



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2149/1
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2021 SENATE BILL 404

June 10, 2021 - Introduced by Senators AGARD, CARPENTER, BEWLEY, ROYS, RINGHAND, LARSON and ERPENBACH, cosponsored by Representatives SUBECK, S. RODRIGUEZ, MILROY, BROSTOFF, HEBL, SHELTON, POPE, CONLEY, BALDEH, HESSELBEIN, DOYLE, GOYKE, NEUBAUER, VRUWINK, B. MEYERS, VINING, BILLINGS, MCGUIRE, ANDERSON, SHANKLAND, SNODGRASS, CONSIDINE, SPREITZER, RIEMER, CABRERA, STUBBS, HINTZ, DRAKE, SINICKI, HONG, ORTIZ-VELEZ, EMERSON, L. MYERS, ANDRACA and HAYWOOD. Referred to Committee on Labor and Regulatory Reform.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 111.04 (2); *to renumber and amend* 111.02 (7) (a), 111.115
2 (1) and 111.17; *to amend* 40.02 (25) (b) 8., 40.05 (4) (b), 40.05 (5) (intro.), 40.05
3 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 111.02 (1), 111.02 (3), 111.02 (5), 111.04 (3) (a)
4 (intro.), 111.05 (1), 111.05 (2), 111.05 (3), 111.05 (3m), 111.06 (1) (c), 111.06 (1)
5 (d), 111.06 (1) (e), 111.06 (1) (i), 111.06 (2) (i), 111.115 (title), 233.03 (7) and
6 233.10 (2) (intro.); and *to create* 20.921 (1) (a) 2g., 111.02 (4m), 111.02 (7) (a)
7 2., 111.02 (9m), 111.02 (10m), 111.05 (5), 111.06 (1) (cm), 111.06 (1) (m), 111.075,
8 111.115 (1) (a), 111.115 (2), 111.13, 111.17 (2), 233.04 (2e), 233.04 (2m) and
9 233.04 (2s) of the statutes; **relating to:** collective bargaining for employees of
10 the University of Wisconsin Hospitals and Clinics Authority.

Analysis by the Legislative Reference Bureau

This bill allows employees of the University of Wisconsin Hospitals and Clinics Authority to collectively bargain over wages, hours, and conditions of employment. Under current law, employers and employees are prohibited from collective bargaining except as expressly provided in the statutes.

Prior to changes made by 2011 Wisconsin Act 10, employees of the UWHCA had the right to collectively bargain over wages, hours, and conditions of employment,

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and UWHCA was required to bargain over those subjects. The bill restores those rights and also authorizes UWHCA employees to enter into maintenance of membership agreements.

Current right-to-work law prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization. The bill removes these prohibitions with respect to employees of the UWHCA.

The bill also does the following:

1. Sets conditions under which the UWHCA may enter into an all-union agreement.

2. Provides that, when an all-union agreement between the UWHCA and the representative of a collective bargaining unit is in effect, it is not an unfair labor practice to deduct labor organization dues or assessments from an employee's earnings.

3. Sets conditions for the continuation or termination of all-union agreements, including that, if the Wisconsin Employment Relations Commission determines there is reasonable grounds to believe employees in an all-union agreement have changed their attitude about the agreement, WERC is required to conduct a referendum to determine whether the employees wish to continue the agreement. WERC is required to terminate an all-union agreement if it finds the union unreasonably refused to admit an employee into the union.

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

1 **SECTION 1.** 20.921 (1) (a) 2g. of the statutes is created to read:

2 20.921 (1) (a) 2g. If the employee is an employee of the University of Wisconsin
3 Hospitals and Clinics Authority, payment of dues to employee organizations.

4 **SECTION 2.** 40.02 (25) (b) 8. of the statutes is amended to read:

5 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
6 under a collective bargaining agreement pursuant to subch. I or V of ch. 111 or under
7 s. 230.12 or 233.10.

8 **SECTION 3.** 40.05 (4) (b) of the statutes is amended to read:

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1 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
2 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
3 and subch. I or V of ch. 111 of any eligible employee shall, at the time of death, upon
4 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
5 or upon termination of creditable service and qualifying as an eligible employee
6 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
7 he or she received while employed by the state, to credits for payment of health
8 insurance premiums on behalf of the employee or the employee's surviving insured
9 dependents. Any supplemental compensation that is paid to a state employee who
10 is classified under the state classified civil service as a teacher, teacher supervisor,
11 or education director for the employee's completion of educational courses that have
12 been approved by the employee's employer is considered as part of the employee's
13 basic pay for purposes of this paragraph. The full premium for any eligible employee
14 who is insured at the time of retirement, or for the surviving insured dependents of
15 an eligible employee who is deceased, shall be deducted from the credits until the
16 credits are exhausted and paid from the account under s. 40.04 (10), and then
17 deducted from annuity payments, if the annuity is sufficient. The department shall
18 provide for the direct payment of premiums by the insured to the insurer if the
19 premium to be withheld exceeds the annuity payment. Upon conversion of an
20 employee's unused sick leave to credits under this paragraph or par. (bf), the
21 employee or, if the employee is deceased, the employee's surviving insured
22 dependents may initiate deductions from those credits or may elect to delay
23 initiation of deductions from those credits, but only if the employee or surviving
24 insured dependents are covered by a comparable health insurance plan or policy
25 during the period beginning on the date of the conversion and ending on the date on

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1 which the employee or surviving insured dependents later elect to initiate
2 deductions from those credits. If an employee or an employee's surviving insured
3 dependents elect to delay initiation of deductions from those credits, an employee or
4 the employee's surviving insured dependents may only later elect to initiate
5 deductions from those credits during the annual enrollment period under par. (be).
6 A health insurance plan or policy is considered comparable if it provides hospital and
7 medical benefits that are substantially equivalent to the standard health insurance
8 plan established under s. 40.52 (1).

9 **SECTION 4.** 40.05 (5) (intro.) of the statutes is amended to read:

10 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
11 continuation insurance provided under subch. V the employee shall pay the amount
12 remaining after the employer has contributed the following or, if different, the
13 amount determined under a collective bargaining agreement under subch. I or V of
14 ch. 111 or s. 230.12 or 233.10:

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

16 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
17 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
18 and subch. I or V of ch. 111.

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

20 40.05 (6) (a) Except as otherwise provided in accordance with a collective
21 bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10, each
22 insured employee under the age of 70 and annuitant under the age of 65 shall pay
23 for group life insurance coverage a sum, approved by the group insurance board,
24 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
25 based upon the last amount of insurance in force during the month for which

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1 earnings are paid. The equivalent premium may be fixed by the group insurance
2 board if the annual compensation is paid in other than 12 monthly installments.

3 **SECTION 7.** 40.62 (2) of the statutes is amended to read:

4 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
5 of the department, any collective bargaining agreement under subch. I or V of ch. 111,
6 and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2), 233.10,
7 238.04 (8), 757.02 (5) and 978.12 (3).

8 **SECTION 8.** 111.02 (1) of the statutes is amended to read:

9 111.02 (1) "All-union agreement" means an agreement between an employer
10 other than the University of Wisconsin Hospitals and Clinics Authority and the
11 representative of the employer's employees in a collective bargaining unit whereby
12 all or any of the employees in such unit are required to be members of a single labor
13 organization.

14 **SECTION 9.** 111.02 (3) of the statutes is amended to read:

15 111.02 (3) "Collective bargaining unit" means all of the employees of one
16 employer, employed within the state, except as provided in s. 111.05 (5) and except
17 that where a majority of the employees engaged in a single craft, division,
18 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
19 constitute such group a separate bargaining unit they shall be so considered, but, in
20 appropriate cases, and to aid in the more efficient administration of this subchapter,
21 the commission may find, where agreeable to all parties affected in any way thereby,
22 an industry, trade or business comprising more than one employer in an association
23 in any geographical area to be a "collective bargaining unit". A collective bargaining
24 unit thus established by the commission shall be subject to all rights by termination
25 or modification given by this subchapter in reference to collective bargaining units

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1 otherwise established under this subchapter. Two or more collective bargaining
2 units may bargain collectively through the same representative where a majority of
3 the employees in each separate unit have voted by secret ballot as provided in s.
4 111.05 (2) so to do.

5 **SECTION 10.** 111.02 (4m) of the statutes is created to read:

6 111.02 (4m) “Confidential authorization card” means a signed card that
7 employees of the University of Wisconsin Hospitals and Clinics Authority complete
8 to indicate their preferences regarding collective bargaining. An employee’s
9 preferences indicated on the confidential authorization card shall be held
10 confidential to only the employee and the commission in certifying results, as
11 applicable.

12 **SECTION 11.** 111.02 (5) of the statutes is amended to read:

13 111.02 (5) The term “election” shall mean a proceeding in which the employees
14 in a collective bargaining unit cast a secret ballot or submit a confidential
15 authorization card for collective bargaining representatives or for any other purpose
16 specified in this subchapter and shall include elections conducted by the commission,
17 or, unless the context clearly indicates otherwise, by any tribunal having competent
18 jurisdiction or whose jurisdiction was accepted by the parties.

19 **SECTION 12.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
20 and amended to read:

21 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
22 an employee, and includes ~~a~~ all of the following:

23 1. A person acting on behalf of an employer within the scope of his or her
24 authority, express or implied.

25 **SECTION 13.** 111.02 (7) (a) 2. of the statutes is created to read:

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1 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

2 **SECTION 14.** 111.02 (9m) of the statutes is created to read:

3 111.02 (9m) "Maintenance of membership agreement" means an agreement
4 under s. 111.13 (2).

5 **SECTION 15.** 111.02 (10m) of the statutes is created to read:

6 111.02 (10m) "Referendum" means a proceeding conducted by the commission
7 in which employees of the University of Wisconsin Hospitals and Clinics Authority
8 in a collective bargaining unit may cast a secret ballot on the question of directing
9 the labor organization and the employer to enter into a maintenance of membership
10 agreement or to terminate such an agreement.

11 **SECTION 16.** 111.04 (2) of the statutes is repealed.

12 **SECTION 17.** 111.04 (3) (a) (intro.) of the statutes is amended to read:

13 111.04 (3) (a) (intro.) ~~No~~ Except as provided in ss. 111.05 (5), 111.075, and
14 111.13, no person may require, as a condition of obtaining or continuing employment,
15 an individual to do any of the following:

16 **SECTION 18.** 111.05 (1) of the statutes is amended to read:

17 111.05 (1) Representatives chosen for the purposes of collective bargaining by
18 a majority of the employees voting or, for employees of the University of Wisconsin
19 Hospitals and Clinics Authority, submitting confidential authorization cards in a
20 collective bargaining unit shall be the exclusive representatives of all of the
21 employees in such unit for the purposes of collective bargaining, provided that any
22 individual employee or any minority group of employees in any collective bargaining
23 unit shall have the right at any time to present grievances to their employer in person
24 or through representatives of their own choosing, and the employer shall confer with
25 them in relation thereto.

SENATE BILL 404**SECTION 19**

1 **SECTION 19.** 111.05 (2) of the statutes is amended to read:

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

8 **SECTION 20.** 111.05 (3) of the statutes is amended to read:

9 111.05 (3) Whenever a question arises concerning the representation of
10 employees in a collective bargaining unit the commission shall determine the
11 representatives thereof by taking a secret ballot of employees or, for employees of the
12 University of Wisconsin Hospitals and Clinics Authority, by collecting confidential
13 authorization cards and certifying in writing the results thereof to the interested
14 parties and to their employer or employers. There shall be included on any ballot or
15 confidential authorization card for the election of representatives the names of all
16 persons submitted by an employee or group of employees participating in the
17 election, except that the commission may, in its discretion, exclude from the ballot
18 or confidential authorization card a person who, at the time of the election, stands
19 deprived of the person's rights under this subchapter by reason of a prior
20 adjudication of the person's having engaged in an unfair labor practice. The ballot
21 or confidential authorization card shall be so prepared as to permit of a vote against
22 representation by anyone named on the ballot or confidential authorization card.
23 The commission's certification of the results of any election shall be conclusive as to
24 the findings included therein unless reviewed in the same manner as provided by s.
25 111.07 (8) for review of orders of the commission.

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1 **SECTION 21.** 111.05 (3m) of the statutes is amended to read:

2 111.05 **(3m)** Whenever an election has been conducted pursuant to sub. (3) in
3 which the name of more than one proposed representative appears on the ballot or
4 confidential authorization card and results in no conclusion, the commission may, in
5 its discretion, if requested by any party to the proceeding within 30 days from the
6 date of the certification of the results of such election, conduct a runoff election. In
7 such runoff election, the commission may drop from the ballot or confidential
8 authorization card the name of the representative that received the least number of
9 votes at the original election, or the privilege of voting against any representative
10 when the least number of votes cast at the first election was against representation
11 by any named representative.

12 **SECTION 22.** 111.05 (5) of the statutes is created to read:

13 111.05 **(5)** (a) 1. Collective bargaining units for representation of the employees
14 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
15 for employees engaged in each of the following functions:

16 a. Clerical and related.

17 b. Blue collar and nonbuilding trades.

18 c. Building trades crafts.

19 d. Security and public safety.

20 e. Technical.

21 f. Fiscal and staff services.

22 g. Patient care.

23 h. Science.

24 2. Collective bargaining units for representation of the employees of the
25 University of Wisconsin Hospitals and Clinics Authority who are engaged in a

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1 function not specified in subd. 1. shall be determined in the manner provided in this
2 section. The creation of any collective bargaining unit for the employees is subject
3 to approval of the commission. The commission may not allow fragmentation of the
4 collective bargaining units or creation of any collective bargaining unit that is too
5 small to provide adequate representation of employees. In approving the collective
6 bargaining units, the commission shall give primary consideration to the authority's
7 need to fulfill its statutory obligation.

8 (b) If a single representative is certified to represent more than one of the
9 collective bargaining units specified in par. (a) 1. or 2., that representative and the
10 University of Wisconsin Hospitals and Clinics Authority may jointly agree to
11 combine the collective bargaining units, subject to the right of the employees in any
12 of the collective bargaining units that were combined to petition for a card collection
13 under sub. (3). An agreement under this paragraph is effective upon written notice
14 of the agreement by the parties to the commission and terminates upon written
15 notice of the termination by the parties to the commission or upon decertification of
16 the representative entering into the agreement as representative of one of the
17 combined collective bargaining units, whichever occurs first.

18 (c) The commission shall establish a procedure whereby employees of the
19 University of Wisconsin Hospitals and Clinics Authority may determine whether to
20 form themselves into collective bargaining units under par. (a) 1. or 2. by confidential
21 authorization cards in lieu of secret ballots. The procedure shall provide that once
22 a majority of employees have indicated their preference on the confidential
23 authorization cards to form themselves into a collective bargaining unit under par.
24 (a) 1. or 2., the collective bargaining unit is established. The procedure shall provide
25 all of the following:

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1 1. A review of the confidential authorization cards submitted in support of a
2 claim to represent a majority of the employees of a collective bargaining unit.

3 2. A comparison of the employee list provided by the University of Wisconsin
4 Hospitals and Clinics Authority to the commission and to the collective bargaining
5 unit under s. 233.04 (2m) at least 7 days before the scheduled count of the
6 confidential authorization cards.

7 (d) If a majority of the employees under par. (c) have designated a
8 representative as their collective bargaining unit representative, the commission
9 shall certify that representative of the collective bargaining unit.

10 **SECTION 23.** 111.06 (1) (c) of the statutes is amended to read:

11 111.06 (1) (c) To encourage or discourage membership in any labor
12 organization, employee agency, committee, association, or representation plan by
13 discrimination in regard to hiring, tenure, or other terms or conditions of
14 employment in a collective bargaining unit where an all-union agreement or
15 maintenance of membership agreement is in effect as provided in s. 111.13.

16 **SECTION 24.** 111.06 (1) (cm) of the statutes is created to read:

17 111.06 (1) (cm) To explicitly or implicitly encourage or discourage membership
18 in a collective bargaining unit that represents employees of the University of
19 Wisconsin Hospitals and Clinics Authority. It is not an unfair labor practice for the
20 University of Wisconsin Hospitals and Clinics Authority and a collective bargaining
21 unit that represents employees of the University of Wisconsin Hospitals and Clinics
22 Authority to issue joint statements regarding collective bargaining activities of the
23 authority and the representatives.

24 **SECTION 25.** 111.06 (1) (d) of the statutes is amended to read:

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

9 **SECTION 26.** 111.06 (1) (e) of the statutes is amended to read:

10 111.06 (1) (e) To bargain collectively with the representatives of less than a
11 majority of the employer's employees in a collective bargaining unit, or, except as
12 provided in s. 111.13, to enter into an all-union agreement.

13 **SECTION 27.** 111.06 (1) (i) of the statutes is amended to read:

14 111.06 (1) (i) To deduct labor organization dues or assessments from an
15 employee's earnings, unless the employer has been presented with an individual
16 order therefor, signed by the employee personally, and terminable by the employee
17 giving to the employer at least 30 days' written notice of the termination or unless
18 there is an all-union agreement or maintenance of membership agreement in effect
19 as provided in s. 111.13. This paragraph applies to the extent permitted allowed
20 under federal law.

21 **SECTION 28.** 111.06 (1) (m) of the statutes is created to read:

22 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
23 provided in s. 111.115 (2).

24 **SECTION 29.** 111.06 (2) (i) of the statutes is amended to read:

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1 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
2 in s. 111.115 (2) or (3).

3 **SECTION 30.** 111.075 of the statutes is created to read:

4 **111.075 Maintenance of membership agreements. (1)** This section only
5 applies to collective bargaining units comprised of employees of the University of
6 Wisconsin Hospitals and Clinics Authority.

7 **(1m)** (a) No maintenance of membership agreement may become effective
8 unless authorized by a referendum. The commission shall order a referendum
9 whenever it receives a petition supported by proof that at least 30 percent of the
10 employees in a collective bargaining unit desire that a maintenance of membership
11 agreement be entered into between the employer and a labor organization. A petition
12 may specify that a referendum is requested on a maintenance of membership
13 agreement only, in which case the ballot is limited to that question.

14 (b) For a maintenance of membership agreement to be authorized, at least a
15 majority of the eligible employees voting in a referendum must vote in favor of the
16 agreement.

17 (c) If a maintenance of membership agreement is authorized in a referendum,
18 the employer shall enter into an agreement with the labor organization named on the
19 ballot in the referendum. Each maintenance of membership agreement must
20 contain a provision requiring the employer to deduct the amount of dues as certified
21 by the labor organization from the earnings of the employees affected by the
22 agreement and to pay the amount deducted to the labor organization. Unless the
23 parties agree to an earlier date, the agreement takes effect 60 days after the
24 commission certifies that the referendum vote authorized the agreement. The
25 employer is held harmless against any claims, demands, suits, and other forms of

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1 liability made by employees or local labor organizations that may arise for actions
2 taken by the employer in compliance with this section. All lawful claims, demands,
3 suits, and other forms of liability are the responsibility of the labor organization
4 entering into the agreement.

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

11 (2) (a) A maintenance of membership agreement, once authorized, continues
12 in effect, subject to the right of the employer or labor organization to petition the
13 commission to conduct a new referendum. The commission shall conduct a new
14 referendum whenever it receives a petition supported by proof that at least 30
15 percent of the employees in a collective bargaining unit desire that the maintenance
16 of membership agreement be discontinued. If, in the referendum, a number that is
17 at least the percentage of eligible voting employees required for initial authorization
18 approve the continuance of the maintenance of membership agreement, the
19 membership is continued in effect, subject to the right of the employer or labor
20 organization to initiate a further vote using the procedure in this subsection. If the
21 continuation of the agreement is not supported in the referendum, the agreement
22 terminates when the collective bargaining agreement terminates or one year from
23 the date of the certification of the results of the referendum, whichever is earlier.

24 (b) The commission shall suspend any maintenance of membership agreement
25 upon conditions and for the time as the commission decides if the commissioner finds

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1 that the labor organization has refused on the basis of race, color, sexual orientation,
2 or creed, to receive as a member any employee in the collective bargaining unit
3 involved, and the agreement is subject to the findings and the orders of the
4 commission. Any party to the agreement or any employee covered by the agreement
5 may come before the commission, as provided in s. 111.07, and petition the
6 commission to make a finding.

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

10 (4) The commission may, under rules adopted for that purpose, appoint as its
11 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
12 conduct the referenda provided for in this section.

13 **SECTION 31.** 111.115 (title) of the statutes is amended to read:

14 **111.115 (title) Notice of certain proposed lockouts or strikes.**

15 **SECTION 32.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and
16 amended to read:

17 111.115 (1) (intro.) In this section, “strike”:

18 (b) “Strike” includes any concerted stoppage of work by employees, and any
19 concerted slowdown or other concerted interruption of operations or services by
20 employees, or any concerted refusal of employees to work or perform their usual
21 duties as employees, for the purpose of enforcing demands upon an employer.

22 **SECTION 33.** 111.115 (1) (a) of the statutes is created to read:

23 111.115 (1) (a) “Lockout” means the barring of one or more employees from their
24 employment in an establishment by an employer as a part of a labor dispute, which
25 is not directly subsequent to a strike or other job action of a labor organization or

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1 group of employees of the employer or which continues or occurs after the
2 termination of a strike or other job action of a labor organization or group of
3 employees of the employer.

4 **SECTION 34.** 111.115 (2) of the statutes is created to read:

5 111.115 (2) If no collective bargaining agreement is in effect between the
6 University of Wisconsin Hospitals and Clinics Authority and the certified
7 representative of employees of that authority in a collective bargaining unit, the
8 employer may not engage in a lockout affecting employees in that collective
9 bargaining unit without first giving 10 days' written notice to the representative of
10 its intention to engage in a lockout, and the representative may not engage in a strike
11 without first giving 10 days' written notice to the employer of its intention to engage
12 in a strike.

13 **SECTION 35.** 111.13 of the statutes is created to read:

14 **111.13 All-union agreements and maintenance of membership**
15 **agreements.** (1) (a) This section only applies to collective bargaining units
16 comprised of employees of the University of Wisconsin Hospitals and Clinics
17 Authority.

18 (b) An employer may enter into an all-union agreement with the voluntarily
19 recognized representative of the employees in a collective bargaining unit where at
20 least a majority of the employees voting have voted affirmatively, by secret ballot, in
21 favor of an all-union agreement in a referendum conducted by the commission,
22 except that, if the bargaining representative has been certified by either the
23 commission or the national labor relations board as the result of a representation
24 election, no referendum is required to authorize the entry into an all-union
25 agreement.

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1 (c) An all-union agreement remains in force, subject to the right of either party
2 to the agreement to petition the commission to conduct a new referendum. If the
3 commission receives a petition and subsequently determines that there are
4 reasonable grounds to believe that the employees concerned have changed their
5 attitude toward the all-union agreement, the commission shall conduct a
6 referendum. If, in the referendum, the support for the continuance of the all-union
7 agreement is at least equal to the support needed for initial authorization, the
8 agreement remains in force, subject to the right to petition for a further vote under
9 this paragraph. If the support for the continuance of the all-union agreement is less
10 than the support needed for initial authorization, the agreement is terminated at the
11 termination of the contract of which it is a part or at the end of one year from the date
12 of the commission's announcement of the referendum results, whichever is earlier.
13 The commission shall terminate any all-union agreement whenever it finds that the
14 labor organization involved has unreasonably refused to receive as a member any
15 employee of such employer, and each all-union agreement is subject to the duty of
16 the commission. Any interested person may come before the commission as provided
17 in s. 111.07 and ask performance of this duty.

18 **(2)** The University of Wisconsin Hospitals and Clinics Authority and a labor
19 organization representing employees of that authority may enter into a maintenance
20 of membership agreement that requires that all of the employees have dues deducted
21 under s. 20.921 (1) or 111.06 (1) (i). Employees whose dues are being deducted from
22 earnings at the time the agreement takes effect shall continue to have dues deducted
23 for the duration of the agreement. Employees who are hired on or after the effective
24 date of the agreement shall have dues deducted upon hiring for the duration of the
25 agreement.

SENATE BILL 404**SECTION 36**

1 **SECTION 36.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended
2 to read:

3 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
4 the provisions of other statutes or laws conflict with the application of the provisions
5 of this subchapter, this subchapter shall prevail, except that in:

6 (1) In any situation where the provisions of this subchapter cannot be validly
7 enforced the provisions of such other statutes or laws shall apply.

8 **SECTION 37.** 111.17 (2) of the statutes is created to read:

9 111.17 (2) All fringe benefits authorized or required to be provided by the
10 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
11 40 shall be governed exclusively by ch. 40, except that where any provision of ch. 40
12 specifically allows a collective bargaining agreement under this subchapter to
13 govern the eligibility for or the application, cost, or terms of a fringe benefit under
14 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
15 benefit under ch. 40 shall be governed by a collective bargaining agreement under
16 this subchapter, a collective bargaining agreement may contain a provision so
17 governing and the provision supersedes any provision of ch. 40 with respect to the
18 employees to whom the agreement applies. The employer is prohibited from
19 engaging in collective bargaining concerning any matter governed exclusively by ch.
20 40 under this subsection.

21 **SECTION 38.** 233.03 (7) of the statutes is amended to read:

22 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
23 9159 (4), and the duty to engage in collective bargaining with employees in a
24 collective bargaining unit for which a representative is certified under subch. I of ch.
25 111, employ any agent, employee or special advisor that the authority finds

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1 necessary and fix his or her compensation and provide any employee benefits,
2 including an employee pension plan.

3 **SECTION 39.** 233.04 (2e) of the statutes is created to read:

4 233.04 (2e) Allow representatives of collective bargaining units representing
5 employees of the authority to present information for at least 30 minutes regarding
6 the collective bargaining units, the selection of representatives, the work of the
7 representatives, and the collective bargaining process at any mandatory orientation
8 session provided by the authority to new employees. The authority shall provide 48
9 hours' notice of such a mandatory orientation session to representatives of each
10 collective bargaining unit that represents employees of the authority.

11 **SECTION 40.** 233.04 (2m) of the statutes is created to read:

12 233.04 (2m) Provide an accurate list of all individuals employed by the
13 authority to the employment relations commission and the representative of a
14 collective bargaining unit when requested by the employment relations commission.

15 **SECTION 41.** 233.04 (2s) of the statutes is created to read:

16 233.04 (2s) Allow representatives of collective bargaining units representing
17 employees of the authority to meet with employees of the authority during nonwork
18 periods in building areas typically used by employees during nonwork periods, such
19 as break rooms, conference rooms, and cafeterias, for organizing activity.
20 Representatives of collective bargaining units representing employees of the
21 authority shall provide notice to the authority of such a meeting at least 8 hours
22 before such a meeting. Not more than 5 representatives of a collective bargaining
23 unit may attend such a meeting.

24 **SECTION 42.** 233.10 (2) (intro.) of the statutes is amended to read:

