collectively bargain over wages, hours, and conditions of employment. Finally, the bill allows faculty and academic staff of the UW System to organize and to collectively bargain over wages, hours, and conditions of employment. Under current law, public employers and employees are prohibited from bargaining collectively except as expressly provided in the statutes.

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

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

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

5 7.33 (4) Except as otherwise provided in this subsection, each local
6 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
7 proper application under sub. (3), permit each of its employees to serve as an election
8 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
9 scheduled working hours during the period specified in sub. (3), without loss of pay
10 for scheduled working hours during the period specified in sub. (3) except as provided
11 in sub. (5), and without any other penalty. For employees who are included in a
12 collective bargaining unit for which a representative is recognized or certified under
13 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
14 collective bargaining agreement.

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

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1 13.111 (2) DUTIES. The joint committee on employment relations shall perform
2 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
3 230, and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

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

5 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
6 the pay ranges prescribed in the compensation plan or as provided in a collective
7 bargaining agreement under subch. V or VI of ch. 111.

8 **SECTION 4.** 19.82 (1) of the statutes is amended to read:

9 19.82 (1) “Governmental body” means a state or local agency, board,
10 commission, committee, council, department or public body corporate and politic
11 created by constitution, statute, ordinance, rule or order; a governmental or
12 quasi-governmental corporation except for the Bradley center sports and
13 entertainment corporation; a local exposition district under subch. II of ch. 229; a
14 long-term care district under s. 46.2895; or a formally constituted subunit of any of
15 the foregoing, but excludes any such body or committee or subunit of such body which
16 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
17 ~~or V,~~ or VI of ch. 111.

18 **SECTION 5.** 19.85 (3) of the statutes is amended to read:

19 19.85 (3) Nothing in this subchapter shall be construed to authorize a
20 governmental body to consider at a meeting in closed session the final ratification or
21 approval of a collective bargaining agreement under subch. I, IV, ~~or V,~~ or VI of ch. 111
22 which has been negotiated by such body or on its behalf.

23 **SECTION 6.** 19.86 of the statutes is amended to read:

24 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
25 19.82 (1), where notice has been given by either party to a collective bargaining

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1 agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111 to reopen such agreement at its
2 expiration date, the employer shall give notice of such contract reopening as provided
3 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
4 by the employer's chief officer or such person's designee.

5 **SECTION 7.** 20.425 (1) (a) of the statutes is amended to read:

6 20.425 (1) (a) *General program operations.* The amounts in the schedule for
7 the purposes provided in subchs. I, IV, ~~and V, and VI~~ of ch. 111 and s. 230.45 (1).

8 **SECTION 8.** 20.425 (1) (i) of the statutes is amended to read:

9 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
10 The amounts in the schedule for the performance of fact-finding, mediation,
11 certification, and arbitration functions, for the provision of copies of transcripts, for
12 the cost of operating training programs under ss. 111.09 (3), 111.71 (5m), and 111.94
13 (3), for the preparation of publications, transcripts, reports, and other copied
14 material, and for costs related to conducting appeals under s. 230.45. All moneys
15 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)
16 (b), 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators
17 and arbitration panel members, and individuals who are interested in serving in
18 such positions, and from individuals and organizations who participate in other
19 collective bargaining training programs conducted by the commission, and all
20 moneys received from the sale of publications, transcripts, reports, and other copied
21 material shall be credited to this appropriation account.

22 **SECTION 9.** 20.505 (1) (ks) of the statutes is amended to read:

23 20.505 (1) (ks) *Collective bargaining grievance arbitrations.* The amounts in
24 the schedule for the payment of the state's share of costs related to collective
25 bargaining grievance arbitrations under s. 111.86 and related to collective

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1 bargaining grievance arbitrations under s. 111.993. All moneys received from state
2 agencies for the purpose of reimbursing the state's share of the costs related to
3 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
4 training related to grievance arbitrations, and all moneys received from institutions,
5 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
6 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
7 of costs for training related to grievance arbitrations shall be credited to this
8 appropriation account.

9 **SECTION 10.** 20.505 (1) (kz) of the statutes is amended to read:

10 20.505 (1) (kz) *General program operations.* The amounts in the schedule to
11 administer state employment relations functions and the civil service system under
12 subch. subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
13 to defray the expenses of the state employees suggestion board. All moneys received
14 from state agencies for materials and services provided by the division of personnel
15 management in the department of administration shall be credited to this
16 appropriation.

17 **SECTION 11.** 20.917 (3) (b) of the statutes is amended to read:

18 20.917 (3) (b) This subsection applies to employees in all positions in the civil
19 service, including those employees in positions included in collective bargaining
20 units under subch. V or VI of ch. 111, whether or not the employees are covered by
21 a collective bargaining agreement.

22 **SECTION 12.** 20.921 (1) (a) 2. of the statutes is amended to read:

23 20.921 (1) (a) 2. If the state employee is a public safety employee under s. 111.81
24 (15r), or an employee represented by a collective bargaining unit under s. 111.825 (1r)
25 (a) to (ec), (eh), (ei), or (f) or (1t), payment of dues to employee organizations.

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1 **SECTION 13.** 20.923 (6) (intro.) of the statutes is amended to read:

2 20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
3 following positions may be set by the appointing authority, subject to restrictions
4 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
5 where the salaries are a subject of bargaining with a certified representative of a
6 collective bargaining unit under s. 111.91 or 111.998:

7 **SECTION 14.** 36.09 (1) (j) of the statutes is amended to read:

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

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1 report to the joint committee on finance and the secretary of administration and
2 administrator of the division of personnel management in the department of
3 administration concerning the amounts of any salary increases granted to recognize
4 competitive factors, and the institutions at which they are granted, for the 12-month
5 period ending on the preceding June 30.

6 **SECTION 15.** 40.02 (25) (b) 8. of the statutes is amended to read:

7 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
8 under a collective bargaining agreement pursuant to subch. V or VI of ch. 111 or
9 under s. 230.12 or 233.10.

10 **SECTION 16.** 40.05 (4g) (a) 4. of the statutes is amended to read:

11 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
12 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
13 or under rules promulgated by the administrator of the division of personnel
14 management in the department of administration or is eligible for reemployment
15 with the state under s. 321.64 after completion of his or her service in the U.S. armed
16 forces.

17 **SECTION 17.** 40.80 (3) of the statutes is amended to read:

18 40.80 (3) Any action taken under this section shall apply to employees covered
19 by a collective bargaining agreement under subch. V or VI of ch. 111.

20 **SECTION 18.** 40.81 (3) of the statutes is amended to read:

21 40.81 (3) Any action taken under this section shall apply to employees covered
22 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

23 **SECTION 19.** 111.70 (1) (a) of the statutes is amended to read:

24 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
25 obligation of a municipal employer, through its officers and agents, and the

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

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

15 111.70 (1) (cn) “Cooperative educational service agency employee” means a
16 municipal employee who is employed by a cooperative educational service agency.

17 **SECTION 21.** 111.70 (1) (fm) of the statutes is amended to read:

18 111.70 (1) (fm) “General municipal employee” means a municipal employee
19 who is not a public safety employee ~~or~~, a transit employee, a school district employee,
20 a cooperative educational service agency employee, or a technical college employee.

21 **SECTION 22.** 111.70 (1) (j) of the statutes is amended to read:

22 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
23 metropolitan sewerage district, school district, cooperative educational service
24 agency, district board, as defined in s. 38.01 (6), long-term care district, local cultural
25 arts district created under subch. V of ch. 229, or any other political subdivision of

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1 the state, or instrumentality of one or more political subdivisions of the state, that
2 engages the services of an employee and includes any person acting on behalf of a
3 municipal employer within the scope of the person's authority, express or implied.

4 **SECTION 23.** 111.70 (1) (om) of the statutes is created to read:

5 111.70 (1) (om) "Technical college employee" means a municipal employee who
6 is employed by a district board, as defined in s. 38.01 (6).

7 **SECTION 24.** 111.70 (3) (a) 5. of the statutes is amended to read:

8 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
9 agreed upon by the parties with respect to wages, hours and conditions of
10 employment affecting public safety employees ~~or~~, transit employees, school district
11 employees, cooperative educational service agency employees, or technical college
12 employees, including an agreement to arbitrate questions arising as to the meaning
13 or application of the terms of a collective bargaining agreement or to accept the terms
14 of such arbitration award, where previously the parties have agreed to accept such
15 award as final and binding upon them or to violate any collective bargaining
16 agreement affecting general municipal employees, that was previously agreed upon
17 by the parties with respect to wages.

18 **SECTION 25.** 111.70 (3) (a) 6. of the statutes is amended to read:

19 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public
20 safety employee ~~or~~, a transit employee, a school district employee, a cooperative
21 educational service agency employee, or a technical college employee, unless the
22 municipal employer has been presented with an individual order therefor, signed by
23 the employee personally, and terminable by at least the end of any year of its life or
24 earlier by the public safety employee ~~or~~, transit employee, school district employee,
25 cooperative educational service agency employee, or technical college employee

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1 giving at least 30 days' written notice of such termination to the municipal employer
2 and to the representative organization, except when a fair-share agreement is in
3 effect.

4 **SECTION 26.** 111.70 (4) (cg) (title), 1. to 5. and 6. a. of the statutes are amended
5 to read:

6 111.70 (4) (cg) (title) *Methods for peaceful settlement of disputes; transit*
7 *employees, school district employees, cooperative educational service agency*
8 *employees, and technical college employees.* 1. 'Notice of commencement of contract
9 negotiations.' To advise the commission of the commencement of contract
10 negotiations involving a collective bargaining unit containing transit employees,
11 school district employees, cooperative educational service agency employees, or
12 technical college employees, whenever either party requests the other to reopen
13 negotiations under a binding collective bargaining agreement, or the parties
14 otherwise commence negotiations if no collective bargaining agreement exists, the
15 party requesting negotiations shall immediately notify the commission in writing.
16 Upon failure of the requesting party to provide notice, the other party may provide
17 notice to the commission. The notice shall specify the expiration date of the existing
18 collective bargaining agreement, if any, and shall provide any additional information
19 the commission may require on a form provided by the commission.

20 2. 'Presentation of initial proposals; open meetings.' The meetings between
21 parties to a collective bargaining agreement or proposed collective bargaining
22 agreement under this subchapter that involve a collective bargaining unit
23 containing a transit employee, a school district employee, a cooperative educational
24 service agency employee, or a technical college employee and that are held to present
25 initial bargaining proposals, along with supporting rationale, are open to the public.

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1 Each party shall submit its initial bargaining proposals to the other party in writing.
2 Failure to comply with this subdivision does not invalidate a collective bargaining
3 agreement under this subchapter.

4 3. 'Mediation.' The commission or its designee shall function as mediator in
5 labor disputes involving transit employees, school district employees, cooperative
6 educational service agency employees, or technical college employees upon request
7 of one or both of the parties, or upon initiation of the commission. The function of the
8 mediator is to encourage voluntary settlement by the parties. No mediator has the
9 power of compulsion.

10 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
11 application of the terms of a written collective bargaining agreement involving a
12 collective bargaining unit containing a transit employee, a school district employee,
13 a cooperative educational service agency employee, or a technical college employee
14 may agree in writing to have the commission or any other appropriate agency serve
15 as arbitrator or may designate any other competent, impartial, and disinterested
16 person to serve as an arbitrator.

17 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse
18 resolution procedures provided in this paragraph, a municipal employer that
19 employs a transit employee, a school district employee, a cooperative educational
20 service agency employee, or a technical college employee and labor organization may
21 at any time, as a permissive subject of bargaining, agree in writing to a dispute
22 settlement procedure, including binding interest arbitration, which is acceptable to
23 the parties for resolving an impasse over terms of any collective bargaining
24 agreement under this subchapter. The parties shall file a copy of the agreement with

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1 the commission. If the parties agree to any form of binding interest arbitration, the
2 arbitrator shall give weight to the factors enumerated under subds. 7. and 7g.

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

19 **SECTION 27.** 111.70 (4) (cg) 7r. d. of the statutes is amended to read:

20 111.70 (4) (cg) 7r. d. Comparison of wages, hours and conditions of employment
21 of the transit employees, school district employees, cooperative educational service
22 agency employees, or technical college employees involved in the arbitration
23 proceedings with the wages, hours, and conditions of employment of other employees
24 performing similar services.

25 **SECTION 28.** 111.70 (4) (cg) 7r. e. of the statutes is amended to read:

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1 111.70 (4) (cg) 7r. e. Comparison of the wages, hours and conditions of
2 employment of the transit employees, school district employees, cooperative
3 educational service agency employees, or technical college employees involved in the
4 arbitration proceedings with the wages, hours, and conditions of employment of
5 other employees generally in public employment in the same community and in
6 comparable communities.

7 **SECTION 29.** 111.70 (4) (cg) 7r. f. of the statutes is amended to read:

8 111.70 (4) (cg) 7r. f. Comparison of the wages, hours and conditions of
9 employment of the transit employees, school district employees, cooperative
10 educational service agency employees, or technical college employees involved in the
11 arbitration proceedings with the wages, hours, and conditions of employment of
12 other employees in private employment in the same community and in comparable
13 communities.

14 **SECTION 30.** 111.70 (4) (cg) 7r. h. of the statutes is amended to read:

15 111.70 (4) (cg) 7r. h. The overall compensation presently received by the transit
16 employees, school district employees, cooperative educational service agency
17 employees, or technical college employees, including direct wage compensation,
18 vacation, holidays, and excused time, insurance and pensions, medical and
19 hospitalization benefits, the continuity and stability of employment, and all other
20 benefits received.

21 **SECTION 31.** 111.70 (4) (cg) 8m. of the statutes is amended to read:

22 111.70 (4) (cg) 8m. 'Term of agreement; reopening of negotiations.' Except for
23 the initial collective bargaining agreement between the parties and except as the
24 parties otherwise agree, every collective bargaining agreement covering transit
25 employees, school district employees, cooperative educational service agency

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1 employees, or technical college employees shall be for a term of 2 years, but in no case
2 may a collective bargaining agreement for any collective bargaining unit consisting
3 of transit employees, school district employees, cooperative educational service
4 agency employees, or technical college employees subject to this paragraph be for a
5 term exceeding 3 years. No arbitration award involving transit employees, school
6 district employees, cooperative educational service agency employees, or technical
7 college employees may contain a provision for reopening of negotiations during the
8 term of a collective bargaining agreement, unless both parties agree to such a
9 provision. The requirement for agreement by both parties does not apply to a
10 provision for reopening of negotiations with respect to any portion of an agreement
11 that is declared invalid by a court or administrative agency or rendered invalid by
12 the enactment of a law or promulgation of a federal regulation.

13 **SECTION 32.** 111.70 (4) (d) 1. of the statutes is amended to read:

14 111.70 (4) (d) 1. A representative chosen for the purposes of collective
15 bargaining by a majority of the public safety employees ~~or~~, transit employees, school
16 district employees, cooperative educational service agency employees, or technical
17 college employees voting in a collective bargaining unit shall be the exclusive
18 representative of all employees in the unit for the purpose of collective bargaining.
19 A representative chosen for the purposes of collective bargaining by at least 51
20 percent of the general municipal employees in a collective bargaining unit shall be
21 the exclusive representative of all employees in the unit for the purpose of collective
22 bargaining. Any individual employee, or any minority group of employees in any
23 collective bargaining unit, shall have the right to present grievances to the municipal
24 employer in person or through representatives of their own choosing, and the
25 municipal employer shall confer with the employee in relation thereto, if the majority

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1 representative has been afforded the opportunity to be present at the conferences.
2 Any adjustment resulting from these conferences may not be inconsistent with the
3 conditions of employment established by the majority representative and the
4 municipal employer.

5 **SECTION 33.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

6 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
7 bargaining unit for the purpose of collective bargaining and shall whenever possible
8 avoid fragmentation by maintaining as few collective bargaining units as practicable
9 in keeping with the size of the total municipal workforce. The commission may
10 decide whether, in a particular case, the municipal employees in the same or several
11 departments, divisions, institutions, crafts, professions, or other occupational
12 groupings constitute a collective bargaining unit. Before making its determination,
13 the commission may provide an opportunity for the municipal employees concerned
14 to determine, by secret ballot, whether they desire to be established as a separate
15 collective bargaining unit. The commission may not decide, however, that any group
16 of municipal employees constitutes an appropriate collective bargaining unit if the
17 group includes both professional employees and nonprofessional employees, unless
18 a majority of the professional employees vote for inclusion in the unit. The
19 commission may not decide that any group of municipal employees constitutes an
20 appropriate collective bargaining unit if the group includes both school district
21 employees and general municipal employees who are not school district employees.
22 The commission may not decide that any group of municipal employees constitutes
23 an appropriate collective bargaining unit if the group includes cooperative
24 educational service agency employees and municipal employees who are not
25 cooperative educational service agency employees. The commission may not decide

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

18 **SECTION 34.** 111.70 (4) (p) of the statutes is amended to read:

19 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety ~~and~~*
20 *employees, transit employees, school district employees, cooperative educational*
21 *service agency employees, and technical college employees.* A municipal employer is
22 not required to bargain with public safety employees ~~or~~, transit employees, school
23 district employees, cooperative educational service agency employees, or technical
24 college employees on subjects reserved to management and direction of the
25 governmental unit except insofar as the manner of exercise of such functions affects

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1 the wages, hours, and conditions of employment of the public safety employees ~~or~~, of
2 the transit employees, of the school district employees, of the cooperative educational
3 service agency employees, or of the technical college employees in a collective
4 bargaining unit.

5 **SECTION 35.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

6 111.70 **(7m)** (c) 1. a. Any labor organization that represents public safety
7 employees or transit employees which violates sub. (4) (L) may not collect any dues
8 under a collective bargaining agreement or under a fair-share agreement from any
9 employee covered by either agreement for a period of one year. At the end of the
10 period of suspension, any such agreement shall be reinstated unless the labor
11 organization is no longer authorized to represent the public safety employees or
12 transit employees covered by the collective bargaining agreement or fair-share
13 agreement or the agreement is no longer in effect. Any labor organization that
14 represents school district employees, cooperative educational service agency
15 employees, or technical college employees which violates sub. (4) (L) may not collect
16 any dues under a collective bargaining agreement from any employee covered by the
17 agreement for a period of one year. At the end of the period of suspension, any such
18 agreement shall be reinstated unless the labor organization is no longer authorized
19 to represent the school district employees, cooperative educational service agency
20 employees, or technical college employees covered by the agreement or the
21 agreement is no longer in effect.

22 **SECTION 36.** 111.81 (1) of the statutes is amended to read:

23 111.81 **(1)** "Collective bargaining" means the performance of the mutual
24 obligation of the state as an employer, by its officers and agents, and the
25 representatives of its employees, to meet and confer at reasonable times, in good

ASSEMBLY BILL 687**SECTION 36**

1 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
2 to public safety employees and employees represented by a collective bargaining unit
3 under s. 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t), and to the subjects of bargaining
4 provided in s. 111.91 (3), with respect to general employees, with the intention of
5 reaching an agreement, or to resolve questions arising under such an agreement.
6 The duty to bargain, however, does not compel either party to agree to a proposal or
7 require the making of a concession. Collective bargaining includes the reduction of
8 any agreement reached to a written and signed document.

9 **SECTION 37.** 111.81 (9g) of the statutes is amended to read:

10 111.81 (9g) “General employee” means an employee who is not a public safety
11 employee or an employee who is represented by a collective bargaining unit under
12 s. 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t).

13 **SECTION 38.** 111.81 (12m) of the statutes is amended to read:

14 111.81 (12m) “Maintenance of membership agreement” means an agreement
15 between the employer and a labor organization representing public safety employees
16 or a collective bargaining unit under s. 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t)
17 which requires that all of the ~~public safety~~ employees whose dues are being deducted
18 from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes
19 effect shall continue to have dues deducted for the duration of the agreement, and
20 that dues shall be deducted from the earnings of all ~~public safety~~ such employees who
21 are hired on or after the effective date of the agreement.

22 **SECTION 39.** 111.81 (16) of the statutes is amended to read:

23 111.81 (16) “Referendum” means a proceeding conducted by the commission in
24 which public safety employees in a collective bargaining unit may cast a secret ballot
25 on the question of directing the labor organization and the employer to enter into a

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1 fair-share or maintenance of membership agreement or to terminate such an
2 agreement or a proceeding conducted by the commission in which employees
3 represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec), (eh), (ei),
4 or (f) or (1t) may cast a secret ballot on the question of directing the labor organization
5 and the employer to enter into a maintenance of membership agreement or to
6 terminate such an agreement.

7 **SECTION 40.** 111.825 (5) of the statutes is amended to read:

8 111.825 (5) Although supervisors are not considered employees for purposes
9 of this subchapter, the commission may consider a petition for a statewide collective
10 bargaining unit of professional supervisors or a statewide unit of nonprofessional
11 supervisors in the classified service, but the representative of supervisors may not
12 be affiliated with any labor organization representing employees. For purposes of
13 this subsection, affiliation does not include membership in a national, state, county
14 or municipal federation of national or international labor organizations. The
15 certified representative of supervisors who are not public safety employees or
16 employees represented by a collective bargaining unit under sub. (1r) (a) to (ec), (eh),
17 (ei), or (f) or (1t) may not bargain collectively with respect to any matter other than
18 wages as provided in s. 111.91 (3), and the certified representative of supervisors who
19 are public safety employees or employees represented by a collective bargaining unit
20 under sub. (1r) (a) to (ec), (eh), (ei), or (f) or (1t) may not bargain collectively with
21 respect to any matter other than wages and fringe benefits as provided in s. 111.91
22 (1).

23 **SECTION 41.** 111.83 (1) of the statutes is amended to read:

24 111.83 (1) Except as provided in sub. (5), a representative chosen for the
25 purposes of collective bargaining by at least 51 percent of the general employees in

ASSEMBLY BILL 687**SECTION 41**

1 a collective bargaining unit shall be the exclusive representative of all of the
2 employees in such unit for the purposes of collective bargaining. A representative
3 chosen for the purposes of collective bargaining by a majority of the public safety
4 employees or employees represented by a collective bargaining unit under s. 111.825
5 (1r) (a) to (ec), (eh), (ei), or (f) or (1t) voting in a collective bargaining unit shall be the
6 exclusive representative of all of the employees in such unit for the purposes of
7 collective bargaining. Any individual employee, or any minority group of employees
8 in any collective bargaining unit, may present grievances to the employer in person,
9 or through representatives of their own choosing, and the employer shall confer with
10 the employee or group of employees in relation thereto if the majority representative
11 has been afforded the opportunity to be present at the conference. Any adjustment
12 resulting from such a conference may not be inconsistent with the conditions of
13 employment established by the majority representative and the employer.

14 **SECTION 42.** 111.83 (5) (d) of the statutes is amended to read:

15 111.83 (5) (d) If at an election held under par. (b), ~~at least 51 percent~~ a majority
16 of the employees in the collective bargaining unit eligible to vote in the election and
17 voting in the election at all institutions in which the choice to participate in collective
18 bargaining receives ~~at least 51 percent~~ a majority of the eligible votes elect to be
19 represented by a single labor organization, that labor organization shall be the
20 exclusive representative for all employees in that collective bargaining unit, except
21 those excluded under par. (c).

22 **SECTION 43.** 111.83 (5) (e) of the statutes is amended to read:

23 111.83 (5) (e) If at an election held under par. (b), ~~at least 51 percent~~ a majority
24 of the employees in the collective bargaining unit eligible to vote in the election and
25 voting in the election at all institutions in which the choice to participate in collective

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1 bargaining receives at least 51 percent a majority of the eligible votes do not elect to
2 be represented by a single labor organization, the commission may hold one or more
3 runoff elections under sub. (4) until one representative receives at least 51 percent
4 a majority of the eligible votes.

5 **SECTION 44.** 111.83 (5) (f) of the statutes is amended to read:

6 111.83 (5) (f) Notwithstanding par. (b), if a labor organization is certified to
7 represent the employees within the collective bargaining unit at one or more
8 institutions, and a petition is filed with the commission indicating a showing of
9 interest by the employees at an institution which is not a part of the unit under par.
10 (c) to be represented by a labor organization, the only question which may appear on
11 the ballot shall be whether the employees desire to participate in collective
12 bargaining. A petition under this paragraph may be filed only during June in an
13 even-numbered year. If at least 51 percent a majority of the employees eligible to
14 vote in the election at the institution who are included within the collective
15 bargaining unit vote to participate in collective bargaining, the employees at that
16 institution shall become a part of that collective bargaining unit.

17 **SECTION 45.** 111.84 (1) (f) of the statutes is amended to read:

18 111.84 (1) (f) To deduct labor organization dues from the earnings of a public
19 safety employee, or an employee who is represented by a collective bargaining unit
20 under s. 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t), unless the employer has been
21 presented with an individual order therefor, signed by the public safety employee
22 personally, and terminable by at least the end of any year of its life or earlier by the
23 public safety employee giving at least 30 but not more than 120 days' written notice
24 of such termination to the employer and to the representative labor organization,
25 except if there is a fair-share or maintenance of membership agreement in effect for

ASSEMBLY BILL 687**SECTION 45**

1 a public safety employee, or a maintenance of membership agreement in effect for
2 an employee represented by a collective bargaining unit under s. 111.825 (1r) (a) to
3 (ec), (eh), (ei), or (f) or (1t). The employer shall give notice to the labor organization
4 of receipt of such notice of termination.

5 **SECTION 46.** 111.85 (1) (a) of the statutes is amended to read:

6 111.85 (1) (a) No fair-share or maintenance of membership agreement
7 covering public safety employees may become effective unless authorized by a
8 referendum. No maintenance of membership agreement covering employees
9 represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec), (eh), (ei),
10 or (f) or (1t) may become effective unless authorized by a referendum. The
11 commission shall order a referendum whenever it receives a petition supported by
12 proof that at least 30 percent of the public safety employees in a collective bargaining
13 unit desire that a fair-share or maintenance of membership agreement be entered
14 into between the employer and a labor organization. The commission shall order a
15 referendum whenever it receives a petition supported by proof that at least 30
16 percent of the employees represented by a collective bargaining unit under s. 111.825
17 (1r) (a) to (ec), (eh), (ei), or (f) or (1t) desire that a maintenance of membership
18 agreement be entered into between the employer and a labor organization. A petition
19 may specify that a referendum is requested on a maintenance of membership
20 agreement only, in which case the ballot shall be limited to that question.

21 **SECTION 47.** 111.85 (1) (b) of the statutes is amended to read:

22 111.85 (1) (b) For a fair-share agreement to be authorized, at least two-thirds
23 of the eligible public safety employees voting in a referendum shall vote in favor of
24 the agreement. For a maintenance of membership agreement to be authorized, at
25 least a majority of the eligible public safety employees or employees represented by

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1 a collective bargaining unit under s. 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t)
2 voting in a referendum shall vote in favor of the agreement. In a referendum on a
3 fair-share agreement, if less than two-thirds but more than one-half of the eligible
4 public safety employees vote in favor of the agreement, a maintenance of
5 membership agreement is authorized.

6 **SECTION 48.** 111.85 (1) (c) of the statutes is amended to read:

7 111.85 (1) (c) If a fair-share or maintenance of membership agreement is
8 authorized in a referendum, the employer shall enter into such an agreement with
9 the labor organization named on the ballot in the referendum. Each fair-share or
10 maintenance of membership agreement shall contain a provision requiring the
11 employer to deduct the amount of dues as certified by the labor organization from the
12 earnings of the ~~public safety~~ employees affected by the agreement and to pay the
13 amount so deducted to the labor organization. Unless the parties agree to an earlier
14 date, the agreement shall take effect 60 days after certification by the commission
15 that the referendum vote authorized the agreement. The employer shall be held
16 harmless against any claims, demands, suits and other forms of liability made by
17 ~~public safety~~ employees or local labor organizations which may arise for actions
18 taken by the employer in compliance with this section. All such lawful claims,
19 demands, suits and other forms of liability are the responsibility of the labor
20 organization entering into the agreement.

21 **SECTION 49.** 111.85 (1) (d) of the statutes is amended to read:

22 111.85 (1) (d) Under each fair-share or maintenance of membership
23 agreement, a public safety employee who has religious convictions against dues
24 payments to a labor organization based on teachings or tenets of a church or religious
25 body of which he or she is a member shall, on request to the labor organization, have

ASSEMBLY BILL 687**SECTION 49**

1 his or her dues paid to a charity mutually agreed upon by the public safety employee
2 and the labor organization. Under each maintenance of membership agreement, an
3 employee represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec),
4 (eh), (ei), or (f) or (1t) who has religious convictions against dues payments to a labor
5 organization based on teachings or tenets of a church or religious body of which he
6 or she is a member shall, on request to the labor organization, have his or her dues
7 paid to a charity mutually agreed upon by the employee and the labor organization.
8 Any dispute concerning this paragraph may be submitted to the commission for
9 adjudication.

10 **SECTION 50.** 111.85 (2) (a) of the statutes is amended to read:

11 111.85 (2) (a) Once authorized, a fair-share or maintenance of membership
12 agreement covering public safety employees or a maintenance of membership
13 agreement covering employees represented by a collective bargaining unit under s.
14 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t) shall continue in effect, subject to the
15 right of the employer or labor organization concerned to petition the commission to
16 conduct a new referendum. Such petition must be supported by proof that at least
17 30 percent of the public safety employees in the collective bargaining unit desire that
18 the fair-share or maintenance of membership agreement be discontinued. Upon so
19 finding, the commission shall conduct a new referendum. If the continuance of the
20 fair-share or maintenance of membership agreement is approved in the referendum
21 by at least the percentage of eligible voting public safety employees required for its
22 initial authorization, it shall be continued in effect, subject to the right of the
23 employer or labor organization to later initiate a further vote following the procedure
24 prescribed in this subsection. If the continuance of the maintenance of membership
25 agreement is approved in the referendum by at least the percentage of eligible voting

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1 employees represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec),
2 (eh), (ei), or (f) or (1t) required for its initial authorization, it shall be continued in
3 effect, subject to the right of the employer or labor organization to later initiate a
4 further vote following the procedure prescribed in this subsection. If the
5 continuation of the agreement is not supported in any referendum, it is deemed
6 terminated at the termination of the collective bargaining agreement, or one year
7 from the date of the certification of the result of the referendum, whichever is earlier.

8 **SECTION 51.** 111.85 (2) (b) of the statutes is amended to read:

9 111.85 (2) (b) The commission shall declare any fair-share or maintenance of
10 membership agreement suspended upon such conditions and for such time as the
11 commission decides whenever it finds that the labor organization involved has
12 refused on the basis of race, color, sexual orientation or creed to receive as a member
13 any public safety employee in the collective bargaining unit involved, or any
14 employee represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec),
15 (eh), (ei), or (f) or (1t), and the agreement shall be made subject to the findings and
16 orders of the commission. Any of the parties to the agreement, or any ~~public safety~~
17 employee covered thereby, may come before the commission, as provided in s. 111.07,
18 and petition the commission to make such a finding.

19 **SECTION 52.** 111.85 (4) of the statutes is amended to read:

20 111.85 (4) The commission may, under rules adopted for that purpose, appoint
21 as its agent an official of a state agency whose public safety employees or whose
22 employees represented by a collective bargaining unit under s. 111.825 (1r) (a) to (ec),
23 (eh), (ei), or (f) or (1t) are entitled to vote in a referendum to conduct a referendum
24 provided for herein.

25 **SECTION 53.** 111.91 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 687**SECTION 53**

1 111.91 (1) (a) Except as provided in pars. (b) to (d), with regard to a collective
2 bargaining unit under s. 111.825 (1) (g), and except as provided in pars. (b) and (c),
3 with respect to employees represented by a collective bargaining unit under s.
4 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t), matters subject to collective bargaining
5 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
6 reassignment of classifications to pay ranges, determination of an incumbent's pay
7 status resulting from position reallocation or reclassification, and pay adjustments
8 upon temporary assignment of classified public safety employees to duties of a higher
9 classification or downward reallocations of a classified public safety employee's
10 position; fringe benefits consistent with sub. (2); hours and conditions of
11 employment.

12 **SECTION 54.** 111.91 (1) (b) of the statutes is amended to read:

13 111.91 (1) (b) The employer is not required to bargain with a collective
14 bargaining unit under s. 111.825 (1) (g) or a collective bargaining unit under s.
15 111.825 (1r) (a) to (ec), (eh), (ei), or (f) or (1t) on management rights under s. 111.90,
16 except that procedures for the adjustment or settlement of grievances or disputes
17 arising out of any type of disciplinary action referred to in s. 111.90 (3) shall be a
18 subject of bargaining.

19 **SECTION 55.** 111.91 (1) (c) of the statutes is amended to read:

20 111.91 (1) (c) The employer is prohibited from bargaining with a collective
21 bargaining unit under s. 111.825 (1) (g), (1r) (a) to (ec), (eh), (ei), or (f), or (1t) on
22 matters contained in sub. (2).

23 **SECTION 56.** 111.93 (3) (a) of the statutes is amended to read:

24 111.93 (3) (a) If a collective bargaining agreement exists between the employer
25 and a labor organization representing employees in a collective bargaining unit

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1 under s. 111.825 (1) (g), (1r) (a) to (ec), (eh), (ei), or (f), or (1t), the provisions of that
2 agreement shall supersede the provisions of civil service and other applicable
3 statutes, as well as rules and policies of the University of Wisconsin-Madison and
4 the board of regents of the University of Wisconsin System, related to wages, fringe
5 benefits, hours, and conditions of employment whether or not the matters contained
6 in those statutes, rules, and policies are set forth in the collective bargaining
7 agreement.

8 **SECTION 57.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
9 created to read:

10 **CHAPTER 111**

11 **SUBCHAPTER VI**

12 **UNIVERSITY OF WISCONSIN SYSTEM**

13 **FACULTY AND ACADEMIC STAFF**

14 **LABOR RELATIONS**

15 **111.95 Declaration of policy.** The public policy of the state as to labor
16 relations and collective bargaining involving faculty and academic staff at the
17 University of Wisconsin System, in furtherance of which this subchapter is enacted,
18 is as follows:

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

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

ASSEMBLY BILL 687**SECTION 57**

1 **111.96 Definitions.** In this subchapter:

2 **(1)** “Academic staff” means academic staff under s. 36.15, but does not include
3 any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is
4 appointed to a visiting faculty position.

5 **(2)** “Board” means the Board of Regents of the University of Wisconsin System.

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

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

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

16 **(6)** “Division” means the division of personnel management in the department
17 of administration.

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

21 **(8)** “Employee” includes:

22 (a) All faculty, including faculty who are supervisors or management
23 employees, but not including faculty holding a limited appointment under s. 36.17
24 or deans.

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1 (b) All academic staff, except for supervisors, management employees, and
2 individuals who are privy to confidential matters affecting the employer-employee
3 relationship.

4 (9) "Employer" means the state of Wisconsin.

5 (10) "Faculty" means faculty under s. 36.13, except for an individual holding
6 an appointment under s. 36.15.

7 (11) "Fair-share agreement" means an agreement between the employer and
8 a labor organization representing employees under which all of the employees in a
9 collective bargaining unit are required to pay their proportionate share of the cost
10 of the collective bargaining process and contract administration measured by the
11 amount of dues uniformly required of all members.

12 (12) "Institution" has the meaning given in s. 36.05 (9).

13 (13) "Labor dispute" means any controversy with respect to the subjects of
14 bargaining provided in this subchapter.

15 (14) "Labor organization" means any employee organization whose purpose is
16 to represent employees in collective bargaining with the employer, or its agents, on
17 matters pertaining to terms and conditions of employment, but does not include any
18 organization that does any of the following:

19 (a) Advocates the overthrow of the constitutional form of government in the
20 United States.

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

23 (15) "Maintenance of membership agreement" means an agreement between
24 the employer and a labor organization representing employees that requires that all
25 of the employees whose dues are being deducted from earnings under s. 20.921 (1)

ASSEMBLY BILL 687**SECTION 57**

1 or 111.992 (1) (b) at or after the time the agreement takes effect continue to have dues
2 deducted for the duration of the agreement and that dues be deducted from the
3 earnings of all employees who are hired on or after the effective date of the
4 agreement.

5 (16) "Management employees" includes those personnel engaged
6 predominately in executive and managerial functions.

7 (17) "Representative" includes any person chosen by an employee to represent
8 the employee.

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

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

19 (20) "Unfair labor practice" means any unfair labor practice specified in s.
20 111.991.

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

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1 division relative to the negotiation of agreements and the fiscal ramifications of those
2 agreements. The board shall coordinate its collective bargaining activities with the
3 division. The legislative branch shall act upon those portions of tentative
4 agreements negotiated by the board that require legislative action.

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

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

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

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

ASSEMBLY BILL 687**SECTION 57**

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

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

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

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

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

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

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

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

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

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

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

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

20 (jk) Academic staff employed at the University of Wisconsin System
21 administration.

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

23 (k) Academic staff of the University of Wisconsin-Eau Claire.

24 (L) Academic staff of the University of Wisconsin-Green Bay.

25 (Lm) Academic staff of the University of Wisconsin-La Crosse.

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- 1 (n) Academic staff of the University of Wisconsin-Oshkosh.
- 2 (nm) Academic staff of the University of Wisconsin-Parkside.
- 3 (o) Academic staff of the University of Wisconsin-Platteville.
- 4 (om) Academic staff of the University of Wisconsin-River Falls.
- 5 (p) Academic staff of the University of Wisconsin-Stevens Point.
- 6 (pm) Academic staff of the University of Wisconsin-Stout.
- 7 (q) Academic staff of the University of Wisconsin-Superior.
- 8 (qm) Academic staff of the University of Wisconsin-Whitewater.
- 9 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
- 10 under sub. (1) (b) to (hm) or (jk) to (qm) may be combined into a single unit or the
- 11 collective bargaining units described under sub. (1) (a) and (j) may be combined into
- 12 a single unit. If 2 or more collective bargaining units seek to combine into a single
- 13 collective bargaining unit, the commission shall, upon the petition of at least 30
- 14 percent of the employees in each unit, hold an election, or include on any ballot for
- 15 an election held under s. 111.990 (2) the question of whether to combine units, to
- 16 determine whether a majority of those employees voting in each unit desire to
- 17 combine into a single unit. A combined collective bargaining unit shall be formed
- 18 including all employees from each of those units in which a majority of the employees
- 19 voting in the election approve a combined unit. The collective bargaining units shall
- 20 be combined immediately unless there is no existing collective bargaining agreement
- 21 in force in any of the units to be combined and then the collective bargaining units
- 22 shall be combined upon expiration of the last agreement for the units concerned.
- 23 (b) If 2 or more collective bargaining units have combined under par. (a), the
- 24 commission shall, upon petition of at least 30 percent of the employees in any of the
- 25 original units, hold an election of the employees in the original unit to determine

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1 whether the employees in that unit desire to withdraw from the combined collective
2 bargaining unit. If a majority of the employees voting desire to withdraw from the
3 combined collective bargaining unit, separate units consisting of the unit in which
4 the election was held and a unit composed of the remainder of the combined unit shall
5 be formed. The new collective bargaining units shall be formed immediately unless
6 there is a collective bargaining agreement in force for the combined unit and then the
7 new units shall be formed upon the expiration of the agreement. While there is a
8 collective bargaining agreement in force for the combined collective bargaining unit,
9 a petition for an election under this paragraph may be filed only during October in
10 the calendar year prior to the expiration of the agreement.

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

19 (5) Although academic staff supervisors are not considered employees for the
20 purpose of this subchapter, the commission may consider a petition for a statewide
21 collective bargaining unit consisting of academic staff supervisors, but the
22 representative of the supervisors may not be affiliated with any labor organization
23 representing employees. For purposes of this subsection, affiliation does not include
24 membership in a national, state, county, or municipal federation of national or
25 international labor organizations. The certified representative of the supervisors

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1 may not bargain collectively with respect to any matter other than wages and fringe
2 benefits.

3 **111.990 Representatives and elections. (1)** A representative chosen for the
4 purposes of collective bargaining by a majority of the employees voting in a collective
5 bargaining unit is the exclusive representative of all of the employees in such unit
6 for the purposes of collective bargaining. Any individual employee, or any minority
7 group of employees in any collective bargaining unit, may present any grievance to
8 the employer in person, or through representatives of their own choosing, and the
9 employer shall confer with the individual employee or group of employees with
10 respect to the grievance if the majority representative has been given the
11 opportunity to be present at the conference. Any adjustment resulting from a
12 conference may not be inconsistent with the conditions of employment established
13 by the majority representative and the employer.

14 **(2) (a)** Whenever a question arises concerning the representation of employees
15 in a collective bargaining unit, the commission shall determine the representation
16 by taking a secret ballot of the employees and certifying in writing the results to the
17 interested parties. There shall be included on any ballot for the election of
18 representatives the names of all labor organizations having an interest in
19 representing the employees participating in the election as indicated in petitions
20 filed with the commission. The name of any existing representative shall be included
21 on the ballot without the necessity of filing a petition. The commission may exclude
22 from the ballot one who, at the time of the election, stands deprived of his or her rights
23 under this subchapter by reason of a prior adjudication of his or her having engaged
24 in an unfair labor practice. The ballot shall permit a vote against representation by
25 anyone named on the ballot.

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

15 2. For elections in a collective bargaining unit composed of employees who are
16 members of the faculty or academic staff, whenever more than one representative
17 qualifies to appear on the ballot and a question of whether to combine collective
18 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
19 the ballot shall provide separate votes on 3 questions and each ballot shall identify
20 the collective bargaining unit to which each voter currently belongs. The first
21 question shall be: "Shall the employees of the (name of the voter's current
22 collective bargaining unit) participate in collective bargaining?" The 2nd question
23 shall be: "Shall the employees of the (names of all of the collective bargaining
24 units that qualify to appear on the ballot, including the name of the voter's current
25 collective bargaining unit) combine to participate in collective bargaining?" The 3rd

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

17 (c) The commission’s certification of the results of any election is conclusive
18 unless reviewed under s. 111.07 (8).

19 **(3)** Whenever an election has been conducted under sub. (2) in which the ballots
20 for representatives have been counted but in which no named representative is
21 favored by a majority of the employees voting, the commission may, if requested by
22 a party to the proceeding within 30 days from the date of the certification of the
23 results of the election, conduct a runoff election. In that runoff election, the
24 commission shall drop from the ballot the name of the representative who received
25 the least number of votes at the original election.

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

14 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
15 employer individually or in concert with others to do any of the following:

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

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

21 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
22 System under ch. 40 and no action by the employer that is authorized by such a law
23 is a violation of this paragraph. It is not an unfair labor practice for the employer
24 to reimburse an employee at his or her prevailing wage rate for the time spent during
25 the employee's regularly scheduled hours conferring with the employer's officers or

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1 agents and for attendance at commission or court hearings necessary for the
2 administration of this subchapter.

3 (c) Encourage or discourage membership in any labor organization by
4 discrimination in regard to hiring, tenure, or other terms or conditions of
5 employment. This paragraph does not apply to maintenance of membership
6 agreements.

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

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

22 (f) Deduct labor organization dues from an employee's earnings, unless the
23 employer has been presented with an individual order therefor, signed by the
24 employee personally, and terminable by at least the end of any year of its life or
25 earlier by the employee giving at least 30 but not more than 120 days' written notice

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1 of such termination to the employer and to the representative labor organization,
2 except if there is a maintenance of membership agreement in effect. The employer
3 shall give notice to the labor organization of receipt of such notice of termination.

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

8 (1m) Notwithstanding sub. (1), it is not an unfair labor practice for the board
9 to implement changes in salaries or conditions of employment for members of the
10 faculty or academic staff at one institution, and not for other members of the faculty
11 or academic staff at another institution, but this may be done only if the differential
12 treatment is based on comparisons with the compensation and working conditions
13 of employees performing similar services for comparable higher education
14 institutions or based upon other competitive factors.

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

17 (a) Coerce or intimidate an employee in the enjoyment of the employee's legal
18 rights, including those guaranteed under s. 111.97.

19 (b) Coerce, intimidate, or induce any officer or agent of the employer to interfere
20 with any of the employer's employees in the enjoyment of their legal rights including
21 those guaranteed under s. 111.97 or engage in any practice with regard to its
22 employees which would constitute an unfair labor practice if undertaken by the
23 officer or agent on the officer's or agent's own initiative.

24 (c) Refuse to bargain collectively on matters specified in s. 111.998 with the
25 authorized officer or agent of the employer that is the recognized or certified

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1 exclusive collective bargaining representative of employees in an appropriate
2 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
3 a collective bargaining agreement previously orally agreed upon.

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

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

10 (f) Coerce or intimidate a supervisory employee, officer, or agent of the
11 employer, working at the same trade or profession as the employer's employees, to
12 induce the person to become a member of or act in concert with the labor organization
13 of which the employee is a member.

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

18 **(3m)** This section does not interfere with a faculty member's right of academic
19 freedom.

20 **(4)** Any controversy concerning unfair labor practices may be submitted to the
21 commission as provided in s. 111.07, except that the commission shall schedule a
22 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
23 filing of a complaint, and notice shall be given to each party interested by service on
24 the party personally, or by telegram, advising the party of the nature of the complaint
25 and of the date, time, and place of hearing. The commission may appoint a substitute

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1 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
2 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
3 Any panel shall report its finding to the commission for appropriate action.

4 **111.992 Maintenance of membership agreements.** (1) (a) No
5 maintenance of membership agreement may be effective unless authorized. For a
6 maintenance of membership agreement to be authorized, the employer and the labor
7 organization representing the employees must voluntarily agree to establish the
8 maintenance of membership agreement.

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

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

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

3 (2) (a) Once authorized, a maintenance of membership agreement is in effect,
4 subject to the right of the employer or the labor organization concerned to notify the
5 commission that it no longer voluntarily agrees to continue the agreement. After the
6 commission is notified, the maintenance of membership agreement terminates at the
7 termination of the collective bargaining agreement or one year from the notification,
8 whichever is earlier.

9 (b) The commission shall suspend any maintenance of membership agreement
10 upon such conditions and for such time as the commission decides whenever it finds
11 that the labor organization involved has refused on the basis of race, color, sexual
12 orientation, or creed to receive as a member any employee or supervisor in the
13 collective bargaining unit involved, and the agreement shall be made subject to the
14 findings and orders of the commission. Any of the parties to the agreement, or any
15 employee or supervisor covered under the agreement, may come before the
16 commission, as provided in s. 111.07, and petition the commission to make such a
17 finding.

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

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

24 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
25 interpretation of a collective bargaining agreement may agree in writing to have the

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1 commission or any other appointing state agency serve as arbitrator or may
2 designate any other competent, impartial, and disinterested persons to so serve.
3 Such arbitration proceedings shall be governed by ch. 788.

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

10 **111.994 Mediation.** The commission may appoint any competent, impartial,
11 disinterested person to act as mediator in any labor dispute either upon its own
12 initiative or upon the joint request of both parties to the dispute. It is the function
13 of a mediator to bring the parties together voluntarily under such favorable
14 conditions as will tend to effectuate settlement of the dispute, but neither the
15 mediator nor the commission has any power of compulsion in mediation proceedings.

16 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
17 period of negotiation and after the settlement procedures, if any, established by the
18 parties have been exhausted, the representative that has been certified by the
19 commission after an election, as the exclusive representative of employees in an
20 appropriate bargaining unit, and the employer, its officers, and agents, after a
21 reasonable period of negotiation, are deadlocked with respect to any dispute between
22 them arising in the collective bargaining process, either party, or the parties jointly,
23 may petition the commission, in writing, to initiate fact-finding under this section,
24 and to make recommendations to resolve the deadlock.

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

7 (3) The fact finder may establish dates and place of hearings and shall conduct
8 the hearings under rules established by the commission. Upon request, the
9 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
10 finder may administer oaths. Upon completion of the hearing, the fact finder shall
11 make written findings of fact and recommendations for solution of the dispute and
12 shall cause the same to be served on the parties and the commission. In making
13 findings and recommendations, the fact finder shall take into consideration among
14 other pertinent factors the principles vital to the public interest in efficient and
15 economical governmental administration. Upon the request of either party, the fact
16 finder may orally present the recommendations in advance of service of the written
17 findings and recommendations. Cost of fact-finding proceedings shall be divided
18 equally between the parties. At the time the fact finder submits a statement of his
19 or her costs to the parties, the fact finder shall submit a copy to the commission at
20 its Madison office.

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

23 (5) Within 30 days of the receipt of the fact finder's recommendations or within
24 a time mutually agreed upon by the parties, each party shall advise the other, in
25 writing, as to the party's acceptance or rejection, in whole or in part, of the fact

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1 finder's recommendations and, at the same time, send a copy of the notification to
2 the commission at its Madison office. Failure to comply with this subsection, by the
3 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

4 **111.996 Strike prohibited. (1)** Upon establishing that a strike is in progress,
5 the employer may either seek an injunction or file an unfair labor practice charge
6 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
7 board to decide whether to seek an injunction or file an unfair labor practice charge.
8 The existence of an administrative remedy does not constitute grounds for denial of
9 injunctive relief.

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

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

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

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

20 **111.997 Management rights.** Nothing in this subchapter interferes with the
21 right of the board or the University of Wisconsin–Madison, in accordance with this
22 subchapter, to do any of the following:

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

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

5 **111.998 Subjects of bargaining.** **(1)** (a) Except as provided in pars. (b) to
6 (e), matters subject to collective bargaining to the point of impasse are salaries and
7 hours and conditions of employment.

8 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
9 (hm) or (jk) to (qm), the board and, with respect to a collective bargaining unit
10 specified in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison is not
11 required to bargain on management rights under s. 111.997, except that procedures
12 for the adjustment or settlement of grievances or disputes arising out of any type of
13 disciplinary action in s. 111.997 (2) is a subject of bargaining.

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

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

22 (e) Neither the board nor the University of Wisconsin–Madison is required to
23 bargain on matters related to employee occupancy of houses or other lodging
24 provided by the state.

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1 (2) The board and the University of Wisconsin-Madison are prohibited from
2 bargaining on all of the following:

3 (a) The mission and goals of the University of Wisconsin System as set forth
4 in the statutes; the rights granted faculty under s. 36.09 (4) and academic staff under
5 s. 36.09 (4m), or the rights of appointment provided academic staff under s. 36.15;
6 or academic freedom.

7 (b) Amendments to this subchapter.

8 (c) Family leave and medical leave rights below the minimum afforded under
9 s. 103.10.

10 (d) The rights of employees to have retirement benefits computed under s.
11 40.30.

12 (e) Honesty testing requirements that provide fewer rights and remedies to
13 employees than are provided under s. 111.37.

14 (f) The requirement under s. 40.05 (1) (b) that the employer may not pay, on
15 behalf of that employee, any employee required contributions or the employee share
16 of required contributions and the impact of this requirement on the wages, hours,
17 and conditions of employment of that employee.

18 (g) All costs and payments associated with health care coverage plans, except
19 for the design and selection of health care coverage plans by the employer, and the
20 impact of such costs and payments and the design and selection of the health care
21 coverage plans on the wages, hours, and conditions of employment of the employees.

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

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

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

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- 1 (k) The definition of earnings under s. 40.02 (22).
- 2 (L) The maximum benefit limitations under s. 40.31.
- 3 (m) The limitations on contributions under s. 40.32.
- 4 (n) The provision to employees of the health insurance coverage required under
5 s. 632.895 (11) to (14).
- 6 (nm) The requirements related to providing coverage for a dependent under s.
7 632.885 and to continuing coverage for a dependent student on a medical leave of
8 absence under s. 632.895 (15).
- 9 (o) The requirements related to coverage of and prior authorization for
10 treatment of an emergency medical condition under s. 632.85.
- 11 (p) The requirements related to coverage of drugs and devices under s. 632.853.
- 12 (q) The requirements related to experimental treatment under s. 632.855.
- 13 (r) The requirements under s. 609.10 related to offering a point-of-service
14 option plan.
- 15 (s) The requirements related to internal grievance procedures under s. 632.83
16 and independent review of certain health benefit plan determinations under s.
17 632.835.
- 18 **(3)** Upon request, the chancellor at each institution, or his or her designee,
19 shall meet and confer with the collective bargaining representative, if any, with
20 regard to any issue that is a permissive subject of bargaining, except when the issue
21 is under active consideration by a governance organization under s. 36.09 (4) or (4m).
- 22 **111.999 Labor proposals. (1)** With respect to a collective bargaining unit
23 specified in s. 111.98 (1) (b) to (hm) or (jk) to (qm), the board shall notify and consult
24 with the joint committee on employment relations, in such form and detail as the
25 committee requests, regarding substantial changes in wages, employee benefits,

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1 personnel management, and program policy contract provisions to be included in any
2 contract proposal to be offered to any labor organization by the state or to be agreed
3 to by the state before such proposal is actually offered or accepted.

4 (2) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
5 (j), the University of Wisconsin-Madison shall notify and consult with the joint
6 committee on employment relations, in such form and detail as the committee
7 requests, regarding substantial changes in wages, employee benefits, personnel
8 management, and program policy contract provisions to be included in any contract
9 proposal to be offered to any labor organization or to be agreed to before such proposal
10 is actually offered or accepted.

11 **111.9991 Agreements.** (1) (a) Any tentative agreement reached between the
12 board, acting for the state, and any labor organization representing a collective
13 bargaining unit specified in s. 111.98 (1) (b) to (hm) or (jk) to (qm) shall, after official
14 ratification by the labor organization, be submitted by the board to the joint
15 committee on employment relations, which shall hold a public hearing before
16 determining its approval or disapproval.

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

23 (c) If the committee approves a tentative agreement, under par. (a) or (b) it shall
24 introduce in a bill or companion bills, to be put on the calendar or referred to the
25 appropriate scheduling committee of each house, that portion of the tentative

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1 agreement which requires legislative action for implementation, such as salary and
2 wage adjustments, changes in fringe benefits, and any proposed amendments,
3 deletions, or additions to existing law. Such bill or companion bills are not subject
4 to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however,
5 submit suitable portions of the tentative agreement to appropriate legislative
6 committees for advisory recommendations on the proposed terms. The committee
7 shall accompany the introduction of such proposed legislation with a message that
8 informs the legislature of the committee's concurrence with the matters under
9 consideration and that recommends the passage of such legislation without change.
10 If the joint committee on employment relations does not approve the tentative
11 agreement, it shall be returned to the parties for renegotiation. If the legislature
12 does not adopt without change that portion of the tentative agreement introduced by
13 the joint committee on employment relations, the tentative agreement shall be
14 returned to the parties for renegotiation.

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

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

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

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

21 **111.9992 Status of existing benefits and rights.** Unless a prohibited
22 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
23 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
24 governing the salaries, fringe benefits, hours, and conditions of employment apply
25 to each employee, unless otherwise provided in a collective bargaining agreement.

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

8 (2) The commission shall assess and collect a filing fee for filing a complaint
9 alleging that an unfair labor practice has been committed under s. 111.991. The
10 commission shall assess and collect a filing fee for filing a request that the
11 commission act as an arbitrator to resolve a dispute involving the interpretation or
12 application of a collective bargaining agreement under s. 111.993. The commission
13 shall assess and collect a filing fee for filing a request that the commission initiate
14 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
15 for filing a request that the commission act as a mediator under s. 111.994. For the
16 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
17 commission shall require that the parties to the dispute equally share in the payment
18 of the fee and, for the performance of commission actions involving a complaint
19 alleging that an unfair labor practice has been committed under s. 111.991, the
20 commission shall require that the party filing the complaint pay the entire fee. If any
21 party has paid a filing fee requesting the commission to act as a mediator for a labor
22 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
23 the commission may not subsequently assess or collect a filing fee to initiate
24 fact-finding to resolve the same labor dispute. If any request concerns issues arising
25 as a result of more than one unrelated event or occurrence, each such separate event

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1 or occurrence shall be treated as a separate request. The commission shall
2 promulgate rules establishing a schedule of filing fees to be paid under this
3 subsection. Fees required to be paid under this subsection shall be paid at the time
4 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
5 complaint or request for fact-finding, mediation, or arbitration is not filed until the
6 date such fee or fees are paid. Fees collected under this subsection shall be credited
7 to the appropriation account under s. 20.425 (1) (i).

8 **SECTION 58.** 230.01 (3) of the statutes is amended to read:

9 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
10 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

11 **SECTION 59.** 230.046 (10) (a) of the statutes is amended to read:

12 230.046 (10) (a) Conduct off-the-job employee development and training
13 programs relating to functions under this chapter or subch. V or VI of ch. 111.

14 **SECTION 60.** 230.12 (3) (e) 1. of the statutes is amended to read:

15 230.12 (3) (e) 1. The administrator, after receiving recommendations from the
16 board of regents and the chancellor of the University of Wisconsin-Madison, shall
17 submit to the joint committee on employment relations a proposal for adjusting
18 compensation and employee benefits for University of Wisconsin System employees
19 who are not included in a collective bargaining unit under subch. V or VI of ch. 111
20 for which a representative is certified. The proposal shall be based upon the
21 competitive ability of the board of regents to recruit and retain qualified faculty and
22 academic staff, data collected as to rates of pay for comparable work in other public
23 services, universities and commercial and industrial establishments,
24 recommendations of the board of regents and any special studies carried on as to the
25 need for any changes in compensation and employee benefits to cover each year of

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1 the biennium. The proposal shall also take proper account of prevailing pay rates,
2 costs and standards of living and the state's employment policies. The proposal for
3 such pay adjustments may contain recommendations for across-the-board pay
4 adjustments, merit or other adjustments and employee benefit improvements.
5 Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay
6 adjustments for University of Wisconsin System employees. The proposal as
7 approved by the joint committee on employment relations and the governor shall be
8 based upon a percentage of the budgeted salary base for University of Wisconsin
9 System employees. The amount included in the proposal for merit and adjustments
10 other than across-the-board pay adjustments is available for discretionary use by
11 the board of regents.

12 **SECTION 61.** 230.35 (2d) (e) of the statutes is amended to read:

13 230.35 (2d) (e) For employees who are included in a collective bargaining unit
14 for which a representative is recognized or certified under subch. V or VI of ch. 111,
15 this subsection shall apply unless otherwise provided in a collective bargaining
16 agreement.

17 **SECTION 62.** 230.35 (3) (e) 6. of the statutes is amended to read:

18 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
19 for which a representative is recognized or certified under subch. V or VI of ch. 111,
20 this paragraph shall apply unless otherwise provided in a collective bargaining
21 agreement.

22 **SECTION 63.** 230.88 (2) (b) of the statutes is amended to read:

23 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
24 employee under this subchapter. However, nothing in this subchapter affects any
25 right of an employee to pursue a grievance procedure under a collective bargaining

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1 agreement under subch. V or VI of ch. 111, and if the division of equal rights
2 determines that a grievance arising under such a collective bargaining agreement
3 involves the same parties and matters as a complaint under s. 230.85, it shall order
4 the arbitrator's final award on the merits conclusive as to the rights of the parties
5 to the complaint, on those matters determined in the arbitration which were at issue
6 and upon which the determination necessarily depended.

7 **SECTION 64. Initial applicability.**

8 (1) This act first applies to an employee who is covered by a collective
9 bargaining agreement under subchapter I, IV, or V of ch. 111 that contains provisions
10 inconsistent with this act on the day on which the agreement expires or is
11 terminated, extended, modified, or renewed, whichever occurs first.

12

(END)