



Meeting: Village Board
Meeting Date: 8/8/11
Agenda Item: 8b

Mission Statement
Delivering quality services in a courteous,
cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Chris Haltom, Executive Director of Administrative Services

AGENDA ITEM: Review and take action on changes to the personnel policies

POLICY ISSUE

Does the village board desire to modify Section 12 of the personnel policies regarding grievance procedures in order to be in compliance with new state law adopted in 2011 as Act 10 in conjunction with the state's biennial budget of 2011-2013?

BACKGROUND INFORMATION

The State of Wisconsin drastically modified collective bargaining laws through passage of Act 10. As part of the changes, all municipalities are being required to update (or adopt) grievance procedures that are similar to civil servant grievance procedures by October 1, 2011. Local area administrators have been meeting and have crafted language for updating the grievance procedures. The League of Wisconsin Municipalities also published examples of possible grievance procedures that are compliant with new state law.

The village's personnel policy already includes Section 12 titled Grievance Procedures which are not in compliance with the new state law. Interim Administrator Bob Bartelt worked with the area administrator's group to draft new uniform language for grievance procedures. The group utilized the services of attorney Bob Burns of Davis & Kuelthau to obtain most of the language included in Resolution 2011-20.

The grievance procedures developed by Bob Burns were compared with the League's recommended grievance procedure. Any differences between the two documents were discussed among staff members to determine if changes were warranted.

PRIOR ACTION/REVIEW

None

RECOMMENDED ACTION

Village staff recommends the village board approve the resolution. If the board decides to approve the resolution, the following motion could be made:

"I make a motion to approve Resolution 2011-20 amending the personnel policies."

POLICY ALTERNATIVE(S)

Modify the resolution before passage to grant more lenient grievance procedures (similar to the language already contained within existing collective bargaining agreements).

ATTACHMENTS

- I. Existing Section 12 of the Howard Personnel Policies
- II. Resolution 2011-20 Amending Section 12 of the Howard Personnel Policies
- III. Act 10

ATTACHMENT I

Section 12 Grievance Procedures.

- A. **Rationale.** There will be occasions when Village employees do not agree with interpretation of facts surrounding an incident, the severity of a disciplinary action, or the denial of benefits (including salary increases) which the employee feels he/she has deserved. The Village encourages use of the informal and formal grievance procedures in these circumstances. These grievance procedures are to be initiated by the employee. Any employee should always feel he/she can point out a problem or make a complaint to his/her supervisor without fear of retaliation.
- B. **Informal Grievance Procedure.** All grievances are initially considered informal. Any employee who has a problem or complaint should first attempt to resolve the matter with his/her immediate supervisor through an informal discussion. Informal grievances should not become part of the employee's personnel file.
- C. **Formal Grievance Procedure.** When the informal procedure does not produce a resolution, formal channels should be used. There are three levels in the formal procedure:
1. Level One.
 - a. Employee shall submit written complaint or problem to immediate supervisor.
 - b. The immediate supervisor will conduct an investigation of the grievance.
 - c. The immediate supervisor will render a written decision based on the results of the investigation within ten (10) working days from the date on which the complaint was submitted Level One.
 2. Level Two.
 - a. Employee shall submit written complaint or problem to next higher authority, within ten (10) working days from the receipt of the previous decision.
 - b. The immediate supervisor will provide the written decision from Level One to the next higher authority.
 - c. The next higher authority shall conduct any additional investigation into the complaint or problem deemed necessary by the authority.
 - d. The next higher authority shall call a hearing of the parties within ten (10) working days of his/her receipt of the complaint at Level Two.
 - e. The next higher authority shall render a written decision within fifteen (15) working days from the date on which the complaint reaches this level.

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 - b. The immediate supervisor will conduct an investigation of the grievance.
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 2. Level Two.
 - a. Employee shall submit written complaint or problem to next higher authority, within ten (10) working days from the receipt of the previous decision.
 - b. The immediate supervisor will provide the written decision from Level One to the next higher authority.
 - c. The next higher authority shall conduct any additional investigation into the complaint or problem deemed necessary by the authority.
 - d. The next higher authority shall call a hearing of the parties within ten (10) working days of his/her receipt of the complaint at Level Two.
 - e. The next higher authority shall render a written decision within fifteen (15) working days from the date on which the complaint reaches this level.

3. Level Three

- a. Employee will submit written complaint or problem to Board within ten (10) days from the receipt of the decision at Level Two.
 - b. Both the supervisor and the next higher authority (at Level Two) will provide written decisions to the Board.
 - c. The Board may conduct an independent investigation into the nature and substance of the complaint.
 - d. The Board may hold a hearing within thirty (30) working days of the complaint reaching this level.
 - e. The Board shall render a final written decision within fifteen (15) working days from the date the Board reaches a decision on the matter.
4. The time frames mentioned above may be extended so long as it is mutually agreeable to both the employee and reviewing authority.
 5. All material in the formal procedure must be submitted in writing and must be available to all parties concerned.
 6. If an employee feels he/she needs another party to assist him/her through the grievance procedure, nothing herein would bar such help. Documentation of the formal grievance procedure, including all decisions at all levels, all employee complaints and requests, and the like will become part of the employee's personnel file.
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ATTACHMENT II

RESOLUTION NO. 2011-20

RESOLUTION AMENDING THE PERSONNEL POLICIES FOR VILLAGE OF HOWARD EMPLOYEES

WHEREAS, the Resolution 2008-17 amended the written personnel policies (referred to as “Policies” or “Policy”) for village employees covering Sections 1-16 as follows:

- | | |
|-----------------------------------|--------------------------------------|
| 1. Definitions. | 9. Employee Performance Evaluations. |
| 2. Non-Discrimination Policies. | 10. Hiring Procedures. |
| 3. Harassment. | 11. Employee Files. |
| 4. Employee Status. | 12. Grievance Procedures. |
| 5. Working Conditions. | 13. No Payment in Advance. |
| 6. Employee Conduct and Behavior. | 14. Pay Ranges/Job Classification. |
| 7. Leaves. | 15. Working Agreements. |
| 8. Other Fringe Benefits. | 16. Specific Job Duties |

WHEREAS, since adoption of Resolution 2008-17, the State of Wisconsin has amended laws related to personnel issues (Act 10 approved in 2011) and now require a formalized grievance procedure be in place by October 1, 2011; and

WHEREAS, the existing Policy contains language that is deemed insufficient to meet with the state’s new legal requirements related to grievance procedures for municipalities; and

WHEREAS, the written Policy for village employees benefits the operations, government and good order of the village and the health, safety, welfare and convenience of the public; and

WHEREAS, the village desires to become compliant with the new state law by adopting the following amended grievance procedure language contained in the personnel policies as Section 12;

NOW THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Howard, Brown County, Wisconsin, hereby approves and adopts the attached Amended Personnel Policies document this 8th day of August, 2011.

Burt R. McIntyre
Village President

Robert Bartelt
Village Administrator/Clerk

Section 12 Grievance Procedures

A. Definitions

1. A grievance is a complaint by an employee that must pertain to discipline or discharge of that employee or workplace safety, as those terms are defined below. For purposes of this grievance procedure, the following definitions shall apply:
2. "Employee Discipline" means any unpaid suspension or other formal adverse action issued in writing against an employee by his or her supervisor that is maintained in the employee's personnel file. The term does not include performance meetings or evaluations, implementation and evaluation of an employee, a performance improvement plan, informal discussions between a supervisor and employee, employee assignments, demotions or transfers, or any oral reprimand that is not memorialized in writing and placed in the employee's personnel file.
3. "Employee Discharge" means any involuntary termination of an employee's employment with the Village, excluding such termination due to layoff or partial layoff.
4. "Workplace safety" means any condition of employment or duty, responsibility, or environmental hazard that may reasonably be viewed to adversely affect an employee's health.
5. Any written grievance filed under this policy must contain the following information:
 - a. The name and position of the employee filing the grievance
 - b. A statement of the issue involved,
 - c. A statement of relief sought,
 - d. A detailed explanation of the facts supporting the grievance,
 - e. The date(s) the event(s) giving rise to the grievance took place,
 - f. The identity of the policy, procedure or rule that is being challenged,
 - g. The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
 - h. The employee's signature and the date.

B. Step One

1. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and/or misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisors, and are urged to initiate such discussions at the time the dissatisfaction or questions arises. Supervisors, in turn should take positive and prompt action to answer employee's questions and resolve complaints presented to them.
2. The employee shall notify his supervisor in writing within ten (10) calendar days following the day the employee first became aware of the particular discipline or safety problem or complaint. The employee shall be specific as to the intent to initiate a grievance. If such grievance is not received by the Supervisor within the specified time period, then it shall be deemed waived and abandoned and shall not thereafter form the basis of a grievance. In the event of extenuating circumstances, the time limit may be extended by written mutual agreement of the employee and supervisor.
3. Within ten (10) calendar days after receiving the grievance, the supervisor shall investigate the complaint and will talk with the employee. Within ten (10) days after the meeting between the employee and the supervisor, the supervisor shall give an answer in writing.

Where an employee does not have an immediate supervisor, the grievance shall be submitted to the Village Administrator. If the employee is not satisfied with the supervisor's answer, appeal may be taken to the Village Administrator, except in cases where the Administrator serves as the employee's immediate supervisor. In these cases the employee will have the opportunity to appeal to the Independent Hearing Officer as outlined in Step 3.

- 4. Any grievance as the result of an employee's termination of employment shall be commenced at Step Two of this procedure, and must be submitted in writing to the Village Administrator with ten (10) days of the notice of termination.**

C. Step Two

1. If the grievance has not been satisfactorily resolved in Step One of the Grievance Procedure, the grievance may then be presented to the Village Administrator.
2. The employee shall notify the Village Administrator in writing within ten (10) calendar days following the written decision by the immediate supervisor that further review is requested. If such grievance is not presented within the specified time period, then it shall be deemed waived and abandoned and shall not thereafter form the basis of a grievance. In the event of extenuating circumstances, the time limit may be extended by written mutual agreement of the parties.
3. Within ten (10) calendar days after receiving the grievance, the Village Administrator shall investigate the complaint and give an answer in writing.

D. Step Three

1. If the employee is not satisfied with the answer of the Village Administrator, the employee may appeal to the Independent Hearing Officer as designated by the Board. The request for review by the Independent Hearing Officer must be submitted in writing within ten (10) days of the decision of the Village Administrator by submitting a written request to the Village Administrator to initiate such review by an Independent Hearing Officer. The Independent Hearing Officer shall conduct a hearing at such time and place as determined by the Independent Hearing Officer. The Independent Hearing Officer shall issue a written decision within thirty (30) days of the hearing unless such time is extended by mutual consent.

E. Step Four

1. After the decision of the Independent Hearing Officer, the grievance may be advanced by either the employee or the Village Administrator by a request in writing within ten (10) days of the decision of the Independent Hearing Officer for Village Board review.
2. The written appeal request shall be signed and dated by the requesting party and filed with the Village Board President or designee. The written request for review shall clearly state reasons why the decision of the Independent Hearing Officer at Step Three was not acceptable. New grievance issues that were not raised at step one may not be raised to the Board.

3. The non-requesting party shall submit a written position statement to the Board within ten (10) days of the submission of the request for review to the Board.
4. The Board may review the matter with or without a hearing. If the Board chooses to conduct a hearing, and should there be more than one grieving employee on an issue, the group will select one person to act as their primary spokesperson. Additional witnesses may be called, as the reviewing body deems necessary.
5. The Village Board shall, within thirty calendar (30) days of receipt of the appeal, issue a written decision unless such time is extended by Board action. The decision of the Village Board is final.

State of Wisconsin



January 2011 Special Session
Assembly Bill 11

Date of enactment: March 11, 2011
Date of publication*†: March 25, 2011

2011 WISCONSIN ACT 10

AN ACT relating to: state finances, collective bargaining for public employees, compensation and fringe benefits of public employees, the state civil service system, the Medical Assistance program.

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

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

7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, or 237.

SECTION 2. 7.33 (4) of the statutes is amended to read:

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

SECTION 3. 13.111 (2) of the statutes is amended to read:

13.111 (2) **DUTIES.** The joint committee on employment relations shall perform the functions assigned to it under subchs. ~~subch.~~ V and VI of ch. 111, subch. II of ch. 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923 and 40.05 (1) (b).

SECTION 4. 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.172 (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 238, or 279.

SECTION 5. 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

† Pursuant to section 35.095 (3) (b), Wis. Stats., the secretary of state designated March 25, 2011, as the date of publication for this act. On March 18, 2011, the Dane County Circuit Court enjoined the secretary of state from publishing 2011 Wisconsin Act 10 until further order of the court. Section 35.095 (3) (a), Wis. Stats., requires the Legislative Reference Bureau to publish every act within 10 working days after its date of enactment.

2011 Wisconsin Act 10

- 2 -

Corporation, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

SECTION 6. 13.488 (1) (m) of the statutes is amended to read:

13.488 (1) (m) The duty to compute ~~determine~~ and make payments to the United States required under ~~26 USC 148 (f) so that public debt, revenue obligations and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds for the purpose of exclusion from gross income under 26 USC 103 (b) (2) so as to avoid an adverse effect on any exclusion of interest from gross income for federal income tax purposes on public debt, revenue obligations, and operating notes issued pursuant to ch. 18, master lease obligations issued pursuant to s. 16.76, and appropriation obligations issued pursuant to s. 16.527 and to make any payments to advisors that assist in making the determination.~~ If the proceeds of an obligation are utilized for an activity that is financed from program revenue, the building commission shall make the ~~payment payments~~ required under this paragraph from that revenue, to the extent it is available.

SECTION 7. 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.62 (2) "Agency" means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 237, 238, or 279, except that the term does not include a council or committee of the legislature.

SECTION 8. 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.94 (4) (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically ~~the Wisconsin Quality Home Care Authority, the Fox River Navigational System Authority, the Lower Fox River Remediation Authority, and the Wisconsin Aerospace Authority, and~~ the Wisconsin Economic Development Corporation, a professional baseball park district, a local professional football stadium district, a local cultural arts

district and a long-term care district under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative association to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

SECTION 9. 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state agencies, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority, and to any books, records, or other documents maintained by such agencies or authorities and relating to their expenditures, revenues, operations, and structure.

SECTION 10. 15.07 (1) (a) 6. of the statutes is repealed.

SECTION 11. 15.07 (4) of the statutes is amended to read:

15.07 (4) **QUORUM.** A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the government accountability board, ~~the University of Wisconsin Hospitals and Clinics Board,~~ or the school district boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2),~~ and 117.05 (2) (a).

SECTION 12. 15.96 of the statutes is repealed.

SECTION 13. 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.002 (2) "Departments" means constitutional offices, departments, and independent agencies and includes all societies, associations, and other agencies of state government for which appropriations are made by law, but not including authorities created in subch. II of

ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 14. 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the department as the secretary designates may enter into the offices of state agencies and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts and any other matter that in the secretary's judgment should be examined and may interrogate the agency's employees publicly or privately relative thereto.

SECTION 15. 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.004 (5) **AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under chs. 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

SECTION 16. 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.004 (12) (a) In this subsection, "state agency" means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor, and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 17. 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.045 (1) (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 18. 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development

Corporation, and the Health Insurance Risk-Sharing Plan Authority.

SECTION 19. 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.41 (4) In this section, "authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 20. 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 21. 16.50 (3) (b) of the statutes is amended to read:

16.50 (3) (b) No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2), ~~by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n),~~ or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p).

SECTION 22. 16.50 (3) (e) of the statutes is amended to read:

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

SECTION 23. 16.505 (1) (intro.) of the statutes is amended to read:

16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

SECTION 24. 16.505 (2n) of the statutes is repealed.

SECTION 25. 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 26. 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

2011 Wisconsin Act 10

- 4 -

16.528 (1) (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 27. 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.53 (2) **IMPROPER INVOICES.** If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 28. 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.54 (9) (a) 1. "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 29. 16.70 (2) of the statutes is amended to read:

16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 30. 16.705 (3) of the statutes is repealed.

SECTION 31. 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.

51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 32. 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause".

SECTION 33. 16.765 (4) of the statutes is amended to read:

16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

SECTION 34. 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (5) The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance

by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

SECTION 35. 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department's procedures.

SECTION 36. 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall:

SECTION 37. 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (7) (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation.

SECTION 38. 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

SECTION 39. 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.85 (2) To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, which

2011 Wisconsin Act 10

is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

SECTION 40. 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

SECTION 41. 19.42 (10) (s) of the statutes is repealed.

SECTION 42. 19.42 (13) (o) of the statutes is repealed.

SECTION 43. 19.82 (1) of the statutes is amended to read:

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

SECTION 44. 19.85 (3) of the statutes is amended to read:

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

SECTION 45. 19.86 of the statutes is amended to read:

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

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

SECTION 46. 20.425 (1) (a) of the statutes is amended to read:

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

SECTION 47. 20.425 (1) (i) of the statutes is amended to read:

20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.* The amounts in the schedule for the performance of fact-finding, mediation, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

SECTION 48. 20.495 of the statutes is repealed.

SECTION 49. 20.545 (1) (k) of the statutes is amended to read:

20.545 (1) (k) *General program operations.* The amounts in the schedule to administer state employment relations functions and the civil service system under ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state employees suggestion board. All moneys received from state agencies for materials and services provided by the office of state employment relations shall be credited to this appropriation.

SECTION 50. 20.545 (1) (km) of the statutes is amended to read:

20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in the schedule for the payment of the state's share of costs related to collective bargaining grievance arbitrations under s. 111.86 ~~and related to collective bargaining grievance arbitrations under s. 111.993~~. All moneys received from state agencies for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for training related to grievance arbitrations, ~~and all moneys received from institutions, as defined in s. 36.05 (9), for the purpose of~~

reimbursing the state's share of the costs related to grievance arbitrations under s. 111.993 and to reimburse the state's share of costs for training related to grievance arbitrations shall be credited to this appropriation account.

SECTION 51. 20.865 (1) (ci) of the statutes is amended to read:

20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* A sum sufficient to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 52. 20.865 (1) (cm) of the statutes is repealed.

SECTION 53. 20.865 (1) (ic) of the statutes is amended to read:

20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate program revenue and program revenue-service accounts, a sum sufficient to supplement the appropriations to the University of Wisconsin System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 54. 20.865 (1) (im) of the statutes is repealed.

SECTION 55. 20.865 (1) (si) of the statutes is amended to read:

20.865 (1) (si) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the University of Wisconsin System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928.

SECTION 56. 20.865 (1) (sm) of the statutes is repealed.

SECTION 57. 20.917 (3) (b) of the statutes is amended to read:

20.917 (3) (b) This subsection applies to employees in all positions in the civil service, including those

employees in positions included in collective bargaining units under subch. V or VI of ch. 111, whether or not the employees are covered by a collective bargaining agreement.

SECTION 58. 20.921 (1) (a) 2. of the statutes is amended to read:

20.921 (1) (a) 2. Payment If the state employee is a public safety employee under s. 111.81 (15r), payment of dues to employee organizations.

SECTION 59. 20.921 (1) (b) of the statutes is amended to read:

20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the request under par. (a) shall be made to the state agency or to the University of Wisconsin Hospitals and Clinics Authority in the form and manner and contain the directions and information prescribed by each state agency or by the authority. The request may be withdrawn or the amount paid to the payee may be changed by notifying the state agency or the authority to that effect, but no such withdrawal or change shall affect a payroll certification already prepared.

SECTION 60. 20.923 (6) (intro.) of the statutes is amended to read:

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

SECTION 61. 20.923 (8) of the statutes is amended to read:

20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3) (b), 15.04 (2), ~~230.04 (16)~~, and 551.601 (1) shall be set by the appointing authority. The salary shall not exceed the maximum of the salary range one range below the salary range of the executive salary group to which the department or agency head is assigned. The positions of assistant secretary of state, assistant state treasurer and associate director of the historical society shall be treated as unclassified deputies for pay purposes under this subsection.

SECTION 62. 20.928 (1) of the statutes is amended to read:

20.928 (1) Each state agency head shall certify to the department of administration, at such time and in such manner as the secretary of administration prescribes, the sum of money needed by the state agency from the appropriations under s. 20.865 (1) (c), (ci), ~~(cm)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon receipt of the certifications together with such additional information as the secretary of administration prescribes, the secretary shall determine the amounts required from the respective appropriations to supplement state agency budgets.

2011 Wisconsin Act 10

SECTION 63. 36.09 (1) (j) of the statutes is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless the increase is approved by the office of state employment relations. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the secretary of administration and director of the office of state employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

SECTION 64. 36.25 (13g) (c) of the statutes is repealed.

SECTION 65. 40.02 (25) (b) 2. of the statutes is amended to read:

40.02 (25) (b) 2. Any person employed as a teaching assistant or graduate assistant and other employees-in-training as are designated by the board of regents of the university, who are employed on at least a one-third full-time basis.

SECTION 66. 40.02 (25) (b) 8. of the statutes is amended to read:

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

SECTION 67. 40.02 (27) of the statutes is amended to read:

40.02 (27) "Employee required contribution" means the contribution made by an employee under s. 40.05 (1) (a) 1. to 4. ~~or for an employee under s. 40.05 (1) (b).~~

SECTION 68. 40.03 (6) (c) of the statutes is amended to read:

40.03 (6) (c) Shall not enter into any agreements to modify or expand group insurance coverage in a manner which conflicts with this chapter or rules of the department or materially affects the level of premiums required to be paid by the state or its employees, or the level of benefits to be provided, under any group insurance coverage. This restriction shall not be construed to prevent modifications required by law, prohibit the group insurance board from modifying the standard plan to establish a more cost effective benefit plan design or providing optional insurance coverages as alternatives to the standard insurance coverage when any excess of required premium over the premium for the standard coverage is paid by the employee, prohibit the group insurance board from encouraging participation in wellness or disease management programs, or prohibit the group insurance board from providing other plans as authorized under par. (b).

SECTION 69. 40.05 (1) (a) (intro.) of the statutes is amended to read:

40.05 (1) (a) (intro.) ~~Except as provided in Subject to par. (b) and sub. (2a):~~

SECTION 70. 40.05 (1) (a) 1. of the statutes is amended to read:

40.05 (1) (a) 1. For each participating employee not otherwise specified, 5% of each payment of earnings an amount equal to one-half of all actuarially required contributions, as approved by the board under s. 40.03 (1) (e).

SECTION 71. 40.05 (1) (a) 2. of the statutes is amended to read:

40.05 (1) (a) 2. For each participating employee whose formula rate is determined under s. 40.23 (2m) (e) 2., 5.5% of each payment of earnings an amount equal to one-half of all actuarially required contributions, as approved by the board under s. 40.03 (1) (e).

SECTION 72. 40.05 (1) (a) 3. of the statutes is amended to read:

40.05 (1) (a) 3. For each participating employee whose formula rate is determined under s. 40.23 (2m) (e) 3., 6% of each payment of earnings the percentage of earnings paid by a participating employee under subd. 1.

SECTION 73. 40.05 (1) (a) 4. of the statutes is amended to read:

40.05 (1) (a) 4. For each participating employee whose formula rate is determined under s. 40.23 (2m) (e) 4., ~~8% of each payment of earnings~~ the percentage of earnings paid by a participating employee under subd. 1.

SECTION 74. 40.05 (1) (b) of the statutes is repealed and recreated to read:

40.05 (1) (b) Except as otherwise provided in a collective bargaining agreement entered into under subch. IV or V of ch. 111, an employer may not pay, on behalf of a participating employee, any of the contributions required by par. (a).

SECTION 75. 40.05 (2m) of the statutes is repealed.

SECTION 76. 40.05 (2n) of the statutes is repealed.

SECTION 77. 40.05 (4) (ag) of the statutes is repealed and recreated to read:

40.05 (4) (ag) Except as otherwise provided in a collective bargaining agreement under subch. V of ch. 111, the employer shall pay for its currently employed insured employees:

1. For insured part-time employees other than employees specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are appointed to work less than 1,566 hours per year, an amount determined annually by the director of the office of state employment relations.

2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an amount not more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium cost under s. 40.51 (6). Annually, the director of the office of state employment relations shall establish the amount that the employer is required to pay under this subdivision.

SECTION 78. 40.05 (4) (ar) of the statutes is repealed.

SECTION 79. 40.05 (4) (b) of the statutes is amended to read:

40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch. I, V, ~~or VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. Any supplemental compensation that is paid to a state employee who is classified under the state classified civil service as a teacher, teacher supervisor, or education director for the employee's completion of educational courses that have been approved by the employee's employer is considered as part of the employee's basic pay for purposes of this paragraph. The full premium for

any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Upon conversion of an employee's unused sick leave to credits under this paragraph or par. (bf), the employee or, if the employee is deceased, the employee's surviving insured dependents may initiate deductions from those credits or may elect to delay initiation of deductions from those credits, but only if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. If an employee or an employee's surviving insured dependents elect to delay initiation of deductions from those credits, an employee or the employee's surviving insured dependents may only later elect to initiate deductions from those credits during the annual enrollment period under par. (be). A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 80. 40.05 (4) (bw) of the statutes is amended to read:

40.05 (4) (bw) On converting accumulated unused sick leave to credits for the payment of health insurance premiums under par. (b), the department shall add additional credits, calculated in the same manner as are credits under par. (b), that are based on a state employee's accumulated sabbatical leave or earned vacation leave from the state employee's last year of service prior to retirement, or both. The department shall apply the credits awarded under this paragraph for the payment of health insurance premiums only after the credits awarded under par. (b) are exhausted. This paragraph applies only to state employees who are eligible for accumulated unused sick leave conversion under par. (b) and who are entitled to the benefits under this paragraph pursuant to a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

SECTION 81. 40.05 (4) (c) of the statutes is amended to read:

40.05 (4) (c) The employer shall contribute toward the payment of premiums for the plan established under s. 40.52 (3) ~~not more than the percentage of premium paid by the employer for health insurance coverage under par. (ag) 2~~ the amount established under s. 40.52 (3).

SECTION 82. 40.05 (4g) (a) 4. of the statutes is amended to read:

2011 Wisconsin Act 10

- 10 -

40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111 or under rules promulgated by the director of the office of state employment relations or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

SECTION 83. 40.05 (5) (intro.) of the statutes is amended to read:

40.05 (5) **INCOME CONTINUATION INSURANCE PREMIUMS.** (intro.) For the income continuation insurance provided under subch. V the employee shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 or s. 230.12 or 233.10:

SECTION 84. 40.05 (5) (b) 4. of the statutes is amended to read:

40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I, V, ~~or~~ VI of ch. 111.

SECTION 85. 40.05 (6) (a) of the statutes is amended to read:

40.05 (6) (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111 or s. 230.12 or 233.10, each insured employee under the age of 70 and annuitant under the age of 65 shall pay for group life insurance coverage a sum, approved by the group insurance board, which shall not exceed 60 cents monthly for each \$1,000 of group life insurance, based upon the last amount of insurance in force during the month for which earnings are paid. The equivalent premium may be fixed by the group insurance board if the annual compensation is paid in other than 12 monthly installments.

SECTION 86. 40.23 (2m) (e) 2. of the statutes is amended to read:

40.23 (2m) (e) 2. For each participant for creditable service as an elected official or as an executive participating employee that is performed before January 1, 2000, 2.165%; for such creditable service that is performed on or after January 1, 2000, but before the effective date of this subdivision [LRB inserts date], 2%; and for such creditable service that is performed on or after the effective date of this subdivision [LRB inserts date], 1.6%.

SECTION 87. 40.32 (1) of the statutes is amended to read:

40.32 (1) The sum of all contributions allocated to a participant's account under each defined contribution plan sponsored by the employer, including all employer contributions and picked-up contributions credited with interest at the effective rate under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employee contributions made under ss. 40.02 (17) and 40.05 (1) ~~and (2m)~~, may not in any calendar year exceed the maximum contribution lim-

itation established under section 415 (c) of the Internal Revenue Code.

SECTION 88. 40.51 (7) of the statutes is amended to read:

40.51 (7) Any employer, other than the state, may offer to all of its employees a health care coverage plan through a program offered by the group insurance board. Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different eligibility standards or contribution requirements for such employees and employers and may by rule limit the categories of employers, other than the state, which may be included as participating employers under this subchapter. Beginning on January 1, 2012, except as otherwise provided in a collective bargaining agreement under subch. IV of ch. 111, an employer may not offer a health care coverage plan to its employees under this subsection if the employer pays more than 88 percent of the average premium cost of plans offered in any tier with the lowest employee premium cost under this subsection.

SECTION 89. 40.52 (3) of the statutes is amended to read:

40.52 (3) The group insurance board, after consulting with the board of regents of the University of Wisconsin System, shall establish the terms of a health insurance plan for graduate assistants, for teaching assistants, and for employees-in-training designated by the board of regents, who are employed on at least a one-third full-time basis and for teachers who are employed on at least a one-third full-time basis by the University of Wisconsin System with an expected duration of employment of at least 6 months but less than one year. Annually, the director of the office of state employment relations shall establish the amount that the employer is required to pay in premium costs under this subsection.

SECTION 90. 40.62 (2) of the statutes is amended to read:

40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. I, V, ~~or~~ VI of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10, 757.02 (5) and 978.12 (3).

SECTION 91. 40.80 (3) of the statutes is amended to read:

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

SECTION 92. 40.81 (3) of the statutes is amended to read:

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

SECTION 93. 40.95 (1) (a) 2. of the statutes is amended to read:

40.95 (1) (a) 2. The employee has his or her compensation established in a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 94. 46.284 (4) (m) of the statutes is repealed.

SECTION 95. 46.2895 (8) (a) 1. of the statutes is amended to read:

46.2895 (8) (a) 1. If the long-term care district offers employment to any individual who was previously employed by a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district and whose wages, hours and conditions of employment were established in a collective bargaining agreement with the county under subch. IV of ch. 111 that is in effect on the date that the individual commences employment with the district, with respect to that individual, abide by the terms of the collective bargaining agreement concerning the individual's wages and, if applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal day allowance, or paid time off allowance until the time of the expiration of that collective bargaining agreement or adoption of a collective bargaining agreement with the district under subch. IV of ch. 111 covering the individual as an employee of the district, whichever occurs first.

SECTION 96. 46.2898 of the statutes is repealed.

SECTION 97. 46.48 (9m) of the statutes is repealed.

SECTION 98. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, \$6,664,200 in fiscal year 2009-10 and \$6,664,200 \$43,664,200 in fiscal year 2010-2011.

SECTION 99. 49.45 (2m) of the statutes is created to read:

49.45 (2m) **AUTHORIZATION FOR MODIFICATIONS TO PROGRAMS; STUDY.** (a) In this subsection, "Medical Assistance program" includes any program operated under this subchapter, demonstration program operated under 42 USC 1315, and program operated under a waiver of federal law relating to medical assistance that is granted by the federal department of health and human services.

(b) The department shall study potential changes to the Medical Assistance state plan and to waivers of federal law relating to medical assistance obtained from the federal department of health and human services for all of the following purposes:

1. Increasing the cost effectiveness and efficiency of care and the care delivery system for Medical Assistance programs.

2. Limiting switching from private health insurance to Medical Assistance programs.

3. Ensuring the long-term viability and sustainability of Medical Assistance programs.

4. Advancing the accuracy and reliability of eligibility for Medical Assistance programs and claims determinations and payments.

5. Improving the health status of individuals who receive benefits under a Medical Assistance program.

6. Aligning Medical Assistance program benefit recipient and service provider incentives with health care outcomes.

7. Supporting responsibility and choice of medical assistance recipients.

(c) If the department determines, as a result of the study under par. (b), that revision of existing statutes or rules would be necessary to advance a purpose described in par. (b) 1. to 7., the department may promulgate rules that do any of the following related to Medical Assistance programs:

1. Require cost sharing from program benefit recipients up to the maximum allowed by federal law or a waiver of federal law.

2. Authorize providers to deny care or services if a program benefit recipient is unable to share costs, to the extent allowed by federal law or waiver.

3. Modify existing benefits or establish various benefit packages and offer different packages to different groups of recipients.

4. Revise provider reimbursement models for particular services.

5. Mandate that program benefit recipients enroll in managed care.

6. Restrict or eliminate presumptive eligibility.

7. To the extent permitted by federal law, impose restrictions on providing benefits to individuals who are not citizens of the United States.

8. Set standards for establishing and verifying eligibility requirements.

9. Develop standards and methodologies to assure accurate eligibility determinations and redetermine continuing eligibility.

10. Reduce income levels for purposes of determining eligibility to the extent allowed by federal law or waiver and subject to the limitations under par. (e) 2.

(e) 1. The department shall submit an amendment to the state Medical Assistance plan or request a waiver of federal laws related to medical assistance, if necessary, to the extent necessary to implement any rule promulgated under par. (c). If the federal department of health and human services does not allow the amendment or does not grant the waiver, the department may not put the rule into effect or implement the action described in the rule.

2. The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to have in effect eligi-

2011 Wisconsin Act 10

- 12 -

bility standards, methodologies, and procedures under the state Medical Assistance plan or waivers of federal laws related to medical assistance that are more restrictive than those in place on March 23, 2010. If the waiver request does not receive federal approval before December 31, 2011, the department shall reduce income levels on July 1, 2012, for the purposes of determining eligibility to 133 percent of the federal poverty line for adults who are not pregnant and not disabled, to the extent permitted under 42 USC 1396a (gg), if the department follows the procedures under 42 USC 1396a (gg) (3).

SECTION 100. 49.45 (2m) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 101. 49.45 (3) (n) of the statutes is created to read:

49.45 (3) (n) This subsection does not apply if the department promulgates a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

SECTION 102. 49.45 (3) (n) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 103. 49.45 (6m) (n) of the statutes is created to read:

49.45 (6m) (n) This subsection does not apply if the department promulgates a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

SECTION 104. 49.45 (6m) (n) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 105. 49.45 (8) (b) of the statutes is amended to read:

49.45 (8) (b) Reimbursement Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), reimbursement under s. 20.435 (4) (b), (o), and (w) for home health services provided by a certified home health agency or independent nurse shall be made at the home health agency's or nurse's usual and customary fee per patient care visit, subject to a maximum allowable fee per patient care visit that is established under par. (c).

SECTION 106. 49.45 (8) (b) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (8) (b) ~~Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), reimbursement~~ Reimbursement under s. 20.435 (4) (b), (o), and (w) for home health services provided by a certified home health agency or independent nurse shall be made at the home health agency's or nurse's usual and customary fee per patient care visit, subject to a maximum allowable fee per patient care visit that is established under par. (c).

SECTION 107. 49.45 (8) (c) of the statutes is amended to read:

49.45 (8) (c) The department shall establish a maximum statewide allowable fee per patient care visit, for each type of visit with respect to provider, that may be no greater than the cost per patient care visit, as determined by the department from cost reports of home health agen-

cies, adjusted for costs related to case management, care coordination, travel, record keeping and supervision, unless otherwise provided by the department by rule promulgated under sub. (2m) (c).

SECTION 108. 49.45 (8) (c) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (8) (c) The department shall establish a maximum statewide allowable fee per patient care visit, for each type of visit with respect to provider, that may be no greater than the cost per patient care visit, as determined by the department from cost reports of home health agencies, adjusted for costs related to case management, care coordination, travel, record keeping and supervision, ~~unless otherwise provided by the department by rule promulgated under sub. (2m) (c).~~

SECTION 109. 49.45 (8r) of the statutes is amended to read:

49.45 (8r) **PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE.** The Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), the rate of payment for obstetric and gynecological care provided in primary care shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical assistance who reside in primary care shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 110. 49.45 (8r) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (8r) **PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE.** ~~Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), the~~ The rate of payment for obstetric and gynecological care provided in primary care shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical assistance who reside in primary care shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 111. 49.45 (8v) of the statutes is amended to read:

49.45 (8v) **INCENTIVE-BASED PHARMACY PAYMENT SYSTEM.** The department shall establish a system of payment to pharmacies for legend and over-the-counter drugs provided to recipients of medical assistance that has financial incentives for pharmacists who perform services that result in savings to the medical assistance program. Under this system, the department shall establish a schedule of fees that is designed to ensure that any incentive payments made are equal to or less than the documented savings unless otherwise provided by the department by rule promulgated under sub. (2m) (c). The department may discontinue the system established under this subsection if the department determines, after

performance of a study, that payments to pharmacists under the system exceed the documented savings under the system.

SECTION 112. 49.45 (8v) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (8v) INCENTIVE-BASED PHARMACY PAYMENT SYSTEM. The department shall establish a system of payment to pharmacies for legend and over-the-counter drugs provided to recipients of medical assistance that has financial incentives for pharmacists who perform services that result in savings to the medical assistance program. Under this system, the department shall establish a schedule of fees that is designed to ensure that any incentive payments made are equal to or less than the documented savings ~~unless otherwise provided by the department by rule promulgated under sub. (2m)(c).~~ The department may discontinue the system established under this subsection if the department determines, after performance of a study, that payments to pharmacists under the system exceed the documented savings under the system.

SECTION 113. 49.45 (18) (ac) of the statutes is amended to read:

49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided under s. 49.46 (2). The service provider shall collect the specified or allowable copayment, coinsurance, or deductible, unless the service provider determines that the cost of collecting the copayment, coinsurance, or deductible exceeds the amount to be collected. The department shall reduce payments to each provider by the amount of the specified or allowable copayment, coinsurance, or deductible. ~~No~~ Unless otherwise provided by the department by rule promulgated under sub. (2m)(c), no provider may deny care or services because the recipient is unable to share costs, but an inability to share costs specified in this subsection does not relieve the recipient of liability for these costs.

SECTION 114. 49.45 (18) (ac) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided under s. 49.46 (2). The service provider shall collect the specified or allowable copayment, coinsurance, or deductible, unless the service provider determines that the cost of collecting the copayment, coinsurance, or deductible exceeds the amount to be collected. The

department shall reduce payments to each provider by the amount of the specified or allowable copayment, coinsurance, or deductible. ~~Unless otherwise provided by the department by rule promulgated under sub. (2m)(c),~~ no provider may deny care or services because the recipient is unable to share costs, but an inability to share costs specified in this subsection does not relieve the recipient of liability for these costs.

SECTION 115. 49.45 (18) (ag) (intro.) of the statutes is amended to read:

49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject to par. (d), a recipient specified in par. (ac) shall pay all of the following, unless otherwise provided by the department by rule promulgated under sub. (2m)(c):

SECTION 116. 49.45 (18) (ag) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject to par. (d), a recipient specified in par. (ac) shall pay all of the following, ~~unless otherwise provided by the department by rule promulgated under sub. (2m)(c):~~

SECTION 117. 49.45 (18) (b) (intro.) of the statutes is amended to read:

49.45 (18) (b) (intro.) The Unless otherwise provided by the department by rule promulgated under sub. (2m)(c), the following services are not subject to recipient cost sharing under this subsection:

SECTION 118. 49.45 (18) (b) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (18) (b) (intro.) ~~Unless otherwise provided by the department by rule promulgated under sub. (2m)(c),~~ The following services are not subject to recipient cost sharing under this subsection:

SECTION 119. 49.45 (18) (d) of the statutes is amended to read:

49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or her sole provider of prescription drugs and who so uses that pharmacy or pharmacist is liable under this subsection for more than \$12 per month for prescription drugs received, unless otherwise provided by the department by rule promulgated under sub. (2m)(c).

SECTION 120. 49.45 (18) (d) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or her sole provider of prescription drugs and who so uses that pharmacy or pharmacist is liable under this subsection for more than \$12 per month for prescription drugs received, ~~unless otherwise provided by the department by rule promulgated under sub. (2m)(c).~~

SECTION 121. 49.45 (23) (a) of the statutes is amended to read:

49.45 (23) (a) The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide health care coverage for basic primary and preventive care to adults who are under the age of 65, who have family incomes not to exceed 200 percent of the poverty line, and who are not otherwise eligible for medical assistance under this subchapter, the Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent that it conflicts with the rule.

SECTION 122. 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.45 (23) (a) The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide health care coverage for basic primary and preventive care to adults who are under the age of 65, who have family incomes not to exceed 200 percent of the poverty line, and who are not otherwise eligible for medical assistance under this subchapter, the Badger Care health care program under s. 49.665, or Medicare under 42 USC 1395 et seq. ~~If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent that it conflicts with the rule.~~

SECTION 123. 49.45 (23) (b) of the statutes is amended to read:

49.45 (23) (b) If the waiver is granted and in effect, the department may promulgate rules defining the health care benefit plan, including more specific eligibility requirements and cost-sharing requirements. Cost ~~Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), cost~~ sharing may include an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s. 227.24 (3), the plan details under this subsection may be promulgated as an emergency rule under s. 227.24 without a finding of emergency. If the waiver is granted and in effect, the demonstration project under this subsection shall begin on January 1, 2009, or on the effective date of the waiver, whichever is later.

SECTION 124. 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.45 (23) (b) If the waiver is granted and in effect, the department may promulgate rules defining the health care benefit plan, including more specific eligibility requirements and cost-sharing requirements. ~~Unless otherwise provided by the department by rule promulgated under sub. (2m) (c), cost~~ Cost sharing may include an annual enrollment fee, which may not exceed \$75 per

year. Notwithstanding s. 227.24 (3), the plan details under this subsection may be promulgated as an emergency rule under s. 227.24 without a finding of emergency. If the waiver is granted and in effect, the demonstration project under this subsection shall begin on January 1, 2009, or on the effective date of the waiver, whichever is later.

SECTION 125. 49.45 (24g) (c) of the statutes is amended to read:

49.45 (24g) (c) The department's proposal under par. (a) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or 2., and shall provide for payment of a monthly per-patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per-patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per-patient care coordination fee that are no sooner than July 1, 2011. If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not apply to the extent that it conflicts with the rule.

SECTION 126. 49.45 (24g) (c) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.45 (24g) (c) The department's proposal under par. (a) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or 2., and shall provide for payment of a monthly per-patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per-patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per-patient care coordination fee that are no sooner than July 1, 2011. ~~If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not apply to the extent that it conflicts with the rule.~~

SECTION 127. 49.45 (24r) (a) of the statutes is amended to read:

49.45 (24r) (a) The department shall implement any waiver granted by the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 200% of the poverty line for a family the size of the woman's family. If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 128. 49.45 (24r) (a) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (24r) (a) The department shall implement any waiver granted by the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 200% of the poverty line for a family the size of the woman's family. ~~If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.~~

SECTION 129. 49.45 (24r) (b) of the statutes is amended to read:

49.45 (24r) (b) The department may request an amended waiver from the secretary to permit the department to conduct a demonstration project to provide family planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family. If the amended waiver is granted, the department may implement the waiver. If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 130. 49.45 (24r) (b) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (24r) (b) The department may request an amended waiver from the secretary to permit the department to conduct a demonstration project to provide family planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family. If the amended waiver is granted, the department may implement the waiver. ~~If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.~~

SECTION 131. 49.45 (25g) (c) of the statutes is amended to read:

49.45 (25g) (c) The department's proposal under par. (b) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (b), and shall provide for payment of a monthly per-patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per-patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per-patient care coordination fee that are no sooner than January 1, 2011. The increases in reimbursement rates and monthly per-patient care coordination fees that are not provided by the federal government shall be paid from the appropriation under s. 20.435

(1) (am). If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 132. 49.45 (25g) (c) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (25g) (c) The department's proposal under par. (b) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (b), and shall provide for payment of a monthly per-patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per-patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per-patient care coordination fee that are no sooner than January 1, 2011. The increases in reimbursement rates and monthly per-patient care coordination fees that are not provided by the federal government shall be paid from the appropriation under s. 20.435 (1) (am). ~~If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not apply to the extent it conflicts with the rule.~~

SECTION 133. 49.45 (27) of the statutes is amended to read:

49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law may not receive medical assistance benefits except as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise provided by the department by rule promulgated under sub. (2m) (c).

SECTION 134. 49.45 (27) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law may not receive medical assistance benefits except as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise provided by the department by rule promulgated under sub. (2m) (c).

SECTION 135. 49.45 (39) (b) 1. of the statutes is amended to read:

49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school medical services that it provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. If the Wis-

consin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

SECTION 136. 49.45 (39) (b) 1. of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school medical services that it provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind and Visually Impaired or the

Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

SECTION 137. 49.46 (1) (n) of the statutes is created to read:

49.46 (1) (n) If the department promulgates a rule under s. 49.45 (2m) (c) 8., 9., or 10., this subsection does not apply to the extent that it conflicts with the rule.

SECTION 138. 49.46 (1) (n) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 139. 49.46 (2) (a) (intro.) of the statutes is amended to read:

49.46 (2) (a) (intro.) Except as provided in par. (be) and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following federally mandated benefits:

SECTION 140. 49.46 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.46 (2) (a) (intro.) Except as provided in par. (be) ~~and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (e),~~ the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following federally mandated benefits:

SECTION 141. 49.46 (2) (b) (intro.) of the statutes is amended to read:

49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) ~~and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following services:

SECTION 142. 49.46 (2) (b) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) ~~and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (e),~~ the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following services:

SECTION 143. 49.465 (2) (intro.) of the statutes is amended to read:

49.465 (2) (intro.) ~~A- Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ a pregnant woman is eligible for medical assistance benefits, as provided under sub. (3), during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed the highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as follows:

SECTION 144. 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.465 (2) (intro.) ~~Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (e),~~ a pregnant woman is eligible for medical assistance benefits, as provided under sub. (3), during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed the highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as follows:

SECTION 145. 49.47 (4) (a) (intro.) of the statutes is amended to read:

49.47 (4) (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule under s. 49.45 (2m) (c), any individual who meets the limitations on income and resources under pars. (b) to (c) and who complies with

pars. (cm) and (cr) shall be eligible for medical assistance under this section if such individual is:

SECTION 146. 49.47 (4) (a) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.47 (4) (a) (intro.) ~~Unless otherwise provided by the department by rule under s. 49.45 (2m) (e),~~ any Any individual who meets the limitations on income and resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be eligible for medical assistance under this section if such individual is:

SECTION 147. 49.47 (5) (intro.) of the statutes is amended to read:

49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make additional investigation of eligibility at any of the following times:

SECTION 148. 49.47 (5) (a) of the statutes is amended to read:

49.47 (5) (a) When there is reasonable ground for belief that an applicant may not be eligible or that the beneficiary may have received benefits to which the beneficiary is not entitled; ~~or,~~

SECTION 149. 49.47 (5) (c) of the statutes is created to read:

49.47 (5) (c) Any time determined by the department by rule promulgated under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility, except that if federal law allows a reevaluation of eligibility more frequently than every 12 months and if there is no conflicting provision of state law, the department is not required to promulgate a rule to reevaluate eligibility under this section.

SECTION 150. 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 151. 49.47 (6) (a) (intro.) of the statutes is amended to read:

49.47 (6) (a) (intro.) ~~The~~ Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to certified providers for medical assistance on behalf of the following:

SECTION 152. 49.47 (6) (a) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.47 (6) (a) (intro.) ~~Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (e),~~ The department shall audit and pay charges to certified providers for medical assistance on behalf of the following:

SECTION 153. 49.471 (13) of the statutes is created to read:

49.471 (13) APPLICABILITY. If the department promulgates a rule under s. 49.45 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those subsections conflict with the rule.

2011 Wisconsin Act 10

- 18 -

SECTION 154. 49.471 (13) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 155. 49.472 (3) (intro.) of the statutes is amended to read:

49.472 (3) **ELIGIBILITY.** (intro.) Except as provided in sub. (6) (a) and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), an individual is eligible for and shall receive medical assistance under this section if all of the following conditions are met:

SECTION 156. 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.472 (3) **ELIGIBILITY.** (intro.) Except as provided in sub. (6) (a) ~~and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ an individual is eligible for and shall receive medical assistance under this section if all of the following conditions are met:

SECTION 157. 49.472 (4) (b) (intro.) of the statutes is amended to read:

49.472 (4) (b) (intro.) The department may waive monthly premiums that are calculated to be below \$10 per month. ~~The Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ the department may not assess a monthly premium for any individual whose income level, after adding the individual's earned income and unearned income, is below 150% of the poverty line.

SECTION 158. 49.472 (4) (b) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.472 (4) (b) (intro.) The department may waive monthly premiums that are calculated to be below \$10 per month. ~~Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ The department may not assess a monthly premium for any individual whose income level, after adding the individual's earned income and unearned income, is below 150% of the poverty line.

SECTION 159. 49.473 (2) (intro.) of the statutes is amended to read:

49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as provided under sub. (5) if, after applying to the department or a county department, the department or a county department determines that she meets all of the following requirements:

SECTION 160. 49.473 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.473 (2) (intro.) ~~Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~ a woman is eligible for medical assistance as provided under sub. (5) if, after applying to the department or a

county department, the department or a county department determines that she meets all of the following requirements:

SECTION 161. 49.473 (5) of the statutes is amended to read:

49.473 (5) The department shall audit and pay, from the appropriation accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements under sub. (2) for all benefits and services specified under s. 49.46 (2), unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c).

SECTION 162. 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.473 (5) The department shall audit and pay, from the appropriation accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements under sub. (2) for all benefits and services specified under s. 49.46 (2), ~~unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c).~~

SECTION 163. 49.825 (3) (b) 4. of the statutes is repealed.

SECTION 164. 49.826 (3) (b) 4. of the statutes is repealed.

SECTION 165. Chapter 52 of the statutes is repealed.

SECTION 166. 59.875 of the statutes is created to read:

59.875 Payment of contributions in an employee retirement system of populous counties. (1) In this section, "county" means any county having a population of 500,000 or more.

(2) Beginning on the effective date of this subsection [LRB inserts date], in any employee retirement system of a county, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111, employees shall pay half of all actuarially required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 167. 62.623 of the statutes is created to read:

62.623 Payment of contributions in an employee retirement system of a 1st class city. Beginning on the effective date of this section [LRB inserts date], in any employee retirement system of a 1st class city, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111, employees shall pay all employee required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the required contributions.

SECTION 168. 66.0506 of the statutes is created to read:

66.0506 Referendum; increase in employee wages. (1) In this section, "local governmental unit" means any city, village, town, county, metropolitan sewerage district, long-term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts district under subch. V of ch. 229, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state.

(2) If any local governmental unit wishes to increase the total base wages of its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The referendum shall occur in November for collective bargaining agreements that begin the following January 1. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

(3) The referendum question shall be substantially as follows: "Shall the [general municipal employees] in the [local governmental unit] receive a total increase in wages from \$....[current total base wages] to \$....[proposed total base wages], which is a percentage wage increase that is [x] percent higher than the percent of the consumer price index increase, for a total percentage increase in wages of [x]?"

SECTION 169. 66.0508 of the statutes is created to read:

66.0508 Collective bargaining. (1) In this section, "local governmental unit" has the meaning given in s. 66.0506 (1).

(1m) Except as provided under subch. IV of ch. 111, no local governmental unit may collectively bargain with its employees.

(2) If a local governmental unit has in effect on the effective date of this subsection [LRB inserts date], an ordinance or resolution that is inconsistent with sub. (1m), the ordinance or resolution does not apply and may not be enforced.

(3) Each local governmental unit that is collectively bargaining with its employees shall determine the maximum total base wages expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change using the same method the department of revenue uses under s. 73.03 (68).

SECTION 170. 66.0509 (1m) of the statutes is created to read:

66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that does not have a civil service system on the effective date of this subsection [LRB inserts date], shall establish a grievance system not later than the first day of the 4th month beginning after

the effective date of this subsection [LRB inserts date].

(b) To comply with the grievance system that is required under par. (a), a local governmental unit may establish either a civil service system under any provision authorized by law, to the greatest extent practicable, if no specific provision for the creation of a civil service system applies to that local governmental unit, or establish a grievance procedure as described under par. (d).

(c) Any civil service system that is established under any provision of law, and any grievance procedure that is created under this subsection, shall contain at least all of the following provisions:

1. A grievance procedure that addresses employee terminations.
2. Employee discipline.
3. Workplace safety.

(d) If a local governmental unit creates a grievance procedure under this subsection, the procedure shall contain at least all of the following elements:

1. A written document specifying the process that a grievant and an employer must follow.
2. A hearing before an impartial hearing officer.
3. An appeal process in which the highest level of appeal is the governing body of the local governmental unit.

(e) If an employee of a local governmental unit is covered by a civil service system on the effective date of this subsection [LRB inserts date], and if that system contains provisions that address the provisions specified in par. (c), the provisions that apply to the employee under his or her existing civil service system continue to apply to that employee.

SECTION 171. 66.0518 of the statutes is created to read:

66.0518 Defined benefit pension plans. A local governmental unit, as defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its employees unless the plan requires the employees to pay half of all actuarially required contributions for funding benefits under the plan and prohibits the local governmental unit from paying on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 172. 66.1104 (1) (a) of the statutes is amended to read:

66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 173. 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k) 1. and amended to read:

66.1105 (2) (k) 1. "Tax incremental district" means a contiguous geographic area within a city defined and created by resolution of the local legislative body, consisting solely of whole units of property as are assessed

2011 Wisconsin Act 10

- 20 -

for general property tax purposes, other than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or highways may be included in a tax incremental district only if they are continuously bounded on either side, or on both sides, by whole units of property as are assessed for general property tax purposes which are in the tax incremental district. "Tax incremental district" does not include any area identified as a wetland on a map under s. 23.32, except for an area identified on such a map that has been converted in compliance with state law so that it is no longer a wetland and except as provided in subd. 2.

SECTION 174. 66.1105 (2) (k) 2. of the statutes is created to read:

66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under s. 23.32 and that is within the boundaries of a tax incremental district or is part of a tax incremental district parcel, the area shall be considered part of the tax incremental district for determining the applicability of exemptions from or compliance with water quality standards that are applicable to wetlands.

SECTION 175. 70.11 (41s) of the statutes is repealed.

SECTION 176. 71.05 (6) (b) 47. of the statutes, as created by 2011 Wisconsin Act 5, is amended to read:

71.05 (6) (b) 47. An amount equal to the increase in the number of full-time equivalent employees employed by the taxpayer in this state during the taxable year, multiplied by \$4,000 for a business with gross receipts of no greater than \$5,000,000 in the taxable year or \$2,000 for a business with gross receipts greater than \$5,000,000 in the taxable year. For purposes of this subdivision, the increase in the number of full-time equivalent employees employed by the taxpayer in this state during the taxable year is determined by subtracting from the number of full-time equivalent employees employed by the taxpayer in this state during the taxable year, as determined by computing the average employee count from the taxpayer's quarterly unemployment insurance reports or other information as required by the department for the taxable year, the number of full-time equivalent employees employed by the taxpayer in this state during the immediately preceding taxable year, as determined by computing the average employee count from the taxpayer's quarterly unemployment insurance reports or other information as required by the department for the immediately preceding taxable year. No person may claim a deduction under this subdivision if the person may claim a credit deduction under this subchapter based on the person relocating the person's business from another state to this state and in an amount equal to the person's tax liability. The department shall promulgate rules to administer this subdivision.

SECTION 177. 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin Hospitals and Clinics Authority,

of the Health Insurance Risk-Sharing Plan Authority, of the ~~Wisconsin Quality Home Care Authority~~, of the Fox River Navigational System Authority, of the Wisconsin Economic Development Corporation, and of the Wisconsin Aerospace Authority.

SECTION 178. 73.03 (68) of the statutes is created to read:

73.03 (68) At the request of the Wisconsin Employment Relations Commission, as provided under s. 111.91 (3q), to determine the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the 12 months immediately preceding the request from the Wisconsin Employment Relations Commission.

SECTION 179. 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 180. 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

100.45 (1) (dm) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 181. 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

101.177 (1) (d) "State agency" means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority, but exclud-

ing the Health Insurance Risk-Sharing Plan Authority and the Lower Fox River Remediation Authority.

SECTION 182. 109.03 (1) (b) of the statutes is amended to read:

109.03 (1) (b) School district and private school employees who voluntarily request payment over a 12-month period for personal services performed during the school year, unless such, with respect to private school employees, the employees are covered under a valid collective bargaining agreement which precludes this method of payment.

SECTION 183. 111.02 (1) of the statutes is amended to read:

111.02 (1) ~~The term "all-union~~ All-union agreement" shall ~~mean~~ means an agreement between an employer ~~other than the University of Wisconsin Hospitals and Clinics Authority~~ and the representative of the employer's employees in a collective bargaining unit whereby all or any of the employees in such unit are required to be members of a single labor organization.

SECTION 184. 111.02 (2) of the statutes is amended to read:

111.02 (2) "Collective bargaining" ~~is the negotiating~~ means the negotiation by an employer and a majority of the employer's employees in a collective bargaining unit, or their representatives, concerning representation or terms and conditions of employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17 (2),~~ in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.

SECTION 185. 111.02 (3) of the statutes is amended to read:

111.02 (3) "Collective bargaining unit" means all of the employees of one employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~ except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ss. 111.01 to 111.19, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ss. 111.01 to 111.19 in reference to collective bargaining units otherwise established under ss. 111.01 to 111.19. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 186. 111.02 (6) (am) of the statutes is repealed.

SECTION 187. 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated, renumbered 111.02 (7) (a) and amended to read:

111.02 (7) (a) "Employer" means a person who engages the services of an employee, and includes ~~all of the following:~~ 1. ~~A~~ a person acting on behalf of an employer within the scope of his or her authority, express or implied.

SECTION 188. 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

SECTION 189. 111.02 (7) (b) 1. of the statutes is amended to read:

111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political subdivision thereof.

SECTION 190. 111.02 (7m) of the statutes is repealed.

SECTION 191. 111.02 (9m) of the statutes is repealed.

SECTION 192. 111.02 (10m) of the statutes is repealed.

SECTION 193. 111.05 (2) of the statutes is amended to read:

111.05 (2) ~~Except as provided in subs. (5) and (7),~~ Whenever a question arises concerning the determination of a collective bargaining unit as defined in s. 111.02 (3), it shall be determined by secret ballot, and the commission, upon request, shall cause the ballot to be taken in such manner as to show separately the wishes of the employees in any craft, division, department or plant as to the determination of the collective bargaining unit.

SECTION 194. 111.05 (3g) of the statutes is repealed.

SECTION 195. 111.05 (5) of the statutes is repealed.

SECTION 196. 111.05 (6) of the statutes is repealed.

SECTION 197. 111.05 (7) of the statutes is repealed.

SECTION 198. 111.06 (1) (c) 1. of the statutes is amended to read:

111.06 (1) (c) 1. To encourage or discourage membership in any labor organization, employee agency, committee, association or representation plan by discrimination in regard to hiring, tenure or other terms or conditions of employment except in a collective bargaining unit where an all-union, fair-share or maintenance of membership agreement is in effect. ~~An employer is not prohibited from entering into an all-union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of such all-union agreement in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into such an all-union agreement. Such authorization of an all-union agreement shall be deemed to continue thereafter, subject to the right of either party to the all-union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of such petition, the~~

~~commission shall determine whether there is reasonable ground to believe that the employees concerned have changed their attitude toward the all-union agreement and upon so finding the commission shall conduct a referendum. If the continuance of the all-union agreement is supported on any such referendum by a vote at least equal to that provided in this subdivision for its initial authorization, it may be continued in force thereafter, subject to the right to petition for a further vote by the procedure set forth in this subdivision. If the continuance of the all-union agreement is not thus supported on any such referendum, it is deemed terminated at the termination of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all-union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer, and each such all-union agreement shall be made subject to this duty of the commission. Any person interested may come before the commission as provided in s. 111.07 and ask the performance of this duty. Any all-union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid.~~

SECTION 199. 111.06 (1) (d) of the statutes is amended to read:

111.06 (1) (d) To refuse to bargain collectively with the representative of a majority of the employer's employees in any collective bargaining unit with respect to representation or terms and conditions of employment, ~~except as provided under ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with the commission a petition requesting a determination as to majority representation, the employer shall not be deemed to have refused to bargain until an election has been held and the result thereof has been certified to the employer by the commission.

SECTION 200. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving at least thirty days' written notice of such termination unless there is an all-union, fair-share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 201. 111.06 (1) (m) of the statutes is repealed.

SECTION 202. 111.06 (2) (i) of the statutes is amended to read:

111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided in s. 111.115 (2) ~~or~~ (3).

SECTION 203. 111.075 of the statutes is repealed.

SECTION 204. 111.115 (title) of the statutes is amended to read:

111.115 (title) Notice of certain proposed lockouts or strikes.

SECTION 205. 111.115 (1) (intro.) and (b) of the statutes are consolidated, renumbered 111.115 (1) and amended to read:

111.115 (1) In this subsection: (b) "Strike" section, "strike" includes any concerted stoppage of work by employees, and any concerted slowdown or other concerted interruption of operations or services by employees, or any concerted refusal of employees to work or perform their usual duties as employees, for the purpose of enforcing demands upon an employer.

SECTION 206. 111.115 (1) (a) of the statutes is repealed.

SECTION 207. 111.115 (2) of the statutes is repealed.

SECTION 208. 111.17 (intro.) and (1) of the statutes are consolidated, renumbered 111.17 and amended to read:

111.17 Conflict of provisions; effect. Wherever the application of the provisions of other statutes or laws conflict with the application of the provisions of this subchapter, this subchapter shall prevail, except that: ~~(1) In~~ in any situation where the provisions of this subchapter cannot be validly enforced the provisions of such other statutes or laws shall apply.

SECTION 209. 111.17 (2) of the statutes is repealed.

SECTION 210. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment for public safety employees and with respect to wages for general municipal employees, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66 ~~and for a school district with respect to any matter under sub. (4) (o), and for a school district with respect to any matter under sub. (4) (n),~~ except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~ any public safety employees under ch. 164. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

~~(3) (d)~~ The duty to bargain, ~~however,~~ does not compel either party to agree to a proposal or require the making of a concession. ~~Collective bargaining includes the~~

~~reduction of any agreement reached to a written and signed document. The~~

~~(4) (p) Permissive subjects of collective bargaining: public safety employees. A municipal employer shall is not be required to bargain with public safety employees on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal public safety employees in a collective bargaining unit. ~~In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.~~~~

SECTION 211. 111.70 (1) (b) of the statutes is amended to read:

111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal employees who are school district employees or of municipal employees who are not school district employees that is determined by the commission under sub. (4) (d) 2. a. to be appropriate for the purpose of collective bargaining.

SECTION 212. 111.70 (1) (cm) of the statutes is created to read:

111.70 (1) (cm) "Consumer price index change" means the average annual percentage change in the consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the 12 months immediately preceding the current date.

SECTION 213. 111.70 (1) (f) of the statutes is amended to read:

111.70 (1) (f) "Fair-share agreement" means an agreement between a municipal employer and a labor organization that represents public safety employees under which all or any of the public safety employees in the collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members. ~~Such an agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees affected by said agreement and to pay the amount so deducted to the labor organization.~~

SECTION 214. 111.70 (1) (fm) of the statutes is created to read:

111.70 (1) (fm) "General municipal employee" means a municipal employee who is not a public safety employee.

SECTION 215. 111.70 (1) (j) of the statutes is amended to read:

111.70 (1) (j) "Municipal employer" means any city, county, village, town, metropolitan sewerage district, school district, long-term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts district created under subch. V of ch. 229, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state, that engages the services of an employee and includes any person acting on behalf of a municipal employer within the scope of the person's authority, express or implied, ~~but specifically does not include a local cultural arts district created under subch. V of ch. 229.~~

SECTION 216. 111.70 (1) (mm) of the statutes is created to read:

111.70 (1) (mm) "Public safety employee" means any municipal employee who is employed in a position that, on the effective date of this paragraph [LRB inserts date], is classified as a protective occupation participant under any of the following:

1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.

2. A provision that is comparable to a provision under subd. 1. that is in a county or city retirement system.

SECTION 217. 111.70 (1) (n) of the statutes is amended to read:

111.70 (1) (n) "Referendum" means a proceeding conducted by the commission in which public safety employees in a collective bargaining unit may cast a secret ballot on the question of authorizing a labor organization and the employer to continue a fair-share agreement. ~~Unless a majority of the eligible employees vote in favor of the fair-share agreement, it shall be deemed terminated and that portion of the collective bargaining agreement deemed null and void that covers public safety employees.~~

SECTION 218. 111.70 (1) (nm) of the statutes is amended to read:

111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work by municipal employees, and any concerted slowdown or other concerted interruption of operations or services by municipal employees, or any concerted refusal to work or perform their usual duties as municipal employees, for the purpose of enforcing demands upon a municipal employer. ~~Such conduct by municipal employees which is not authorized or condoned by a labor organization constitutes a "strike", but does not subject such labor organization to the penalties under this subchapter. This paragraph does not apply to collective bargaining units composed of municipal employees who are engaged in law enforcement or fire fighting functions.~~

SECTION 219. 111.70 (2) of the statutes is amended to read:

111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the right of self-organization, and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their

own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, ~~and such employees shall.~~ Municipal employees have the right to refrain from any and all such activities except that employees. A general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee, however, may be required to pay dues in the manner provided in a fair-share agreement. ~~Such a fair-share agreement covering a public safety employee must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor organization from the earnings of the public safety employee affected by the fair-share agreement and to pay the amount deducted to the labor organization. A fair-share agreement shall be covering a public safety employee is~~ subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30% of the public safety employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible public safety employees, it shall ~~be deemed terminated~~ terminate. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any public safety employee of the municipal employer in the bargaining unit involved, and such agreement shall be made ~~is~~ subject to this duty of the commission. Any of the parties to such agreement or any municipal public safety employee covered thereby by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

SECTION 220. 111.70 (3) (a) 3. of the statutes is amended to read:

111.70 (3) (a) 3. To encourage or discourage a membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment; but the prohibition shall not apply to a fair-share agreement that covers public safety employees.

SECTION 221. 111.70 (3) (a) 4. of the statutes is amended to read:

111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a majority of its employees in an appropriate collective bargaining unit. Such refusal ~~shall include~~ includes action by the employer to issue or seek to obtain contracts, including those provided for by statute, with individuals in the collective bargaining unit while collective bargaining, mediation, or fact-finding concerning the terms and conditions of a new collective bargaining agreement is in progress, unless such individ-

ual contracts contain express language providing that the contract is subject to amendment by a subsequent collective bargaining agreement. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate bargaining unit does in fact have that support, it may file with the commission a petition requesting an election to that claim. An employer shall not be deemed to have refused to bargain until an election has been held and the results thereof certified to the employer by the commission. The violation shall include, though not be limited thereby, to the refusal to execute a collective bargaining agreement previously agreed upon. ~~The term of any collective bargaining agreement covering municipal employees who are not school district employees shall not exceed 3 years, and the term of any collective bargaining agreement covering school district employees shall not exceed 4 years.~~

SECTION 222. 111.70 (3) (a) 5. of the statutes is amended to read:

111.70 (3) (a) 5. To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours and conditions of employment affecting ~~municipal~~ public safety employees, including an agreement to arbitrate questions arising as to the meaning or application of the terms of a collective bargaining agreement or to accept the terms of such arbitration award, where previously the parties have agreed to accept such award as final and binding upon them or to violate any collective bargaining agreement affecting general municipal employees, that was previously agreed upon by the parties with respect to wages.

SECTION 223. 111.70 (3) (a) 6. of the statutes is amended to read:

111.70 (3) (a) 6. To deduct labor organization dues ~~from an employee's or supervisor's~~ the earnings of a public safety employee, unless the municipal employer has been presented with an individual order therefor, signed by the ~~municipal public safety~~ employee personally, and terminable by at least the end of any year of its life or earlier by the ~~municipal public safety~~ employee giving at least 30 days' written notice of such termination to the municipal employer and to the representative organization, ~~except where there is~~ when a fair-share agreement is in effect.

SECTION 224. 111.70 (3) (a) 7. of the statutes is repealed.

SECTION 225. 111.70 (3) (a) 9. of the statutes is amended to read:

111.70 (3) (a) 9. After If the collective bargaining unit contains a public safety employee, after a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any fair-share agreement in the expired collective bargaining agreement.

SECTION 226. 111.70 (3) (b) 6. of the statutes is repealed.

SECTION 227. 111.70 (3g) of the statutes is created to read:

111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not deduct labor organization dues from the earnings of a general municipal employee or supervisor.

SECTION 228. 111.70 (3m) of the statutes is repealed.

SECTION 229. 111.70 (3p) of the statutes is repealed.

SECTION 230. 111.70 (4) (intro.) of the statutes is amended to read:

111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct any election under this subsection by secret ballot and shall be governed by adhere to the following provisions relating to bargaining in municipal employment in addition to other powers and duties provided in this subchapter:

SECTION 231. 111.70 (4) (c) (title) of the statutes is amended to read:

111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement and fire fighting personnel public safety employees.*

SECTION 232. 111.70 (4) (c) 1. of the statutes is amended to read:

111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in labor disputes involving a collective bargaining unit containing a public safety employee. Such mediation may be carried on by a person designated to act by the commission upon request of one or both of the parties or upon initiation of the commission. The function of the mediator shall be is to encourage voluntary settlement by the parties but no mediator shall have has the power of compulsion.

SECTION 233. 111.70 (4) (c) 2. of the statutes is amended to read:

111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a public safety employee may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial and disinterested person to so serve.

b. A collective bargaining agreement involving a collective bargaining unit containing a public safety employee may, notwithstanding s. 62.13 (5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

SECTION 234. 111.70 (4) (c) 3. of the statutes is amended to read:

111.70 (4) (c) 3. 'Fact-finding.' ~~If~~ Unless s. 111.77 applies, if a dispute involving a collective bargaining unit containing a public safety employee has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them arising in the collective bargaining process, either party, or the parties jointly, may petition the commission, in writing, to initiate fact-finding, as provided hereafter, and to make recommendations to resolve the deadlock, as follows:

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

b. The fact finder appointed under subd. 3. a. may establish dates and place of hearings which shall be where feasible, and shall conduct the hearings pursuant to rules established by the commission. Upon request, the commission shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties and the commission. Cost of fact-finding proceedings shall be divided equally between the parties. At the time the fact finder submits a statement of his or her costs to the parties, the fact finder shall submit a copy thereof of the statement to the commission at its Madison office.

c. ~~Nothing herein shall be construed as prohibiting in this subdivision prohibits~~ any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute, in which the fact finder is involved, at any time prior to the issuance of the fact finder's recommendations.

d. Within 30 days of the receipt of the fact finder's recommendations under subd. 3. b., or within the time period mutually agreed upon by the parties, each party shall ~~advise~~ give notice to the other party, in writing as to its acceptance or rejection, in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~ transmit a copy of such ~~the~~ notice to the commission at its Madison office.

SECTION 235. 111.70 (4) (c) 4. of the statutes is repealed.

SECTION 236. 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended to read:

111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other personnel general municipal employees.* 1. 'Notice of commencement of contract

negotiations.' For the purpose of advising the commission of the commencement of contract negotiations involving a collective bargaining unit containing general municipal employees, whenever either party requests the other to reopen negotiations under a binding collective bargaining agreement, or the parties otherwise commence negotiations if no such agreement exists, the party requesting negotiations shall immediately notify the commission in writing. Upon failure of the requesting party to provide such notice, the other party may so notify the commission. The notice shall specify the expiration date of the existing collective bargaining agreement, if any, and shall set forth any additional information the commission may require on a form provided by the commission.

2. 'Presentation of initial proposals; open meetings.' The meetings between parties to a collective bargaining agreement or proposed collective bargaining agreement under this subchapter which ~~that involve a collective bargaining unit containing a general municipal employee and that are held for the purpose of presenting initial bargaining proposals, along with supporting rationale, shall be open to the public. Each party shall submit its initial bargaining proposals to the other party in writing. Failure to comply with this subdivision is not cause to invalidate a collective bargaining agreement under this subchapter.~~

3. 'Mediation.' The commission or its designee shall function as mediator in labor disputes involving general municipal employees upon request of one or both of the parties, or upon initiation of the commission. The function of the mediator shall be to encourage voluntary settlement by the parties. No mediator has the power of compulsion.

4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a general municipal employee may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial and disinterested person to so serve.

SECTION 237. 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

SECTION 238. 111.70 (4) (cm) 8m. of the statutes is amended to read:

111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for the initial collective bargaining agreement between the parties and ~~except as the parties otherwise agree, every collective bargaining agreement covering general municipal employees subject to this paragraph shall be for a term of 2 years, but in no case may a collective bargaining agreement for any collective bargaining unit consisting of municipal employees subject to this paragraph other than school district employees be for a term exceeding 3 years nor may a collective bargaining agreement for any collective bargaining unit con-~~

~~sisting of school district employees subject to this paragraph be for a term exceeding 4 years one year and may not be extended. No arbitration award may contain a provision for reopening of negotiations during the term of a collective bargaining agreement, covering general municipal employees may be reopened for negotiations unless both parties agree to such a provision reopen the collective bargaining agreement.~~ The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 239. 111.70 (4) (cm) 9. of the statutes is repealed.

SECTION 240. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 (4) (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible, unless otherwise required under this subchapter, avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal workforce. ~~In making such a determination, the~~ The commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational groupings constitute a collective bargaining unit. Before making its determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether they desire to be established as a separate collective bargaining unit. The commission shall ~~may~~ not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. ~~The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees.~~ The commission shall ~~may~~ not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional

employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit. Upon the expiration of any collective bargaining agreement in force, the commission shall combine into a single collective bargaining unit 2 or more collective bargaining units consisting of school district employees if a majority of the employees voting in each collective bargaining unit vote to combine. ~~Any vote taken under this subsection shall be by secret ballot.~~

SECTION 241. 111.70 (4) (d) 3. of the statutes is amended to read:

111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning representation or appropriate unit, calling for a vote, the commission shall certify the results in writing to the municipal employer and the labor organization involved and to any other interested parties.

c. Any ballot used in a representation proceeding under this subdivision shall include the names of all persons having an interest in representing or the results. The ballot should be so designed as to permit a vote against representation by any candidate named on the ballot. The findings of the commission, on which a certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

SECTION 242. 111.70 (4) (d) 3. b. of the statutes is created to read:

111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify the representative of the collective bargaining unit that contains a general municipal employee. The election shall occur no later than December 1 for a collective bargaining unit containing school district employees and no later than May 1 for a collective bargaining unit containing general municipal employees who are not school district employees. The commission shall certify any representative that receives at least 51 percent of the votes of all of the general municipal employees in the collective bargaining unit. If no representative receives at least 51 percent of the votes of all of the general municipal employees in the collective bargaining unit, at the expiration of the collective bargaining agreement, the commission shall decertify the current representative and the general municipal employees shall be nonrepresented. Notwithstanding sub. (2), if a representative is decertified under this subd. 3. b., the affected general municipal employees may not be included in a substantially similar collective bargaining unit for 12 months from the date of decertification.

SECTION 243. 111.70 (4) (L) of the statutes is amended to read:

111.70 (4) (L) ~~Strikes prohibited. Except as authorized under par. (em) 5. and 6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right to strike by any municipal employee or labor organization,

and such strikes are hereby expressly prohibited. ~~Paragraph (em) does not authorize any strike after an injunction has been issued against such strike under sub. (7m).~~

SECTION 244. 111.70 (4) (m) of the statutes is repealed.

SECTION 245. 111.70 (4) (mb) of the statutes is created to read:

111.70 (4) (mb) ~~Prohibited subjects of bargaining; general municipal employees.~~ Prohibited subjects of bargaining; general municipal employees. The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a general municipal employee with respect to any of the following:

1. Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any proposal that does any of the following:

a. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

b. If there is a decrease in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement decreased by a percentage of that expenditure that is equal to the decrease in the consumer price index change.

SECTION 246. 111.70 (4) (mc) (intro.) of the statutes is amended to read:

111.70 (4) (mc) ~~Prohibited subjects of bargaining; public safety employees.~~ Prohibited subjects of bargaining; public safety employees. (intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following:

SECTION 247. 111.70 (4) (mc) 4. of the statutes is repealed.

SECTION 248. 111.70 (4) (n) and (o) of the statutes are repealed.

SECTION 249. 111.70 (6) of the statutes is repealed.

SECTION 250. 111.70 (7) of the statutes is repealed.

SECTION 251. 111.70 (7m) (b) of the statutes is repealed.

SECTION 252. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

111.70 (7m) (c) 1. a. Any labor organization that represents public safety employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not col-

~~lect any dues check-off under a collective bargaining agreement and or under a fair-share agreement between the municipal employer and such labor organization from any public safety employee covered by either agreement for a period of one year. At the end of the period of suspension, any such agreement shall be reinstated unless the labor organization is no longer authorized to represent the municipal public safety employees covered by such dues check-off the collective bargaining agreement or fair-share agreement or the agreement is no longer in effect.~~

SECTION 253. 111.70 (7m) (c) 3. of the statutes is repealed.

SECTION 254. 111.70 (7m) (e) and (f) of the statutes are repealed.

SECTION 255. 111.70 (8) (a) of the statutes is amended to read:

111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cm) and (7m),~~ applies to law enforcement supervisors employed by a 1st class city. This section, except ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m),~~ applies to law enforcement supervisors employed by a county having a population of 500,000 or more. For purposes of such application, the term terms "municipal employee" includes and "public safety employee" include such a supervisor.

SECTION 256. 111.71 (2) of the statutes is amended to read:

111.71 (2) The commission shall assess and collect a filing fee for filing a complaint alleging that a prohibited practice has been committed under s. 111.70 (3). The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(cm) 6. or (jm) or 111.77 (3).~~ For the performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., ~~(cm) 3., and 4. and 6., and (jm) and 111.77 (3),~~ the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a fil-

ing fee to initiate fact-finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact-finding, mediation or arbitration. A complaint or request for fact-finding, mediation or arbitration is not filed until the date such fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(cm) 6. or (jm) or 111.77 (3)~~ shall may not prohibit the commission from initiating such arbitration. The commission may initiate collection proceedings against the respondent party for the payment of the filing fee. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 257. 111.71 (4) of the statutes is repealed.

SECTION 258. 111.71 (5) of the statutes is repealed.

SECTION 259. 111.77 (intro.) of the statutes is amended to read:

111.77 Settlement of disputes in collective bargaining units composed of law enforcement personnel and fire fighters. (intro.) ~~In fire departments and city and county law enforcement agencies municipal~~ Municipal employers and employees public safety employees, as provided in sub. (8), have the duty to bargain collectively in good faith including the duty to refrain from strikes or lockouts and to comply with the ~~procedures set forth below~~ following:

SECTION 260. 111.77 (8) (a) of the statutes is amended to read:

111.77 (8) (a) This section applies to ~~law enforcement public safety employees who are~~ supervisors employed by a county having a population of 500,000 or more. For purposes of such application, the term "municipal employee" includes such a supervisor.

SECTION 261. 111.80 of the statutes is repealed.

SECTION 262. 111.81 (1) of the statutes is amended to read:

111.81 (1) "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3), with respect to general employees, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Col-

lective bargaining includes the reduction of any agreement reached to a written and signed document.

SECTION 263. 111.81 (3h) of the statutes is repealed.

SECTION 264. 111.81 (3n) of the statutes is created to read:

111.81 (3n) "Consumer price index change" means the average annual percentage change in the consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the 12 months immediately preceding the current date.

SECTION 265. 111.81 (7) (g) of the statutes is repealed.

SECTION 266. 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

111.81 (7) (gm) Research assistants of the University of Wisconsin-Madison and University of Wisconsin-Extension.

(h) Research assistants of the University of Wisconsin-Milwaukee.

(i) Research assistants of the Universities of Wisconsin-Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater.

SECTION 267. 111.81 (9) of the statutes is amended to read:

111.81 (9) "Fair-share agreement" means an agreement between the employer and a labor organization representing public safety employees or supervisors specified in s. 111.825 (5) under which all of the public safety employees or supervisors in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 268. 111.81 (9g) of the statutes is created to read:

111.81 (9g) "General employee" means an employee who is not a public safety employee.

SECTION 269. 111.81 (9k) of the statutes is repealed.

SECTION 270. 111.81 (12) (intro.) of the statutes is amended to read:

111.81 (12) (intro.) "Labor organization" means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters pertaining to terms and conditions of employment that are subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but the term shall not include any organization:

SECTION 271. 111.81 (12m) of the statutes is amended to read:

111.81 (12m) "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing public safety employees or supervisors specified in s. 111.825 (5) which requires that all of the public safety employees or supervisors whose dues are being deducted from earnings under s.

20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement, and that dues shall be deducted from the earnings of all public safety employees or supervisors who are hired on or after the effective date of the agreement.

SECTION 272. 111.81 (15r) of the statutes is created to read:

111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48) (am) 7. or 8.

SECTION 273. 111.81 (16) of the statutes is amended to read:

111.81 (16) "Referendum" means a proceeding conducted by the commission in which public safety employees, or supervisors specified in s. 111.825 (5), in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share or maintenance of membership agreement or to terminate such an agreement.

SECTION 274. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements ~~except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g).~~ To coordinate the employer position in the negotiation of agreements, the office, ~~or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g),~~ shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units unit specified in s. 111.825 (1m), (2) (f), and (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. ~~With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter.~~ With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under

2011 Wisconsin Act 10

this subchapter. ~~With respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.~~

SECTION 275. 111.815 (2) of the statutes is amended to read:

111.815 (2) ~~In the furtherance of the policy under s. 111.80 (4), the~~ The director of the office shall, together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter except with respect to negotiations in the collective bargaining units ~~unit~~ specified in s. 111.825 (1m), (2) (f), and (2g). The director of the office shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

SECTION 276. 111.82 of the statutes is amended to read:

111.82 Rights of employees. Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees shall also have the right to refrain from any or all of such activities. A general employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit.

SECTION 277. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state, ~~except employees in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 278. 111.825 (1) (g) of the statutes is created to read:

111.825 (1) (g) Public safety employees.

SECTION 279. 111.825 (1m) of the statutes is repealed.

SECTION 280. 111.825 (2g) of the statutes is repealed.

SECTION 281. 111.825 (3) of the statutes is amended to read:

111.825 (3) The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), ~~(1m), and (2), and (2g).~~

SECTION 282. 111.825 (4) of the statutes is amended to read:

111.825 (4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1), ~~(1m), or (2), or (2g)~~

in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative.

SECTION 283. 111.825 (4m) of the statutes is repealed.

SECTION 284. 111.825 (5) of the statutes is amended to read:

111.825 (5) Although supervisors are not considered employees for purposes of this subchapter, the commission may consider a petition for a statewide collective bargaining unit of professional supervisors or a statewide unit of nonprofessional supervisors in the classified service, but the representative of supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. The certified representative of supervisors who are not public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (3), and the certified representative of supervisors who are public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (1).

SECTION 285. 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

SECTION 286. 111.825 (6) (b) of the statutes is created to read:

111.825 (6) (b) The commission may assign only a public safety employee to the collective bargaining unit under sub. (1) (g).

SECTION 287. 111.83 (1) of the statutes is amended to read:

111.83 (1) Except as provided in subs. ~~sub. (5) and (5m),~~ a representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the employer in person, or through representatives of their own choosing, and the employer shall confer with said employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

SECTION 288. 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

SECTION 289. 111.83 (3) (b) of the statutes is created to read:

111.83 (3) (b) Annually, no later than December 1, the commission shall conduct an election to certify the representative of a collective bargaining unit that contains a general employee. There shall be included on the ballot the names of all labor organizations having an interest in representing the general employees participating in the election. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The commission shall certify any representative that receives at least 51 percent of the votes of all of the general employees in the collective bargaining unit. If no representative receives at least 51 percent of the votes of all of the general employees in the collective bargaining unit, at the expiration of the collective bargaining agreement, the commission shall decertify the current representative and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if a representative is decertified under this paragraph, the affected general employees may not be included in a substantially similar collective bargaining unit for 12 months from the date of decertification. The commission's certification of the results of any election is conclusive unless reviewed as provided by s. 111.07 (8).

SECTION 290. 111.83 (4) of the statutes is amended to read:

111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which the name of more than one proposed representative appears on the ballot and results in no conclusion, the commission may, if requested by any party to the proceeding within 30 days from the date of the certification of the results of the election, conduct a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election. The commission shall drop from the ballot the privilege of voting against any representative if the least number of votes cast at the first election was against representation by any named representative.

SECTION 291. 111.83 (5m) of the statutes is repealed.

SECTION 292. 111.83 (7) of the statutes is repealed.

SECTION 293. 111.84 (1) (b) of the statutes is amended to read:

111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate, create, dominate or interfere with the formation or administration of any labor or employee organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin retirement system under ch. 40 and no action by the employer that is authorized by such a law constitutes a violation of this

paragraph unless an applicable collective bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g) specifically prohibits the change or action. No such change or action affects the continuing duty to bargain collectively with a collective bargaining unit under s. 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent required by s. 111.91 (1). It is not an unfair labor practice for the employer to reimburse an employee at his or her prevailing wage rate for the time spent during the employee's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter. Professional supervisory or craft personnel may maintain membership in professional or craft organizations; however, as members of such organizations they shall be prohibited from those activities related to collective bargaining in which the organizations may engage.

SECTION 294. 111.84 (1) (d) of the statutes is amended to read:

111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with a representative of a majority of its employees in an appropriate collective bargaining unit. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. It is not deemed to have refused to bargain until an election has been held and the results thereof certified to it by the commission. A violation of this paragraph includes, but is not limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 295. 111.84 (1) (f) of the statutes is amended to read:

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

SECTION 296. 111.84 (2) (c) of the statutes is amended to read:

111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees

specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 297. 111.84 (3) of the statutes is amended to read:

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

SECTION 298. 111.845 of the statutes is created to read:

111.845 Wage deduction prohibition. The employer may not deduct labor organization dues from a general employee's earnings.

SECTION 299. 111.85 (1), (2) and (4) of the statutes are amended to read:

111.85 (1) (a) No fair-share or maintenance of membership agreement covering public safety employees may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30% of the public safety employees or supervisors specified in s. 111.825 (5) in a collective bargaining unit desire that a fair-share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

(b) For a fair-share agreement to be authorized, at least two-thirds of the eligible public safety employees or supervisors voting in a referendum shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible public safety employees or supervisors voting in a referendum shall vote in favor of the agreement. In a referendum on a fair-share agreement, if less than two-thirds but more than one-half of the eligible public safety employees or supervisors vote in favor of the agreement, a maintenance of membership agreement is authorized.

(c) If a fair-share or maintenance of membership agreement is authorized in a referendum, the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the public safety employees or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the

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

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

(2) (a) Once authorized, a fair-share or maintenance of membership agreement covering public safety employees shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such petition must be supported by proof that at least 30% of the public safety employees or supervisors in the collective bargaining unit desire that the fair-share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share or maintenance of membership agreement is approved in the referendum by at least the percentage of eligible voting public safety employees or supervisors required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it is deemed terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

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

(4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency whose public safety employees are entitled to vote in a referendum to conduct a referendum provided for herein.

SECTION 300. 111.85 (5) of the statutes is repealed.

SECTION 301. 111.90 (2) of the statutes is amended to read:

111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state agency; hire, promote, transfer, assign or retain employees in positions within the agency; and in that regard establish reasonable work rules.

SECTION 302. 111.905 of the statutes is repealed.

SECTION 303. 111.91 (1) (a) of the statutes is amended to read:

111.91 (1) (a) Except as provided in pars. (b) to (e) (d), with regard to a collective bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to the point of impasse are wage rates, consistent with sub. (2), the assignment and reassignment of classifications to pay ranges, determination of an incumbent's pay status resulting from position reallocation or reclassification, and pay adjustments upon temporary assignment of classified public safety employees to duties of a higher classification or downward reallocations of a classified public safety employee's position; fringe benefits consistent with sub. (2); hours and conditions of employment.

SECTION 304. 111.91 (1) (am) of the statutes is repealed.

SECTION 305. 111.91 (1) (b) of the statutes is amended to read:

111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a collective bargaining unit under s. 111.825 (1) (g) on management rights under s. 111.90, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of bargaining.

SECTION 306. 111.91 (1) (c) of the statutes is amended to read:

111.91 (1) (c) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

SECTION 307. 111.91 (1) (cg) of the statutes is repealed.

SECTION 308. 111.91 (1) (cm) of the statutes is amended to read:

111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all actions of the employer that are authorized under any such law which apply to nonrepresented individuals employed by the state shall apply to similarly situated public safety employees, unless otherwise specifically provided in a collective bargaining agreement that applies to ~~these~~ the public safety employees.

SECTION 309. 111.91 (1) (d) of the statutes is amended to read:

111.91 (1) (d) ~~Demands In the case of a collective bargaining unit under s. 111.825 (1) (g), demands~~ relating to retirement and group insurance shall be submitted to the employer at least one year prior to commencement of negotiations.

SECTION 310. 111.91 (1) (e) of the statutes is repealed.

SECTION 311. 111.91 (2) (intro.) of the statutes is amended to read:

111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

SECTION 312. 111.91 (2) (gu) of the statutes is amended to read:

111.91 (2) (gu) The right of ~~an~~ a public safety employee, who is an employee, as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

SECTION 313. 111.91 (2c) of the statutes is repealed.

SECTION 314. 111.91 (3) of the statutes is created to read:

111.91 (3) The employer is prohibited from bargaining with a collective bargaining unit containing a general employee with respect to any of the following:

(a) Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

(b) Unless the electors in a statewide referendum approve a total base wages increase that exceeds the total base wages expenditure described in this paragraph, any proposal that does any of the following:

1. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

2. If there is a decrease in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement decreased by a percentage of that expenditure that is equal to the decrease in the consumer price index change.

SECTION 315. 111.91 (3q) of the statutes is created to read:

111.91 (3q) For purposes of determining compliance with sub. (3), the commission shall provide, upon request, to the employer or to any representative of a collective bargaining unit containing a general employee, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

SECTION 316. 111.92 (1) (a) of the statutes is amended to read:

111.92 (1) (a) Any tentative agreement reached between the office, ~~or, as provided in s. 111.815 (1), the department of health services, acting for the state,~~ and any labor organization representing a collective bargaining unit specified in s. 111.825 (1), ~~or (2) (a) to (e), or (2g)~~ shall, after official ratification by the labor organization, be submitted by the office ~~or department of health services~~ to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and which recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

SECTION 317. 111.92 (1) (b) of the statutes is repealed.

SECTION 318. 111.92 (2m) of the statutes is repealed.

SECTION 319. 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and amended to read:

111.92 (3) (a) Agreements covering a collective bargaining unit specified under s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

SECTION 320. 111.92 (3) (b) of the statutes is created to read:

111.92 (3) (b) No agreements covering a collective bargaining unit containing a general employee may be for a period that exceeds one year, and each agreement must coincide with the fiscal year. Agreements covering a collective bargaining unit containing a general employee may not be extended.

SECTION 321. 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and amended to read:

111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

(a) If a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit under s. 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, fringe benefits, hours, and conditions of employment whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

SECTION 322. 111.93 (3) (b) of the statutes is created to read:

111.93 (3) (b) If a collective bargaining agreement exists between the employer and a labor organization representing general employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

SECTION 323. Subchapter VI of chapter 111 [precedes 111.95] of the statutes is repealed.

SECTION 324. 118.22 (4) of the statutes is repealed.

SECTION 325. 118.223 of the statutes is created to read:

118.223 Collective bargaining. Except as provided under subch. IV of ch. 111, no school board may collectively bargain with its employees.

SECTION 326. 118.23 (5) of the statutes is repealed.

SECTION 327. 118.245 of the statutes is created to read:

118.245 Referendum; increase in employee wages. (1) If a school board wishes to increase the total base wages of its employees in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The referendum shall occur in April for collective bargaining

agreements that begin in July of that year. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

(2) The question submitted in the referendum shall be substantially as follows: "Shall the employees in the [school district] receive a total increase on wages from \$....[current total base wages] to \$....[proposed total base wages], which is a percentage wage increase that is [x] percent higher than the percent of the consumer price index increase, for a total percentage increase in wages of [x]?"

SECTION 328. 118.40 (2r) (b) 3. a. of the statutes is amended to read:

118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation and fringe benefits of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation and fringe benefits of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.

SECTION 329. 118.42 (3) (a) 4. of the statutes is amended to read:

118.42 (3) (a) 4. Implement changes in administrative and personnel structures that are consistent with applicable collective bargaining agreements.

SECTION 330. 118.42 (5) of the statutes is amended to read:

118.42 (5) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and school district employees under federal or state law or under the terms of any applicable collective bargaining agreement.

SECTION 331. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, ~~118.223~~, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 332. 120.12 (4m) of the statutes is created to read:

120.12 (4m) CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE BARGAINING. If collectively

bargaining with employees of the school district, determine the maximum total base wages expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change using the method the department of revenue uses under s. 73.03 (68).

SECTION 333. 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall not be construed to eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours and conditions of employment.~~

SECTION 334. 120.18 (1) (gm) of the statutes is amended to read:

120.18 (1) (gm) Payroll and related benefit costs for all school district employees in the previous school year. ~~Costs~~ Payroll costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees ~~and the school district and the representative have been required to submit final offers under s. 111.70 (4) (cm) 6,~~ increased costs limited to the lower of the school district's offer or the representative's offer shall be of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees. The school district shall amend the annual report to reflect any change in such costs as a result of any award ~~or settlement under s. 111.70 (4) (cm) 6.~~ collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.

SECTION 335. 146.59 of the statutes is repealed.

SECTION 336. 230.01 (3) of the statutes is amended to read:

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

SECTION 337. 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

230.03 (3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if

2011 Wisconsin Act 10

such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 338. 230.04 (16) of the statutes is amended to read:

230.04 (16) The director may appoint either a deputy director or an executive assistant outside the classified service.

SECTION 339. 230.046 (10) (a) of the statutes is amended to read:

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

SECTION 340. 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — 14 13.

SECTION 341. 230.08 (2) (e) 2. of the statutes is amended to read:

230.08 (2) (e) 2. Agriculture, trade and consumer protection — 6 9.

SECTION 342. 230.08 (2) (e) 2m. of the statutes is amended to read:

230.08 (2) (e) 2m. Children and families — 5 8.

SECTION 343. 230.08 (2) (e) 3e. of the statutes is amended to read:

230.08 (2) (e) 3e. Corrections — 4 7.

SECTION 344. 230.08 (2) (e) 4f. of the statutes is amended to read:

230.08 (2) (e) 4f. Financial institutions — 3 5.

SECTION 345. 230.08 (2) (e) 5. of the statutes is amended to read:

230.08 (2) (e) 5. Health services — 6 9.

SECTION 346. 230.08 (2) (e) 6. of the statutes is amended to read:

230.08 (2) (e) 6. Workforce development — 6 8.

SECTION 347. 230.08 (2) (e) 7. of the statutes is amended to read:

230.08 (2) (e) 7. Justice — 3 5.

SECTION 348. 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 (2) (e) 8. Natural resources — 7 10.

SECTION 349. 230.08 (2) (e) 8h. of the statutes is created to read:

230.08 (2) (e) 8h. Office of the commissioner of insurance — 2.

SECTION 350. 230.08 (2) (e) 8j. of the statutes is created to read:

230.08 (2) (e) 8j. Office of state employment relations — 3.

SECTION 351. 230.08 (2) (e) 9m. of the statutes is amended to read:

230.08 (2) (e) 9m. Public service commission — 5 8.

SECTION 352. 230.08 (2) (e) 10. of the statutes is amended to read:

230.08 (2) (e) 10. Regulation and licensing — 4 6.

SECTION 353. 230.08 (2) (e) 11. of the statutes is amended to read:

230.08 (2) (e) 11. Revenue — 4 7.

SECTION 354. 230.08 (2) (e) 12. of the statutes is amended to read:

230.08 (2) (e) 12. Transportation — 6 9.

SECTION 355. 230.08 (2) (e) 15. of the statutes is created to read:

230.08 (2) (e) 15. Tourism — 1.

SECTION 356. 230.08 (2) (ya) of the statutes is amended to read:

230.08 (2) (ya) The director, deputy director, and executive assistant to the director of the office of state employment relations ~~in the department of administration.~~

SECTION 357. 230.08 (4) (a) of the statutes is amended to read:

230.08 (4) (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society, and any other managerial position determined by an appointing authority. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, government accountability board, investment board, public defender board and technical college system board and "commission" means the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

SECTION 358. 230.09 (2) (g) of the statutes is amended to read:

230.09 (2) (g) When filling a new or vacant position, if the director determines that the classification for a position is different than that provided for by the legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor creating positions under s. 16.505 (1) (c) or (2), ~~the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n)~~ or the board of regents of the University of Wisconsin System creating positions under s. 16.505 (2m), or is different than that of the previous incumbent, the director shall notify the administrator and the secretary of administration. The administrator shall withhold

action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2), ~~the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2a)~~ or the intent of the board of regents of the University of Wisconsin System creating positions under s. 16.505 (2m). The administrator may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

SECTION 359. 230.10 (1) of the statutes is amended to read:

230.10 (1) Except as provided under sub. (2), the compensation plan provisions of s. 230.12 apply to all employees of the classified service, ~~unless they are covered by a collective bargaining agreement under subch. V of ch. 111. If an employee is covered under a collective bargaining agreement under subch. V of ch. 111, the compensation plan provisions of s. 230.12 apply to that employee, except for those provisions relating to matters that are subject to bargaining under a collective bargaining agreement that covers the employee.~~

SECTION 360. 230.12 (3) (e) 1. of the statutes is amended to read:

230.12 (3) (e) 1. The director, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V ~~or VI~~ of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees under ss. 20.923 (4g), (5) and (6) (m)

and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.

SECTION 361. 230.24 (4) of the statutes is created to read:

230.24 (4) An appointing authority may reassign an employee in a career executive position to a career executive position in any agency if the appointing authority in the agency to which the employee is to be reassigned approves of the reassignment.

SECTION 362. 230.29 (1) of the statutes is renumbered 230.29 and amended to read:

230.29 Transfers. Subject to sub. (2), ~~a~~ A transfer may be made from one position to another only if specifically authorized by the administrator.

SECTION 363. 230.29 (2) of the statutes is repealed.

SECTION 364. 230.34 (1) (ar) of the statutes is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more, ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the collective bargaining agreement.~~

SECTION 365. 230.34 (1) (ax) of the statutes is created to read:

230.34 (1) (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of emergency declared by the governor under s. 323.10, an appointing authority may discharge any employee who does any of the following:

a. Fails to report to work as scheduled for any 3 working days during the state of emergency and the employee's absences from work are not approved leaves of absence.

b. Participates in a strike, work stoppage, sit-down, stay-in, slowdown, or other concerted activities to interrupt the operations or services of state government, including specifically participation in purported mass resignations or sick calls.

2. Engaging in any action under subd. 1. constitutes just cause for discharge.

3. Before discharging an employee, the appointing authority shall provide the employee notice of the action

2011 Wisconsin Act 10

- 38 -

and shall furnish to the employee in writing the reasons for the action. The appointing authority shall provide the employee an opportunity to respond to the reasons for the discharge.

SECTION 366. 230.35 (1s) of the statutes is amended to read:

230.35 (1s) Annual leave of absence with pay for instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm) shall be determined by the governing board of the charter school established by contract under s. 118.40 (2r) (cm), as approved by the chancellor of the University of Wisconsin-Parkside and subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff.

SECTION 367. 230.35 (2d) (e) of the statutes is amended to read:

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

SECTION 368. 230.35 (3) (e) 6. of the statutes is amended to read:

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

SECTION 369. 230.88 (2) (b) of the statutes is amended to read:

230.88 (2) (b) No collective bargaining agreement supersedes the rights of an employee under this subchapter. However, nothing in this subchapter affects any right of an employee to pursue a grievance procedure under a collective bargaining agreement under subch. V or VI of ch. 111, and if the division of equal rights determines that a grievance arising under such a collective bargaining agreement involves the same parties and matters as a complaint under s. 230.85, it shall order the arbitrator's final award on the merits conclusive as to the rights of the parties to the complaint, on those matters determined in the arbitration which were at issue and upon which the determination necessarily depended.

SECTION 370. 233.02 (1) (h) of the statutes is repealed.

SECTION 371. 233.02 (8) of the statutes is amended to read:

233.02 (8) The members of the board of directors shall annually elect a chairperson and may elect other officers as they consider appropriate. Eight voting members of the board of directors constitute a quorum for the purpose of conducting the business and exercising the powers of the authority, notwithstanding the existence of any vacancy. The members of the board of directors spe-

cified under sub. (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote of a majority of the members present, unless the bylaws of the authority require a larger number.

SECTION 372. 233.03 (7) of the statutes is amended to read:

233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section 9159 (4) and ~~the duty to engage in collective bargaining with employees in a collective bargaining unit for which a representative is recognized or certified under subch. I of ch. 111~~, employ any agent, employee or special advisor that the authority finds necessary and fix his or her compensation and provide any employee benefits, including an employee pension plan.

SECTION 373. 233.04 (2) of the statutes is amended to read:

233.04 (2) Subject to ~~subs. (4) to (4r)~~ and s. 233.10, develop and implement a personnel structure and other employment policies for employees of the authority.

SECTION 374. 233.04 (4) of the statutes is repealed.

SECTION 375. 233.04 (4m) of the statutes is repealed.

SECTION 376. 233.04 (4r) of the statutes is repealed.

SECTION 377. 233.10 (1) of the statutes is amended to read:

233.10 (1) Subject to ~~s. 233.04 (4) to (4r) and 1995 Wisconsin Act 27, section 9159 (2) and (4)~~, the authority shall employ such employees as it may require and shall determine the qualifications and duties of its employees. Appointments to and promotions in the authority shall be made according to merit and fitness.

SECTION 378. 233.10 (2) (intro.) of the statutes is amended to read:

233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 and ~~the duty to engage in collective bargaining with employees in a collective bargaining unit for which a representative is recognized or certified under subch. I of ch. 111~~, the authority shall establish any of the following:

SECTION 379. 233.10 (3) (a) (intro.) of the statutes is amended to read:

233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub. (4)~~, "carry-over employee" means an employee of the authority who satisfies all of the following:

SECTION 380. 233.10 (3) (b) of the statutes is repealed.

SECTION 381. 233.10 (3) (c) (intro.) of the statutes is amended to read:

233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting the terms of the carry-over employee's employment dur-

ing the period beginning on June 29, 1996, and ending on June 30, 1997, do all of the following:

SECTION 382. 233.10 (3) (d) of the statutes is amended to read:

233.10 (3) (d) If an employee of the authority is not a carry-over employee and ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29, 1996, to June 30, 1997, provide that employee the same rights, benefits and compensation provided to a carry-over employee under par. (c) who holds a position at the authority with similar duties.

SECTION 383. 233.10 (3m) of the statutes is repealed.

SECTION 384. 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act ... (January 2011 Special Session Senate Bill 6), is amended to read:

281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231, 233, 234, 237, or 238.

SECTION 385. 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act ... (January 2011 Special Session Senate Bill 6), is amended to read:

285.59 (1) (b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority.

SECTION 386. 704.31 (3) of the statutes is amended to read:

704.31 (3) This section does not apply to a lease to which a local professional baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality Home Care Authority~~, or the Fox River Navigational System Authority is a party.

SECTION 387. 851.71 (4) of the statutes is amended to read:

851.71 (4) In counties having a population of 500,000 or more, the appointment under subs. (1) and (2) shall be made as provided in those subsections but the judges shall not remove the register in probate and deputy registers, except through charges for dismissal made and sustained under s. 63.10 or ~~an applicable collective bargaining agreement~~.

SECTION 388. 978.12 (1) (c) of the statutes is amended to read:

978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the director of the office of state employment relations shall estab-

lish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in s. 111.93 (3) (b), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the director of the office of state employment relations.

SECTION 9101. Nonstatutory provisions; Administration.

(1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION. The department of administration shall evaluate the staffing requirements of the Wisconsin employment relations commission and shall submit the report of the evaluation to the joint committee on finance under section 13.10 of the statutes.

(2) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of administration are decreased by 1.0 FED position, funded from the appropriation under section 20.505 (1) (pz) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of administration are decreased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (ka) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, to provide for an unclassified division administrator.

(e) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (5) (ka) of the statutes, to provide for an unclassified division administrator.

SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9108. Nonstatutory provisions; Children and Families.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of children and families are decreased by 1.0 PR position, funded from the appropriation under section 20.437 (3) (k) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of children and families are decreased by 1.85 GPR positions, funded from the appropriation under section 20.437 (3) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(c) The authorized FTE positions for the department of children and families are decreased by 0.15 FED position, funded from the appropriation under section 20.437 (3) (n) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(d) The authorized FTE positions for the department of children and families are increased by 1.0 PR position, funded from the appropriation under section 20.437 (3) (k) of the statutes, to provide for an unclassified division administrator.

(e) The authorized FTE positions for the department of children and families are increased by 1.85 GPR positions, funded from the appropriation under section 20.437 (3) (a) of the statutes, to provide for additional unclassified division administrators.

(f) The authorized FTE positions for the department of children and families are increased by 0.15 FED position, funded from the appropriation under section 20.437 (3) (n) of the statutes, to provide for an unclassified division administrator.

SECTION 9111. Nonstatutory provisions; Corrections.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of corrections are decreased by 3.0 GPR positions, funded from the appropriation under section 20.410 (1) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of corrections are increased by 3.0 GPR positions, funded from the appropriation under section 20.410 (1) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9115. Nonstatutory provisions; Employee Trust Funds.

(1) STATE EMPLOYEE HEALTH CARE COVERAGE.

(a) Notwithstanding section 40.05 (4) (ag) and (c) of the statutes, as affected by this act, beginning with health insurance premiums paid in April 2011, and ending with coverage for December 2011, all of the following shall apply:

1. Employees covered under section 40.05 (4) (ag) 2. of the statutes, as affected by this act, shall pay \$84 a month for individual coverage and \$208 a month for family coverage for health care coverage under any plan offered in the tier with the lowest employee premium cost under section 40.51 (6) of the statutes; \$122 a month for individual coverage and \$307 a month for family coverage for health care coverage under any plan offered in the tier with the next lowest employee premium cost under section 40.51 (6) of the statutes; and \$226 a month for individual coverage and \$567 a month for family coverage for health care coverage under any plan offered in the tier with the highest employee premium cost under section 40.51 (6) of the statutes.

2. Eligible employees covered under section 40.02 (25) (b) 2. of the statutes, as affected by this act, shall pay 50 percent of the amounts required for employees under subdivision 1.

3. Employees covered under section 40.05 (4) (ag) 1. of the statutes, as affected by this act, and craft employees, as defined in section 111.81 (4) of the statutes, and related nonrepresented employees shall pay the same amounts that they are required to pay on the day before the effective date of this subdivision.

(b) If an employer is unable to modify payroll procedures in sufficient time to collect employees' increased share of the premium costs for health care coverage under paragraph (a), the employer shall recover all amounts that employees owe for the increased share of premium costs before July 1, 2011.

(2) EMPLOYER AND EMPLOYEE REQUIRED CONTRIBUTIONS FOR 2011. Notwithstanding the employer and employee required contributions rates established for 2011 under section 40.05 (1) and (2), 2009 stats., beginning on the first day of the first pay period after March 13, 2011, the employee required contributions under section 40.05 (1) (a) of the statutes, as affected by this act, shall be in effect for the remainder of 2011, and the employer required contributions under section 40.05 (2) of the statutes shall be adjusted to reflect the increases in employee required contributions for the remainder of 2011. If an employer is unable to modify payroll procedures in sufficient time to collect the increased employee required contributions before the first day of the first pay period after March 13, 2011, the employer shall recover all amounts that employees owe before July 1, 2011.

(3) AGREEMENTS TO MODIFY GROUP INSURANCE COVERAGE FOR STATE EMPLOYEES. Section 40.03 (6) (c) of the

statutes shall not apply to any agreements entered into by the group insurance board to modify group insurance coverage for the 2012 and 2013 calendar years.

(4) REDUCTIONS IN HEALTH CARE PREMIUM COSTS FOR HEALTH CARE COVERAGE DURING 2012 CALENDAR YEAR. The group insurance board shall design health care coverage plans for the 2012 calendar year that, after adjusting for any inflationary increase in health benefit costs, as determined by the group insurance board, reduces the average premium cost of plans offered in the tier with the lowest employee premium cost under section 40.51 (6) of the statutes by at least 5 percent from the cost of such plans offered during the 2011 calendar year. The group insurance board shall include copayments in the health care coverage plans for the 2012 calendar year and may require health risk assessments for state employees and participation in wellness or disease management programs.

SECTION 9117. Nonstatutory provisions; Financial Institutions.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of financial institutions are decreased by 2.0 PR positions, funded from the appropriation under section 20.144 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of financial institutions are increased by 2.0 PR positions, funded from the appropriation under section 20.144 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9121. Nonstatutory provisions; Health Services.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of health services are decreased by 1.0 FED position, funded from the appropriation under section 20.435 (8) (pz) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of health services are decreased by 2.0 GPR positions, funded from the appropriation under section 20.435 (8) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(c) The authorized FTE positions for the department of health services are increased by 1.0 FED position, funded from the appropriation under section 20.435 (8) (pz) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of health services are increased by 2.0 GPR positions, funded from the appropriation under section 20.435 (8)

(a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9125. Nonstatutory provisions; Insurance.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the office of the commissioner of insurance are decreased by 2.0 PR positions, funded from the appropriation under section 20.145 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the office of the commissioner of insurance are increased by 2.0 PR positions, funded from the appropriation under section 20.145 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9129. Nonstatutory provisions; Justice.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of justice are decreased by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of justice are decreased by 1.0 GPR position, funded from the appropriation under section 20.455 (3) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of justice are increased by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of the statutes, to provide for an additional unclassified division administrator.

(d) The authorized FTE positions for the department of justice are increased by 1.0 GPR positions, funded from the appropriation under section 20.455 (3) (a) of the statutes, to provide for an additional unclassified division administrator.

SECTION 9132. Nonstatutory provisions; Local Government.

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection:

1. "General municipal employee" has the meaning given in section 111.70 (1) (fm) of the statutes, as created by this act.

2. "School district employee" has the meaning given in section 111.70 (1) (ne) of the statutes.

(b) Each collective bargaining unit under subchapter IV of chapter 111 of the statutes, as affected by this act, containing general municipal employees who are subject to an extension of their collective bargaining agreement shall have their collective bargaining agreement terminated as soon as legally possible and shall vote to certify

or decertify their representatives as provided in section 111.70 (4) (d) 3. b. of the statutes, as created by this act. Notwithstanding the date provided under section 111.70 (4) (d) 3. b. of the statutes, as created by this act, the vote shall be held in April 2011.

SECTION 9135. Nonstatutory provisions; Natural Resources.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of natural resources are decreased by 1.0 SEG position, funded from the appropriation under section 20.370 (1) (mu) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of natural resources are decreased by 2.0 SEG positions, funded from the appropriation under section 20.370 (8) (mu) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(c) The authorized FTE positions for the department of natural resources are increased by 1.0 SEG position, funded from the appropriation under section 20.370 (1) (mu) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions, funded from the appropriation under section 20.370 (8) (mu) of the statutes, to provide for additional unclassified division administrators.

SECTION 9139. Nonstatutory provisions; Public Service Commission.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the public service commission are decreased by 3.0 PR positions, funded from the appropriation under section 20.155 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the public service commission are increased by 3.0 PR positions, funded from the appropriation under section 20.155 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9140. Nonstatutory provisions; Regulation and Licensing.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of regulation and licensing are decreased by 2.0 PR positions, funded from the appropriation under section 20.165 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of regulation and licensing are increased by 2.0 PR positions, funded from the appropriation under section

20.165 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9141. Nonstatutory provisions; Revenue.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of revenue are decreased by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of revenue are decreased by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of revenue are increased by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of the statutes, to provide for additional unclassified division administrators.

(d) The authorized FTE positions for the department of revenue are increased by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of the statutes, to provide for an unclassified division administrator.

SECTION 9143. Nonstatutory provisions; State Employment Relations, Office of.

(1) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of any collective bargaining agreement between the state and a labor organization representing employees in a collective bargaining unit under section 111.825 (1) or (2) of the statutes, as affected by this act, the director of the office of state employment relations may continue to administer those provisions of the collective bargaining agreements that the director determines necessary for the orderly administration of the state civil services system until the compensation plan under section 230.12 of the statutes is established for the 2011-13 fiscal biennium.

(2) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the office of state employment relations are decreased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the office of state employment relations are increased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) of the statutes, to provide for an unclassified division administrator.

SECTION 9147. Nonstatutory provisions; Tourism.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of tourism are decreased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of tourism are increased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of the statutes, to provide for an unclassified division administrator.

SECTION 9148. Nonstatutory provisions; Transportation.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of transportation are decreased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of transportation are increased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) of the statutes, to provide for additional unclassified division administrators.

SECTION 9151. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Board.

(1) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date of this subsection any contractual services agreement between the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority under section 233.04 (4) of the statutes is terminated.

(2) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. On the effective date of this subsection, all employees of the University of Wisconsin Hospitals and Clinics Board are transferred to the University of Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals and Clinics Authority shall adhere to the terms of any collective bargaining agreement covering the employees that is in force on the effective date of this subsection, including specifically terms relating to employer payment of any employee required contributions under the Wisconsin Retirement System and employer payment of any health insurance premiums on behalf of employees. Upon termination of the collective bargaining agreement, the University of Wisconsin Hospitals and Clinics Authority shall establish the compensation and benefits of the employees under section 233.10 (2) of the statutes.

SECTION 9154. Nonstatutory provisions; Workforce Development.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of workforce development are decreased by 2.0 PR positions, funded from the appropriation under section

20.445 (1) (kc) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of workforce development are increased by 2.0 PR positions, funded from the appropriation under section 20.445 (1) (kc) of the statutes, to provide for additional unclassified division administrators.

SECTION 9155. Nonstatutory provisions; Other.

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection, “general employee” has the meaning given in section 111.81 (9g) of the statutes, as created by this act.

(b) Each collective bargaining unit under subchapter V of chapter 111 of the statutes, as affected by this act, containing general employees shall vote to certify or decertify their representatives as provided in section 111.83 (3) (b) of the statutes, as created by this act. Notwithstanding the date provided under section 111.83 (3) (b) of the statutes, as created by this act, the vote shall be held in April 2011.

(2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL PROPERTY, AND CONTRACTS.

(a) On the effective date of this paragraph, the assets and liabilities of the Wisconsin Quality Home Care Authority shall become the assets and liabilities of the department of health services.

(b) On the effective date of this paragraph, all tangible personal property, including records, of the Wisconsin Quality Home Care Authority is transferred to the department of health services.

(c) All contracts entered into by the Wisconsin Quality Home Care Authority in effect on the effective date of this paragraph remain in effect and are transferred to the department of health services. The department of health services shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of health services to the extent allowed under the contract.

SECTION 9208. Fiscal changes; Children and Families.

(1) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of children and families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011, \$2,011,200 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009–11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

SECTION 9219. Fiscal changes; Governor.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the governor shall take actions to ensure that from general purpose revenue appropriations to the office of the governor under section 20.525 of the statutes an amount equal to \$37,500 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9221. Fiscal changes; Health Services.

(1) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of health services under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011, \$4,500,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009-11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

(2) COMMUNITY AIDS APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by \$3,100,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

SECTION 9227. Fiscal changes; Joint Committee on Finance.

(1) FEDERAL PROGRAM SUPPLEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (m) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by \$37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for supplementing federal earned income tax credit payments.

(2) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by \$4,590,400 for the second fiscal year of the fiscal biennium in which this subsection takes effect to reduce expenditures for the purpose for which the appropriation is made.

SECTION 9230. Fiscal changes; Legislature.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009-11 FISCAL BIENNIUM.

(a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the cochairpersons of the

joint committee on legislative organization shall take actions to ensure that from general purpose revenue appropriations to the legislature under section 20.765 of the statutes an amount equal to \$717,700 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

(b) The amount lapsed under paragraph (a) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416f.

SECTION 9245. Fiscal changes; Supreme Court.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the chief justice of the supreme court shall take actions to ensure that from general purpose revenue appropriations to the judicial branch of government under subchapter VII of chapter 20 of the statutes an amount equal to \$1,153,400 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9255. Fiscal changes; Other.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009-11 FISCAL BIENNIUM.

(a) In this subsection, "state agency" means any office, department, or independent agency in the executive branch of state government.

(b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the secretary of administration shall lapse to the general fund, from the unencumbered balances of general purpose revenue and program revenue appropriations to state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$27,891,400.

(c) The amount lapsed under paragraph (b) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416d.

(d) The secretary of administration may not lapse moneys under paragraph (b) if the lapse would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse would violate the federal or state constitution. The secretary also may not lapse any amount from program revenue appropriations under section 20.285 of the statutes.

SECTION 9315. Initial applicability; Employee Trust Funds.

(1) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b) 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115 (1) of this act first apply to employees who are covered by a collective bargaining agreement that contains provisions inconsistent with those sections on the day on

which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(2) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n), 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2) of this act first apply to employees who are covered by a collective bargaining agreement that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(3) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

(a) Except as provided in paragraph (b), for elected officials, as defined in section 40.02 (24) of the statutes, who are participating employees in the Wisconsin retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is performed on the first day of a term of office that begins after the effective date of this paragraph.

(b) For supreme court justices, court of appeals judges, and circuit court judges, who are participating employees in the Wisconsin retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is performed on the day on which the next supreme court justice, court of appeals judge, or circuit court judge assumes office after the effective date of this paragraph.

SECTION 9332. Initial applicability; Local Government.

(1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508, 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fn), (j), (mm), (n), and (nm), (2), (3) (a) 3., 4., 5., 6., 7., and 9. and (b) 6., (3g), (3m), (3p), (4) (intro.), (c) (title), 1., 2., 3., and 4., (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc) (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a), 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5), 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes, and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees who are covered by a collective bargaining agreement under subchapter IV of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(2) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section 66.0509 (1m) of the statutes first applies on the first day of the 4th month beginning after the effective date of this subsection.

SECTION 9355. Initial applicability; Other.

(1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

(a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68), 111.80, 111.81 (1), (3h), (3n), (7) (g), (gm), (h), and (i), (9), (9g), (9k), (12) (intro.), (12m), (15r), and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3), 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b) and (2m), 118.40 (2r) (b) 3. a., 146.59, 230.10 (1), 230.34 (1) (ar), 230.35 (1s), and 978.12 (1) (c) of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3) of the statutes, the renumbering and amendment of sections 111.92 (3) and 111.93 (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93 (3) (b) of the statutes first apply to employees who are covered by a collective bargaining agreement under subchapter V of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96, 16.50 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c), 40.02 (25) (b) 8., 40.05 (4) (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95 (1) (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2., 3., and 4. and (b) 1., (7m), (9m), and (10m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i), 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2), 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2) (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.), (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m) and subchapter VI of chapter 111 of the statutes first applies to employees who are covered by a collective bargaining agreement under subchapter I or VI of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

SECTION 9421. Effective dates; Health Services.

(1q) MEDICAL ASSISTANCE PROGRAM CHANGES. The treatment of sections 49.45 (8) (b) (by SECTION 106), (8) (c) (by SECTION 108), (8r) (by SECTION 110), (8v) (by SECTION 112), (18) (ac) (by SECTION 114), (18) (ag) (intro.) (by SECTION 116), (18) (b) (intro.) (by SECTION 118), (18) (d) (by SECTION 120), (23) (a) (by SECTION 122), (23) (b) (by SECTION 124), (24g) (c) (by SECTION

2011 Wisconsin Act 10

126), (24r) (a) (by SECTION 128), (24r) (b) (by SECTION 130), (25g) (c) (by SECTION 132), (27) (by SECTION 134), and (39) (b) 1. (by SECTION 136), 49.46 (2) (a) (intro.) (by SECTION 140) and (2) (b) (intro.) (by SECTION 142), 49.465 (2) (intro.) (by SECTION 144), 49.47 (4) (a) (intro.) (by SECTION 146) and (6) (a) (intro.) (by SECTION 152),

49.472 (3) (intro.) (by SECTION 156) and (4) (b) (intro.) (by SECTION 158), 49.473 (2) (intro.) (by SECTION 160) and (5) (by SECTION 162) of the statutes and the repeal of sections 49.45 (2m), (3) (n), and (6m) (n), 49.46 (1) (n), 49.47 (5) (c), and 49.471 (13) of the statutes take effect on January 1, 2015.
