

**ASSEMBLY BILL 75****SECTION 2254**

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

16 **SECTION 2255.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes  
17 is created to read:

**CHAPTER 111****SUBCHAPTER VI****UNIVERSITY OF WISCONSIN SYSTEM****FACULTY AND ACADEMIC STAFF****LABOR RELATIONS**

23 **111.95 Declaration of policy.** The public policy of the state as to labor  
24 relations and collective bargaining involving faculty and academic staff at the

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1 University of Wisconsin System, in furtherance of which this subchapter is enacted,  
2 is as follows:

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

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

10 **111.96 Definitions.** In this subchapter:

11 (1) “Academic staff” has the meaning given under s. 36.05 (1), but does not  
12 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who  
13 is appointed to a visiting faculty position.

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

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

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

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

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

4           **(7)** “Employee” includes:

5           (a) All faculty, including specifically faculty who are supervisors or  
6 management employees, but not including faculty holding a limited appointment  
7 under s. 36.17 or deans.

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

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

12           **(9)** “Faculty” has the meaning given in s. 36.05 (8), except for an individual  
13 holding an appointment under s. 36.15.

14           **(10)** “Fair–share agreement” means an agreement between the employer and  
15 a labor organization representing employees under which all of the employees in a  
16 collective bargaining unit are required to pay their proportionate share of the cost  
17 of the collective bargaining process and contract administration measured by the  
18 amount of dues uniformly required of all members.

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

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

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

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1 (a) Advocates the overthrow of the constitutional form of government in the  
2 United States.

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

5 **(14)** “Maintenance of membership agreement” means an agreement between  
6 the employer and a labor organization representing employees that requires that all  
7 of the employees whose dues are being deducted from earnings under s. 20.921 (1)  
8 or 111.992 at or after the time the agreement takes effect shall continue to have dues  
9 deducted for the duration of the agreement and that dues shall be deducted from the  
10 earnings of all employees who are hired on or after the effective date of the  
11 agreement.

12 **(15)** “Management employees” include those personnel engaged  
13 predominately in executive and managerial functions.

14 **(16)** “Office” means the office of state employment relations in the department  
15 of administration.

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

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

23 **(19)** “Strike” includes any strike or other concerted stoppage of work by  
24 employees, any concerted slowdown or other concerted interruption of operations or

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1 services by employees, or any concerted refusal to work or perform their usual duties  
2 as employees of the state.

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

9 (21) “Unfair labor practice” means any unfair labor practice specified in s.  
10 111.991.

11 **111.965 Duties of the state. (1)** In the furtherance of this subchapter, the  
12 state shall be considered as a single employer. The board shall negotiate and  
13 administer collective bargaining agreements. To coordinate the employer position  
14 in the negotiation of agreements, the board shall maintain close liaison with the  
15 office relative to the negotiation of agreements and the fiscal ramifications of those  
16 agreements. The board shall coordinate its collective bargaining activities with the  
17 office. The legislative branch shall act upon those portions of tentative agreements  
18 negotiated by the board that require legislative action.

19 (2) The board shall establish a collective bargaining capacity and shall  
20 represent the state in its responsibility as an employer under this subchapter. The  
21 board shall coordinate its actions with the director of the office.

22 **111.97 Rights of employees.** Employees shall have the right of  
23 self-organization and the right to form, join, or assist labor organizations, to bargain  
24 collectively through representatives of their own choosing under this subchapter,  
25 and to engage in lawful, concerted activities for the purpose of collective bargaining

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1 or other mutual aid or protection. Employees shall also have the right to refrain from  
2 any such activities.

3 **111.98 Collective bargaining units. (1)** Collective bargaining units for  
4 faculty and staff in the unclassified service of the state shall be structured with a  
5 collective bargaining unit for each of the following groups:

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

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

8 (c) Faculty of all of the following groups:

9 1. The University of Wisconsin–Extension.

10 2. The University of Wisconsin–Eau Claire.

11 3. The University of Wisconsin–Green Bay.

12 4. The University of Wisconsin–La Crosse.

13 5. The University of Wisconsin–Oshkosh.

14 6. The University of Wisconsin–Parkside.

15 7. The University of Wisconsin–Platteville.

16 8. The University of Wisconsin–River Falls.

17 9. The University of Wisconsin–Stevens Point.

18 10. The University of Wisconsin–Stout.

19 11. The University of Wisconsin–Superior.

20 12. The University of Wisconsin–Whitewater.

21 13. The University of Wisconsin Colleges.

22 (d) Academic staff of the University of Wisconsin–Madison.

23 (e) Academic staff of the University of Wisconsin–Milwaukee.

24 (f) Academic staff of all of the following groups:

25 1. The University of Wisconsin–Extension.

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- 1           2. The University of Wisconsin–Eau Claire.
- 2           3. The University of Wisconsin–Green Bay.
- 3           4. The University of Wisconsin–La Crosse.
- 4           5. The University of Wisconsin–Oshkosh.
- 5           6. The University of Wisconsin–Parkside.
- 6           7. The University of Wisconsin–Platteville.
- 7           8. The University of Wisconsin–River Falls.
- 8           9. The University of Wisconsin–Stevens Point.
- 9           10. The University of Wisconsin–Stout.
- 10          11. The University of Wisconsin–Superior.
- 11          12. The University of Wisconsin–Whitewater.
- 12          13. The University of Wisconsin Colleges.
- 13          **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
- 14          under sub. (1) (a) to (c) may be combined into a single unit and 2 or more collective
- 15          bargaining units described under sub. (1) (d) to (f) may be combined into a single unit.
- 16          If 2 or more collective bargaining units seek to combine into a single collective
- 17          bargaining unit, the commission shall, upon the petition of at least 30 percent of the
- 18          employees in each unit, hold an election to determine whether a majority of those
- 19          employees voting in each unit desire to combine into a single unit. A combined
- 20          collective bargaining unit shall be formed including all employees from each of those
- 21          units in which a majority of the employees voting in the election approve a combined
- 22          unit. The combined collective bargaining unit shall be formed immediately if there
- 23          is no existing collective bargaining agreement in force in any of the units to be
- 24          combined. If there is a collective bargaining agreement in force at the time of the

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1 election in any of the collective bargaining units to be combined, the combined unit  
2 shall be formed upon expiration of the last agreement for the units concerned.

3 (b) If 2 or more collective bargaining units have combined under par. (a), the  
4 commission shall, upon petition of at least 30 percent of the employees in any of the  
5 original units, hold an election of the employees in the original unit to determine  
6 whether the employees in that unit desire to withdraw from the combined collective  
7 bargaining unit. If a majority of the employees voting desire to withdraw from the  
8 combined collective bargaining unit, separate units consisting of the unit in which  
9 the election was held and a unit composed of the remainder of the combined unit shall  
10 be formed. The new collective bargaining units shall be formed immediately if there  
11 is no collective bargaining agreement in force for the combined unit. If there is a  
12 collective bargaining agreement in force for the combined collective bargaining unit,  
13 the new units shall be formed upon the expiration of the agreement. While there is  
14 a collective bargaining agreement in force for the combined collective bargaining  
15 unit, a petition for an election under this paragraph may be filed only during October  
16 in the calendar year prior to the expiration of the agreement.

17 (3) The commission shall assign employees to the appropriate collective  
18 bargaining units described under sub. (1) or (2).

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

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1 signed authorization cards, that at least 10 percent of the employees in the collective  
2 bargaining unit want it to be their representative.

3 (5) Although academic staff supervisors are not considered employees for the  
4 purpose of this subchapter, the commission may consider a petition for a statewide  
5 collective bargaining unit consisting of academic staff supervisors, but the  
6 representative of the supervisors may not be affiliated with any labor organization  
7 representing employees. For purposes of this subsection, affiliation does not include  
8 membership in a national, state, county, or municipal federation of national or  
9 international labor organizations. The certified representative of the supervisors  
10 may not bargain collectively with respect to any matter other than wages and fringe  
11 benefits.

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

23 (2) Whenever a question arises concerning the representation of employees in  
24 a collective bargaining unit, the commission shall determine the representation by  
25 taking a secret ballot of the employees and certifying in writing the results to the

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1 interested parties and to the board. There shall be included on any ballot for the  
2 election of representatives the names of all labor organizations having an interest  
3 in representing the employees participating in the election as indicated in petitions  
4 filed with the commission. The name of any existing representative shall be included  
5 on the ballot without the necessity of filing a petition. The commission may exclude  
6 from the ballot one who, at the time of the election, stands deprived of his or her rights  
7 under this subchapter by reason of a prior adjudication of his or her having engaged  
8 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against  
9 representation by anyone named on the ballot. For elections in a collective  
10 bargaining unit composed of employees who are members of the faculty or academic  
11 staff, whenever more than one representative qualifies to appear on the ballot, the  
12 ballot shall be prepared to provide separate votes on 2 questions. The first question  
13 shall be: “Shall the employees of the ... (name of collective bargaining unit)  
14 participate in collective bargaining?”. The 2nd question shall be: “If the employees  
15 of the ... (name of collective bargaining unit) elect to participate in collective  
16 bargaining, which labor organization do you favor to act as representative of the  
17 employees?”. The 2nd question shall not include a choice for no representative. All  
18 employees in the collective bargaining unit may vote on both questions. Unless a  
19 majority of those employees voting in the election vote to participate in collective  
20 bargaining, no votes for a particular representative may be counted. If a majority  
21 of those employees voting in the election vote to participate in collective bargaining,  
22 the ballots for representatives shall be counted. The commission’s certification of the  
23 results of any election is conclusive as to the findings included therein unless  
24 reviewed under s. 111.07 (8).

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1           **(3)** Whenever an election has been conducted under sub. (2) in which a majority  
2 of the employees voting indicate a desire to participate in collective bargaining but  
3 in which no named representative is favored by a majority of the employees voting,  
4 the commission may, if requested by a party to the proceeding within 30 days from  
5 the date of the certification of the results of the election, conduct a runoff election.  
6 In that runoff election, the commission shall drop from the ballot the name of the  
7 representative who received the least number of votes at the original election.

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

21           **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an  
22 employer individually or in concert with others:

23           (a) To interfere with, restrain, or coerce employees in the exercise of their rights  
24 guaranteed under s. 111.97.

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1           (b) Except as otherwise provided in this paragraph, to initiate, create,  
2           dominate, or interfere with the formation or administration of any labor or employee  
3           organization or contribute financial support to it. Except as provided in ss. 40.02 (22)  
4           (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement  
5           System under ch. 40 and no action by the employer that is authorized by such a law  
6           is a violation of this paragraph unless an applicable collective bargaining agreement  
7           specifically prohibits the change or action. No such change or action affects the  
8           continuing duty to bargain collectively regarding the Wisconsin Retirement System  
9           under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice  
10          for the employer to reimburse an employee at his or her prevailing wage rate for the  
11          time spent during the employee's regularly scheduled hours conferring with the  
12          employer's officers or agents and for attendance at commission or court hearings  
13          necessary for the administration of this subchapter.

14          (c) To encourage or discourage membership in any labor organization by  
15          discrimination in regard to hiring, tenure, or other terms or conditions of  
16          employment. This paragraph does not apply to fair-share or maintenance of  
17          membership agreements.

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

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1 paragraph includes the refusal to execute a collective bargaining agreement  
2 previously orally agreed upon.

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

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

16 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board  
17 to implement changes in salaries or conditions of employment for members of the  
18 faculty or academic staff at one institution, and not for other members of the faculty  
19 or academic staff at another institution, but this may be done only if the differential  
20 treatment is based on comparisons with the compensation and working conditions  
21 of employees performing similar services for comparable higher education  
22 institutions or based upon other competitive factors.

23 **(2)** It is unfair practice for an employee individually or in concert with others:

24 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal  
25 rights, including those guaranteed under s. 111.97.

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1           (b) To coerce, intimidate, or induce any officer or agent of the employer to  
2 interfere with any of the employer's employees in the enjoyment of their legal rights  
3 including those guaranteed under s. 111.97 or to engage in any practice with regard  
4 to its employees which would constitute an unfair labor practice if undertaken by the  
5 officer or agent on the officer's or agent's own initiative.

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

11           (d) To violate the provisions of any written agreement with respect to terms and  
12 conditions of employment affecting employees, including an agreement to arbitrate  
13 or to accept the terms of an arbitration award, when previously the parties have  
14 agreed to accept such awards as final and binding upon them.

15           (e) To engage in, induce, or encourage any employees to engage in a strike or  
16 a concerted refusal to work or perform their usual duties as employees.

17           (f) To coerce or intimidate a supervisory employee, officer, or agent of the  
18 employer, working at the same trade or profession as the employer's employees, to  
19 induce the person to become a member of or act in concert with the labor organization  
20 of which the employee is a member

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

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

10           **111.992 Fair–share and maintenance of membership agreements. (1)**

11           (a) No fair–share or maintenance of membership agreement may become effective  
12 unless authorized by a referendum. The commission shall order a referendum  
13 whenever it receives a petition supported by proof that at least 30 percent of the  
14 employees or supervisors specified in s. 111.98 (5) in a collective bargaining unit  
15 desire that a fair–share or maintenance of membership agreement be entered into  
16 between the employer and a labor organization. A petition may specify that a  
17 referendum is requested on a maintenance of membership agreement only, in which  
18 case the ballot shall be limited to that question.

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

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

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

22 **(2)** (a) Once authorized, a fair-share or maintenance of membership  
23 agreement shall continue in effect, subject to the right of the employer or labor  
24 organization concerned to petition the commission to conduct a new referendum.  
25 Such a petition must be supported by proof that at least 30 percent of the employees

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

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

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

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

4           **111.993 Grievance arbitration. (1)** Parties to the dispute pertaining to the  
5 interpretation of a collective bargaining agreement may agree in writing to have the  
6 commission or any other appointing state agency serve as arbitrator or may  
7 designate any other competent, impartial, and disinterested persons to so serve.  
8 Such arbitration proceedings shall be governed by ch. 788.

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

15           **111.994 Mediation.** The commission may appoint any competent, impartial,  
16 disinterested person to act as mediator in any labor dispute either upon its own  
17 initiative or upon the joint request of both parties to the dispute. It is the function  
18 of a mediator to bring the parties together voluntarily under such favorable auspices  
19 as will tend to effectuate settlement of the dispute, but neither the mediator nor the  
20 commission shall have any power of compulsion in mediation proceedings.

21           **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable  
22 period of negotiation and after the settlement procedures, if any, established by the  
23 parties have been exhausted, the representative that has been certified by the  
24 commission after an election, as the exclusive representative of employees in an  
25 appropriate bargaining unit, and the employer, its officers, and agents, after a

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1 reasonable period of negotiation, are deadlocked with respect to any dispute between  
2 them arising in the collective bargaining process, the parties jointly may petition the  
3 commission, in writing, to initiate fact-finding under this section, and to make  
4 recommendations to resolve the deadlock.

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

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

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

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

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

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

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

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

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

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1           **111.997 Management rights.** Nothing in this subchapter shall interfere with  
2 the right of the board, in accordance with this subchapter, to do any of the following:

3           **(1)** Carry out the statutory mandate and goals assigned to the board by the  
4 most appropriate and efficient methods and means and utilize personnel in the most  
5 appropriate and efficient manner possible.

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

10           **111.998 Subjects of bargaining. (1)** (a) Except as provided in pars. (b) to (f),  
11 matters subject to collective bargaining to the point of impasse are salaries; fringe  
12 benefits consistent with sub. (2); and hours and conditions of employment.

13           (b) The board is not required to bargain on management rights under s.  
14 111.997, except that procedures for the adjustment or settlement of grievances or  
15 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of  
16 bargaining.

17           (c) The board is prohibited from bargaining on matters contained in sub. (2).

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

24           (e) Demands relating to retirement and group insurance shall be submitted to  
25 the board at least one year prior to commencement of negotiations.

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1 (f) The board is not required to bargain on matters related to employee  
2 occupancy of houses or other lodging provided by the state.

3 **(2)** The board is prohibited from bargaining on:

4 (a) The mission and goals of the board as set forth in the statutes; the  
5 diminution of the right of tenure provided the faculty under s. 36.13, the rights  
6 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the  
7 rights of appointment provided academic staff under s. 36.15; or academic freedom.

8 (b) Amendments to this subchapter.

9 (c) Family leave and medical leave rights below the minimum afforded under  
10 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights  
11 to family leave or medical leave which are more generous to the employee than the  
12 rights provided under s. 103.10.

13 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)  
14 3.

15 (e) The rights of employees to have retirement benefits computed under s.  
16 40.30.

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

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

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

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

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

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

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

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

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

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

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

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

9 (s) The requirements related to internal grievance procedures under s. 632.83  
10 and independent review of certain health benefit plan determinations under s.  
11 632.835.

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

16 **111.999 Labor proposals.** The board shall notify and consult with the joint  
17 committee on employment relations, in such form and detail as the committee  
18 requests, regarding substantial changes in wages, employee benefits, personnel  
19 management, and program policy contract provisions to be included in any contract  
20 proposal to be offered to any labor organization by the state or to be agreed to by the  
21 state before such proposal is actually offered or accepted.

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

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

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

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

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

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

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

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

13           **(2)** The commission shall assess and collect a filing fee for filing a complaint  
14 alleging that an unfair labor practice has been committed under s. 111.991. The  
15 commission shall assess and collect a filing fee for filing a request that the  
16 commission act as an arbitrator to resolve a dispute involving the interpretation or  
17 application of a collective bargaining agreement under s. 111.993. The commission  
18 shall assess and collect a filing fee for filing a request that the commission initiate  
19 fact-finding under s. 111.995. The commission shall assess and collect a filing fee  
20 for filing a request that the commission act as a mediator under s. 111.994. For the  
21 performance of commission actions under ss. 111.993, 111.994, and 111.995, the  
22 commission shall require that the parties to the dispute equally share in the payment  
23 of the fee and, for the performance of commission actions involving a complaint  
24 alleging that an unfair labor practice has been committed under s. 111.991, the  
25 commission shall require that the party filing the complaint pay the entire fee. If any

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1 party has paid a filing fee requesting the commission to act as a mediator for a labor  
2 dispute and the parties do not enter into a voluntary settlement of the labor dispute,  
3 the commission may not subsequently assess or collect a filing fee to initiate  
4 fact-finding to resolve the same labor dispute. If any request concerns issues arising  
5 as a result of more than one unrelated event or occurrence, each such separate event  
6 or occurrence shall be treated as a separate request. The commission shall  
7 promulgate rules establishing a schedule of filing fees to be paid under this  
8 subsection. Fees required to be paid under this subsection shall be paid at the time  
9 of filing the complaint or the request for fact-finding, mediation, or arbitration. A  
10 complaint or request for fact-finding, mediation, or arbitration is not filed until the  
11 date such fee or fees are paid. Fees collected under this subsection shall be credited  
12 to the appropriation account under s. 20.425 (1) (i).

13 **SECTION 2256.** 115.28 (52) of the statutes is amended to read:

14 **115.28 (52) ADULT LITERACY GRANTS.** From the appropriation under s. 20.255  
15 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to  
16 support programs that train community-based adult literacy staff and to establish  
17 new volunteer-based programs in areas of this state that have a demonstrated need  
18 for adult literacy services. ~~No grant may exceed \$10,000, and no organization may~~  
19 ~~receive more than one grant in any fiscal year.~~

20 **SECTION 2257.** 115.745 of the statutes is created to read:

21 **115.745 Tribal language revitalization grants. (1)** A school board or  
22 cooperative educational service agency, in conjunction with a tribal education  
23 authority, may apply to the department for a grant for the purpose of supporting  
24 innovative, effective instruction in one or more American Indian languages.