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1           **111.95 Declaration of policy.** The public policy of the state as to labor  
2 relations and collective bargaining involving faculty and academic staff at the  
3 University of Wisconsin System, in furtherance of which this subchapter is enacted,  
4 is as follows:

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

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

12           **111.96 Definitions.** In this subchapter:

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

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

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

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

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

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

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

6           (a) All faculty, except faculty who are supervisors, management employees, and  
7 individuals who are privy to confidential matters affecting the employer–employee  
8 relationship and except for faculty who hold a limited appointment under s. 36.17 or  
9 deans.

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

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

14           **(9)** “Faculty” has the meaning given in s. 36.05 (8), except for an individual  
15 holding an appointment under s. 36.15 (1), (2), (2m), or (3).

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

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

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

24           **(13)** “Labor organization” means any employee organization whose purpose is  
25 to represent employees in collective bargaining with the employer, or its agents, on

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1 matters pertaining to terms and conditions of employment, but does not include any  
2 organization that does any of the following:

3 (a) Advocates the overthrow of the constitutional form of government in the  
4 United States.

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

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

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

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

18 **(17)** “Referendum” means a proceeding conducted by the commission in which  
19 employees, or supervisors specified in s. 111.98 (5) or (6), in a collective bargaining  
20 unit may cast a secret ballot on the question of directing the labor organization and  
21 the employer to enter into a fair-share or maintenance of membership agreement or  
22 to terminate such an agreement.

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

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

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

11           **(21)** “Unfair labor practice” means any unfair labor practice specified in s.  
12 111.991.

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

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

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1           **111.97 Rights of employees.** Employees shall have the right of  
2 self-organization and the right to form, join, or assist labor organizations, to bargain  
3 collectively through representatives of their own choosing under this subchapter,  
4 and to engage in lawful, concerted activities for the purpose of collective bargaining  
5 or other mutual aid or protection. Employees shall also have the right to refrain from  
6 any such activities.

7           **111.98 Collective bargaining units. (1)** Collective bargaining units for  
8 faculty and staff in the unclassified service of the state shall be structured with a  
9 collective bargaining unit for each of the following groups:

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

11           (am) Faculty of the University of Wisconsin–Milwaukee.

12           (b) Faculty of the University of Wisconsin–Extension.

13           (bm) Faculty of the University of Wisconsin–Eau Claire.

14           (c) Faculty of the University of Wisconsin–Green Bay.

15           (cm) Faculty of the University of Wisconsin–La Crosse.

16           (d) Faculty of the University of Wisconsin–Oshkosh.

17           (dm) Faculty of the University of Wisconsin–Parkside.

18           (e) Faculty of the University of Wisconsin–Platteville.

19           (em) Faculty of the University of Wisconsin–River Falls.

20           (f) Faculty of the University of Wisconsin–Stevens Point.

21           (fm) Faculty of the University of Wisconsin–Stout.

22           (g) Faculty of the University of Wisconsin–Superior.

23           (gm) Faculty of the University of Wisconsin–Whitewater.

24           (h) Faculty of the University of Wisconsin Colleges.

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1 (i) All academic staff employed by the Board of Regents of the University of  
2 Wisconsin System.

3 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described  
4 under sub. (1) (a) to (h) may be combined into a single unit. If 2 or more collective  
5 bargaining units seek to combine into a single collective bargaining unit, the  
6 commission shall, upon the petition of at least 30 percent of the employees in each  
7 unit, hold an election to determine whether a majority of those employees voting in  
8 each unit desire to combine into a single unit. A combined collective bargaining unit  
9 shall be formed including all employees from each of those units in which a majority  
10 of the employees voting in the election approve a combined unit. The combined  
11 collective bargaining unit shall be formed immediately if there is no existing  
12 collective bargaining agreement in force in any of the units to be combined. If there  
13 is a collective bargaining agreement in force at the time of the election in any of the  
14 collective bargaining units to be combined, the combined unit shall be formed upon  
15 expiration of the last agreement for the units concerned.

16 (b) If 2 or more collective bargaining units have combined under par. (a), the  
17 commission shall, upon petition of at least 30 percent of the employees in any of the  
18 original units, hold an election of the employees in the original unit to determine  
19 whether the employees in that unit desire to withdraw from the combined collective  
20 bargaining unit. If a majority of the employees voting desire to withdraw from the  
21 combined collective bargaining unit, separate units consisting of the unit in which  
22 the election was held and a unit composed of the remainder of the combined unit shall  
23 be formed. The new collective bargaining units shall be formed immediately if there  
24 is no collective bargaining agreement in force for the combined unit. If there is a  
25 collective bargaining agreement in force for the combined collective bargaining unit,

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1 the new units shall be formed upon the expiration of the agreement. While there is  
2 a collective bargaining agreement in force for the combined collective bargaining  
3 unit, a petition for an election under this paragraph may be filed only during October  
4 in the calendar year prior to the expiration of the agreement.

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

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

15 (5) Although academic staff supervisors are not considered employees for the  
16 purpose of this subchapter, the commission may consider a petition for a statewide  
17 collective bargaining unit consisting of academic staff supervisors, but the  
18 representative of the supervisors may not be affiliated with any labor organization  
19 representing employees. For purposes of this subsection, affiliation does not include  
20 membership in a national, state, county, or municipal federation of national or  
21 international labor organizations. The certified representative of the supervisors  
22 may not bargain collectively with respect to any matter other than wages and fringe  
23 benefits.

24 (6) Although faculty supervisors are not considered employees for the purpose  
25 of this subchapter, the commission may consider a petition for a statewide collective

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

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

18 **(2)** Whenever a question arises concerning the representation of employees in  
19 a collective bargaining unit, the commission shall determine the representation by  
20 taking a secret ballot of the employees and certifying in writing the results to the  
21 interested parties and to the board. There shall be included on any ballot for the  
22 election of representatives the names of all labor organizations having an interest  
23 in representing the employees participating in the election as indicated in petitions  
24 filed with the commission. The name of any existing representative shall be included  
25 on the ballot without the necessity of filing a petition. The commission may exclude

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1 from the ballot one who, at the time of the election, stands deprived of his or her rights  
2 under this subchapter by reason of a prior adjudication of his or her having engaged  
3 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against  
4 representation by anyone named on the ballot. For elections in a collective  
5 bargaining unit composed of employees who are members of the faculty or academic  
6 staff, whenever more than one representative qualifies to appear on the ballot, the  
7 ballot shall be prepared to provide separate votes on 2 questions. The first question  
8 shall be: “Shall the employees of the ... (name of collective bargaining unit)  
9 participate in collective bargaining?”. The 2nd question shall be: “If the employees  
10 of the ... (name of collective bargaining unit) elect to participate in collective  
11 bargaining, which labor organization do you favor to act as representative of the  
12 employees?”. The 2nd question shall not include a choice for no representative. All  
13 employees in the collective bargaining unit may vote on both questions. Unless a  
14 majority of those employees voting in the election vote to participate in collective  
15 bargaining, no votes for a particular representative may be counted. If a majority  
16 of those employees voting in the election vote to participate in collective bargaining,  
17 the ballots for representatives shall be counted. The commission’s certification of the  
18 results of any election is conclusive as to the findings included therein unless  
19 reviewed under s. 111.07 (8).

20 **(3)** Whenever an election has been conducted under sub. (2) in which a majority  
21 of the employees voting indicate a desire to participate in collective bargaining but  
22 in which no named representative is favored by a majority of the employees voting,  
23 the commission may, if requested by a party to the proceeding within 30 days from  
24 the date of the certification of the results of the election, conduct a runoff election.

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1 In that runoff election, the commission shall drop from the ballot the name of the  
2 representative who received the least number of votes at the original election.

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

16 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an  
17 employer individually or in concert with others:

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

20 (b) Except as otherwise provided in this paragraph, to initiate, create,  
21 dominate, or interfere with the formation or administration of any labor or employee  
22 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)  
23 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement  
24 System under ch. 40 and no action by the employer that is authorized by such a law  
25 is a violation of this paragraph unless an applicable collective bargaining agreement

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1 specifically prohibits the change or action. No such change or action affects the  
2 continuing duty to bargain collectively regarding the Wisconsin Retirement System  
3 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice  
4 for the employer to reimburse an employee at his or her prevailing wage rate for the  
5 time spent during the employee's regularly scheduled hours conferring with the  
6 employer's officers or agents and for attendance at commission or court hearings  
7 necessary for the administration of this subchapter.

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

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

22 (e) To violate any collective bargaining agreement previously agreed upon by  
23 the parties with respect to wages, hours, and conditions of employment affecting the  
24 employees, including an agreement to arbitrate or to accept the terms of an

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1 arbitration award, when previously the parties have agreed to accept such award as  
2 final and binding upon them.

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

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

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

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

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

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

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

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

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

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

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 such panel shall report its finding to the commission for appropriate action.

4 **111.992 Fair–share and maintenance of membership agreements. (1)**

5 (a) No fair–share or maintenance of membership agreement may become effective  
6 unless authorized by a referendum. The commission shall order a referendum  
7 whenever it receives a petition supported by proof that at least 30 percent of the  
8 employees or supervisors specified in s. 111.98 (5) or (6) in a collective bargaining unit  
9 desire that a fair–share or maintenance of membership agreement be entered into  
10 between the employer and a labor organization. A petition may specify that a  
11 referendum is requested on a maintenance of membership agreement only, in which  
12 case the ballot shall be limited to that question.

13 (b) For a fair–share agreement to be authorized, at least two–thirds of the  
14 eligible employees or supervisors voting in a referendum shall vote in favor of the  
15 agreement. For a maintenance of membership agreement to be authorized, at least  
16 a majority of the eligible employees or supervisors voting in a referendum shall vote  
17 in favor of the agreement. In a referendum on a fair–share agreement, if less than  
18 two–thirds but more than one–half of the eligible employees or supervisors vote in  
19 favor of the agreement, a maintenance of membership agreement is authorized.

20 (c) If a fair–share or maintenance of membership agreement is authorized in  
21 a referendum, the employer shall enter into such an agreement with the labor  
22 organization named on the ballot in the referendum. Each fair–share or  
23 maintenance of membership agreement shall contain a provision requiring the  
24 employer to deduct the amount of dues as certified by the labor organization from the  
25 earnings of the employees or supervisors affected by the agreement and to pay the

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1 amount so deducted to the labor organization. Unless the parties agree to an earlier  
2 date, the agreement shall take effect 60 days after certification by the commission  
3 that the referendum vote authorized the agreement. The employer shall be held  
4 harmless against any claims, demands, suits and other forms of liability made by  
5 employees or supervisors or local labor organizations which may arise for actions  
6 taken by the employer in compliance with this section. All such lawful claims,  
7 demands, suits and other forms of liability are the responsibility of the labor  
8 organization entering into the agreement.

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

16 **(2)** (a) Once authorized, a fair-share or maintenance of membership  
17 agreement shall continue in effect, subject to the right of the employer or labor  
18 organization concerned to petition the commission to conduct a new referendum.  
19 Such a petition must be supported by proof that at least 30 percent of the employees  
20 or supervisors in the collective bargaining unit desire that the fair-share or  
21 maintenance of membership agreement be discontinued. Upon so finding, the  
22 commission shall conduct a new referendum. If the continuance of the fair-share or  
23 maintenance of membership agreement is approved in the referendum by at least the  
24 percentage of eligible voting employees or supervisors required for its initial  
25 authorization, it shall be continued in effect, subject to the right of the employer or

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1 labor organization to later initiate a further vote following the procedure prescribed  
2 in this subsection. If the continuation of the agreement is not supported in any  
3 referendum, it is considered terminated at the termination of the collective  
4 bargaining agreement, or one year from the date of the certification of the result of  
5 the referendum, whichever is earlier.

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

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

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

21 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the  
22 interpretation of a collective bargaining agreement may agree in writing to have the  
23 commission or any other appointing state agency serve as arbitrator or may  
24 designate any other competent, impartial, and disinterested persons to so serve.  
25 Such arbitration proceedings shall be governed by ch. 788.

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

7           **111.994 Mediation.** The commission may appoint any competent, impartial,  
8 disinterested person to act as mediator in any labor dispute either upon its own  
9 initiative or upon the request of one of the parties to the dispute. It is the function  
10 of a mediator to bring the parties together voluntarily under such favorable auspices  
11 as will tend to effectuate settlement of the dispute, but neither the mediator nor the  
12 commission shall have any power of compulsion in mediation proceedings.

13           **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable  
14 period of negotiation and after the settlement procedures, if any, established by the  
15 parties have been exhausted, the representative that has been certified by the  
16 commission after an election, as the exclusive representative of employees in an  
17 appropriate bargaining unit, and the employer, its officers, and agents, after a  
18 reasonable period of negotiation, are deadlocked with respect to any dispute between  
19 them arising in the collective bargaining process, the parties jointly may petition the  
20 commission, in writing, to initiate fact-finding under this section, and to make  
21 recommendations to resolve the deadlock.

22           **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall  
23 make an investigation with or without a formal hearing, to determine whether a  
24 deadlock in fact exists. The commission shall certify the results of the investigation.  
25 If the commission decides that fact-finding should be initiated, it shall appoint a

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1 qualified, disinterested person or, when jointly requested by the parties, a 3–member  
2 panel to function as a fact finder.

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

17       **(4)** A fact finder may mediate a dispute at any time prior to the issuance of the  
18 fact finder’s recommendations.

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

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

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

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

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

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

17           **111.997 Management rights.** Nothing in this subchapter shall interfere with  
18 the right of the board, in accordance with this subchapter to do any of the following:

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

22           **(2)** Manage the employees; hire, promote, transfer, assign, or retain employees;  
23 and, in that regard, establish reasonable work rules.

24           **(3)** Suspend, demote, discharge, or take other appropriate disciplinary action  
25 against the employee; or to lay off employees in the event of lack of work or funds or

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1 under conditions where continuation of such work would be inefficient and  
2 nonproductive.

3 **111.998 Subjects of bargaining. (1)** (a) Except as provided in pars. (b) to (f),  
4 matters subject to collective bargaining to the point of impasse are salaries; fringe  
5 benefits consistent with sub. (2); and hours and conditions of employment.

6 (b) The board is not required to bargain on management rights under s.  
7 111.997, except that procedures for the adjustment or settlement of grievances or  
8 disputes arising out of any type of disciplinary action in s. 111.997 (3) is a subject of  
9 bargaining.

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

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

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

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

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

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

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- 1 (b) Amendments to this subchapter.
- 2 (c) Family leave and medical leave rights below the minimum afforded under  
3 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights  
4 to family leave or medical leave which are more generous to the employee than the  
5 rights provided under s. 103.10.
- 6 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)  
7 3.
- 8 (e) The rights of employees to have retirement benefits computed under s.  
9 40.30.
- 10 (f) Honesty testing requirements that provide fewer rights and remedies to  
11 employees than are provided under s. 111.37.
- 12 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.
- 13 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)  
14 to (8) and (10), 632.747, and 632.748.
- 15 (j) Compliance with the insurance requirements under s. 631.95.
- 16 (k) The definition of earnings under s. 40.02 (22).
- 17 (L) The maximum benefit limitations under s. 40.31
- 18 (m) The limitations on contributions under s. 40.32.
- 19 (n) The provision to employees of the health insurance coverage required under  
20 s. 632.895 (11) to (14).
- 21 (o) The requirements related to coverage of and prior authorization for  
22 treatment of an emergency medical condition under s. 632.85.
- 23 (p) The requirements related to coverage of drugs and devices under s. 632.853.
- 24 (q) The requirements related to experimental treatment under s. 632.855.

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

3           (s) The requirements related to internal grievance procedures under s. 632.83  
4 and independent review of certain health benefit plan determinations under s.  
5 632.835.

6           **111.999 Labor proposals.** The board shall notify and consult with the joint  
7 committee on employment relations, in such form and detail as the committee  
8 requests, regarding substantial changes in wages, employee benefits, personnel  
9 management, and program policy contract provisions to be included in any contract  
10 proposal to be offered to any labor organization by the state or to be agreed to by the  
11 state before such proposal is actually offered or accepted.

12           **111.9991 Agreements. (1)** Any tentative agreement reached between the  
13 board, acting for the state, and any labor organization representing a collective  
14 bargaining unit specified in s. 111.98 shall, after official ratification by the labor  
15 organization, be submitted by the board to the joint committee on employment  
16 relations, which shall hold a public hearing before determining its approval or  
17 disapproval. If the committee approves the tentative agreement, it shall introduce  
18 in a bill or companion bills, to be put on the calendar or referred to the appropriate  
19 scheduling committee of each house, that portion of the tentative agreement which  
20 requires legislative action for implementation, such as salary and wage adjustments,  
21 changes in fringe benefits, and any proposed amendments, deletions, or additions to  
22 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)  
23 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of  
24 the tentative agreement to appropriate legislative committees for advisory  
25 recommendations on the proposed terms. The committee shall accompany the

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1 introduction of such proposed legislation with a message that informs the legislature  
2 of the committee's concurrence with the matters under consideration and that  
3 recommends the passage of such legislation without change. If the joint committee  
4 on employment relations does not approve the tentative agreement, it shall be  
5 returned to the parties for renegotiation. If the legislature does not adopt without  
6 change that portion of the tentative agreement introduced by the joint committee on  
7 employment relations, the tentative agreement shall be returned to the parties for  
8 renegotiation.

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

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

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

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

15 **111.9992 Status of existing benefits and rights.** Unless a prohibited  
16 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),  
17 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules  
18 governing the salaries, fringe benefits, hours, and conditions of employment apply  
19 to each employee, unless otherwise provided in a collective bargaining agreement.

20 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt  
21 reasonable and proper rules relative to the exercise of its powers and authority and  
22 proper rules to govern its proceedings and to regulate the conduct of all elections and  
23 hearings under this subchapter. The commission shall, upon request, provide a  
24 transcript of a proceeding to any party to the proceeding for a fee, established by rule,

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1 by the commission at a uniform rate per page. All transcript fees shall be credited  
2 to the appropriation account under s. 20.425 (1) (i).

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

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1 date such fee or fees are paid. Fees collected under this subsection shall be credited  
2 to the appropriation account under s. 20.425 (1) (i).