

1 bargain, however, does not compel either party to agree to a proposal or require the
2 making of a concession. Collective bargaining includes the reduction of any
3 agreement reached to a written and signed document.

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

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

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

9 **(7)** “Employee” includes:

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

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

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

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

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

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

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

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

7 (a) Advocates the overthrow of the constitutional form of government in the
8 United States.

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

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

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

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

22 **(17)** “Referendum” means a proceeding conducted by the commission in which
23 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
24 may cast a secret ballot on the question of directing the labor organization and the

1 employer to enter into a fair–share agreement or to terminate a fair–share
2 agreement.

3 (18) “Representative” includes any person chosen by an employee to represent
4 the employee.

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

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

15 (21) “Unfair labor practice” means any unfair labor practice specified in s.
16 111.991.

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

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

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

10 **111.98 Collective bargaining units. (1)** Collective bargaining units for
11 faculty and staff in the unclassified service of the state shall be structured with a
12 collective bargaining unit for each of the following groups:

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

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

15 (c) Faculty of the University of Wisconsin–Extension.

16 (cm) Faculty of the University of Wisconsin–Eau Claire.

17 (d) Faculty of the University of Wisconsin–Green Bay.

18 (dm) Faculty of the University of Wisconsin–La Crosse.

19 (e) Faculty of the University of Wisconsin–Oshkosh.

20 (em) Faculty of the University of Wisconsin–Parkside.

21 (f) Faculty of the University of Wisconsin–Platteville.

22 (fm) Faculty of the University of Wisconsin–River Falls.

23 (g) Faculty of the University of Wisconsin–Stevens Point.

24 (gm) Faculty of the University of Wisconsin–Stout.

25 (h) Faculty of the University of Wisconsin–Superior.

1 (hm) Faculty of the University of Wisconsin–Whitewater.

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

3 (j) Academic staff of the University of Wisconsin–Madison and academic staff
4 employed at the University of Wisconsin System administration.

5 (jm) Academic staff of the University of Wisconsin–Milwaukee.

6 (k) Academic staff of the University of Wisconsin–Extension.

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

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

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

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

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

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

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

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

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

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

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

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

19 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
20 under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective
21 bargaining units seek to combine into a single collective bargaining unit, the
22 commission shall, upon the petition of at least 30 percent of the employees in each
23 unit, hold an election, or include on any ballot for an election held under s. 111.990

24 (2) the question of whether to combine units, to determine whether a majority of
25 those employees voting in each unit desire to combine into a single unit. A combined

1 collective bargaining unit shall be formed including all employees from each of those
2 units in which a majority of the employees voting in the election approve a combined
3 unit. The combined collective bargaining unit shall be formed immediately if there
4 is no existing collective bargaining agreement in force in any of the units to be
5 combined. If there is a collective bargaining agreement in force at the time of the
6 election in any of the collective bargaining units to be combined, the combined unit
7 shall be formed upon expiration of the last agreement for the units concerned.

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

22 (3) The commission shall assign employees to the appropriate collective
23 bargaining units described under sub. (1) or (2) or under s. 111.825 (1) or (2).

24 (4) Any labor organization may petition for recognition as the exclusive
25 representative of a collective bargaining unit described under sub. (1) or (2) in

1 accordance with the election procedures under s. 111.990 if the petition is
2 accompanied by a 30 percent showing of interest in the form of signed authorization
3 cards. Any additional labor organization seeking to appear on the ballot shall file a
4 petition within 60 days of the date of filing of the original petition and prove, through
5 signed authorization cards, that at least 10 percent of the employees in the collective
6 bargaining unit want it to be their representative.

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

16 **111.990 Representatives and elections. (1)** A representative chosen for the
17 purposes of collective bargaining by a majority of the employees voting in a collective
18 bargaining unit shall be the exclusive representative of all of the employees in such
19 unit for the purposes of collective bargaining. Any individual employee, or any
20 minority group of employees in any collective bargaining unit, may present any
21 grievance to the employer in person, or through representatives of their own
22 choosing, and the employer shall confer with the individual employee or group of
23 employees with respect to the grievance if the majority representative has been
24 afforded the opportunity to be present at the conference. Any adjustment resulting

1 from such a conference may not be inconsistent with the conditions of employment
2 established by the majority representative and the employer.

3 (2) (a) Whenever a question arises concerning the representation of employees
4 in a collective bargaining unit, the commission shall determine the representation
5 by taking a secret ballot of the employees and certifying in writing the results to the
6 interested parties and to the board. There shall be included on any ballot for the
7 election of representatives the names of all labor organizations having an interest
8 in representing the employees participating in the election as indicated in petitions
9 filed with the commission. The name of any existing representative shall be included
10 on the ballot without the necessity of filing a petition. The commission may exclude
11 from the ballot one who, at the time of the election, stands deprived of his or her rights
12 under this subchapter by reason of a prior adjudication of his or her having engaged
13 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
14 representation by anyone named on the ballot.

15 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
16 composed of employees who are members of the faculty or academic staff, whenever
17 more than one representative qualifies to appear on the ballot, the ballot shall be so
18 prepared as to provide separate votes on 2 questions. The first question shall be:
19 “Shall the employees of the (name of collective bargaining unit) participate in
20 collective bargaining?”. The 2nd question shall be: “If the employees of the (name
21 of collective bargaining unit) elect to participate in collective bargaining, which labor
22 organization do you favor to act as representative of the employees?”. The 2nd
23 question shall not include a choice for no representative. All employees in the
24 collective bargaining unit may vote on both questions. Unless a majority of those
25 employees voting in the election vote to participate in collective bargaining, no votes

1 for a particular representative may be counted. If a majority of those employees
2 voting in the election vote to participate in collective bargaining, the ballots for
3 representatives shall be counted.

4 2. For elections in a collective bargaining unit composed of employees who are
5 members of the faculty or academic staff, whenever more than one representative
6 qualifies to appear on the ballot and a question of whether to combine collective
7 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
8 the ballot shall be so prepared as to provide separate votes on 3 questions and each
9 ballot shall identify the collective bargaining unit to which each voter currently
10 belongs. The first question shall be: “Shall the employees of the (name of the
11 voter’s current collective bargaining unit) participate in collective bargaining?”. The
12 2nd question shall be “Shall the employees of the (names of all of the collective
13 bargaining units that qualify to appear on the ballot, including the name of the
14 voter’s current collective bargaining unit) combine to participate in collective
15 bargaining?”. The 3rd question shall be: “If the employees of the (name of the
16 voter’s current collective bargaining unit) elect to participate in collective
17 bargaining, which labor organization do you favor to act as representative of the
18 employees?”. The 3rd question shall not include a choice for no representative. All
19 employees in the collective bargaining unit may vote on all questions. Unless a
20 majority of those employees voting in the election vote to participate in collective
21 bargaining, no votes for combination or for a particular representative may be
22 counted. If a majority of those employees voting in the election vote to participate
23 in collective bargaining, the ballots for combination shall be counted. If the ballots
24 for combination are counted and a majority of those employees voting from each
25 collective bargaining unit listed in the 2nd question on the ballot vote to combine,

1 then the ballots for representatives of the combined collective bargaining unit shall
2 be counted. If the ballots for combination are counted and a majority of those
3 employees voting from each collective bargaining unit listed in the 2nd question on
4 the ballot do not vote to combine, then the ballots for representatives of each current
5 collective bargaining unit shall be counted.

6 (c) The commission's certification of the results of any election is conclusive as
7 to the findings included therein unless reviewed under s. 111.07 (8).

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

15 **(4)** While a collective bargaining agreement between a labor organization and
16 an employer is in force under this subchapter, a petition for an election in the
17 collective bargaining unit to which the agreement applies may be filed only during
18 October in the calendar year prior to the expiration of that agreement. An election
19 held under that petition may be held only if the petition is supported by proof that
20 at least 30 percent of the employees in the collective bargaining unit desire a change
21 or discontinuance of existing representation. Within 60 days of the time that an
22 original petition is filed, another petition may be filed supported by proof that at least
23 10 percent of the employees in the same collective bargaining unit desire a different
24 representative. If a majority of the employees in the collective bargaining unit vote
25 for a change or discontinuance of representation by any named representative, the

1 decision takes effect upon expiration of any existing collective bargaining agreement
2 between the employer and the existing representative.

3 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
4 employer individually or in concert with others:

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

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

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

24 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
25 representative of a majority of its employees in an appropriate collective bargaining

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

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

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

22 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
23 to implement changes in salaries or conditions of employment for members of the
24 faculty or academic staff at one institution, and not for other members of the faculty
25 or academic staff at another institution, but this may be done only if the differential

1 treatment is based on comparisons with the compensation and working conditions
2 of employees performing similar services for comparable higher education
3 institutions or based upon other competitive factors.

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

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

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

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

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

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

23 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
24 employer, working at the same trade or profession as the employer's employees, to

1 induce the person to become a member of or act in concert with the labor organization
2 of which the employee is a member

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) The commission shall declare any fair–share or maintenance of
25 membership agreement suspended upon such conditions and for such time as the

1 commission decides whenever it finds that the labor organization involved has
2 refused on the basis of race, color, sexual orientation, or creed to receive as a member
3 any employee or supervisor in the collective bargaining unit involved, and the
4 agreement shall be made subject to the findings and orders of the commission. Any
5 of the parties to the agreement, or any employee or supervisor covered under the
6 agreement, may come before the commission, as provided in s. 111.07, and petition
7 the commission to make such a finding.

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

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

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

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

1 **111.994 Mediation.** The commission may appoint any competent, impartial,
2 disinterested person to act as mediator in any labor dispute either upon its own
3 initiative or upon the joint request of both parties to the dispute. It is the function
4 of a mediator to bring the parties together voluntarily under such favorable auspices
5 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
6 commission shall have any power of compulsion in mediation proceedings.

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

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

22 **(3)** The fact finder may establish dates and place of hearings and shall conduct
23 the hearings under rules established by the commission. Upon request, the
24 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
25 finder may administer oaths. Upon completion of the hearing, the fact finder shall

1 make written findings of fact and recommendations for solution of the dispute and
2 shall cause the same to be served on the parties and the commission. In making
3 findings and recommendations, the fact finder shall take into consideration among
4 other pertinent factors the principles vital to the public interest in efficient and
5 economical governmental administration. Upon the request of either party, the fact
6 finder may orally present the recommendations in advance of service of the written
7 findings and recommendations. Cost of fact-finding proceedings shall be divided
8 equally between the parties. At the time the fact finder submits a statement of his
9 or her costs to the parties, the fact finder shall submit a copy thereof to the
10 commission at its Madison office.

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

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

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

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

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

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

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

11 **111.997 Management rights.** Nothing in this subchapter shall interfere with
12 the right of the board, in accordance with this subchapter, to do any of the following:

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

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

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

23 (b) The board is not required to bargain on management rights under s.
24 111.997, except that procedures for the adjustment or settlement of grievances or

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

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

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

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

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

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

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

19 (b) Amendments to this subchapter.

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

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

25 3.

- 1 (e) The rights of employees to have retirement benefits computed under s.
2 40.30.
- 3 (f) Honesty testing requirements that provide fewer rights and remedies to
4 employees than are provided under s. 111.37.
- 5 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.
- 6 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
7 to (8) and (10), 632.747, and 632.748.
- 8 (j) Compliance with the insurance requirements under s. 631.95.
- 9 (k) The definition of earnings under s. 40.02 (22).
- 10 (L) The maximum benefit limitations under s. 40.31
- 11 (m) The limitations on contributions under s. 40.32.
- 12 (n) The provision to employees of the health insurance coverage required under
13 s. 632.895 (11) to (14).
- 14 (o) The requirements related to coverage of and prior authorization for
15 treatment of an emergency medical condition under s. 632.85.
- 16 (p) The requirements related to coverage of drugs and devices under s. 632.853.
- 17 (q) The requirements related to experimental treatment under s. 632.855.
- 18 (r) The requirements under s. 609.10 related to offering a point-of-service
19 option plan.
- 20 (s) The requirements related to internal grievance procedures under s. 632.83
21 and independent review of certain health benefit plan determinations under s.
22 632.835.
- 23 **(3)** Upon request, the chancellor at each institution, or his or her designee,
24 shall meet and confer with the collective bargaining representative, if any, with

1 regard to any issue that is a permissive subject of bargaining, except when the issue
2 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

3 **111.999 Labor proposals.** The board shall notify and consult with the joint
4 committee on employment relations, in such form and detail as the committee
5 requests, regarding substantial changes in wages, employee benefits, personnel
6 management, and program policy contract provisions to be included in any contract
7 proposal to be offered to any labor organization by the state or to be agreed to by the
8 state before such proposal is actually offered or accepted.

9 **111.9991 Agreements. (1)** Any tentative agreement reached between the
10 board, acting for the state, and any labor organization representing a collective
11 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
12 organization, be submitted by the board to the joint committee on employment
13 relations, which shall hold a public hearing before determining its approval or
14 disapproval. If the committee approves the tentative agreement, it shall introduce
15 in a bill or companion bills, to be put on the calendar or referred to the appropriate
16 scheduling committee of each house, that portion of the tentative agreement which
17 requires legislative action for implementation, such as salary and wage adjustments,
18 changes in fringe benefits, and any proposed amendments, deletions, or additions to
19 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
20 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
21 the tentative agreement to appropriate legislative committees for advisory
22 recommendations on the proposed terms. The committee shall accompany the
23 introduction of such proposed legislation with a message that informs the legislature
24 of the committee's concurrence with the matters under consideration and that
25 recommends the passage of such legislation without change. If the joint committee

1 on employment relations does not approve the tentative agreement, it shall be
2 returned to the parties for renegotiation. If the legislature does not adopt without
3 change that portion of the tentative agreement introduced by the joint committee on
4 employment relations, the tentative agreement shall be returned to the parties for
5 renegotiation.

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

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

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

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

12 **111.9992 Status of existing benefits and rights.** Unless a prohibited
13 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
14 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
15 governing the salaries, fringe benefits, hours, and conditions of employment apply
16 to each employee, unless otherwise provided in a collective bargaining agreement.

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

24 (2) The commission shall assess and collect a filing fee for filing a complaint
25 alleging that an unfair labor practice has been committed under s. 111.991. The

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

24 **SECTION 2255g.** 114.134 (4) (c) of the statutes is amended to read: