

**PROPOSED CHANGES TO MUNICIPAL EMPLOYEE BARGAINING RIGHTS
MUNICIPAL EMPLOYMENT RELATIONS ACT UNDER CH. 111.70 [MERA]**

BANS VIRTUALLY ALL COLLECTIVE BARGAINING: General municipal, county, and school employees (except police and fire), and school boards and local governmental units may only bargain over “total base wages.” Health insurance, pension, vacation, holidays, hours of work and any other conditions of employment (promotions, evaluations, safety, grievance/arbitration procedures and just cause standards for discipline) will be prohibited subjects of bargaining. [Secs. 188 and 223]

- “Total base wages” excludes overtime, premium pay, merit pay, performance pay, supplemental pay, pay schedules and pay progressions. Changes in the total base wages are limited to the amount of any increase or decrease in the consumer price index unless approved by referendum. [Secs. 223 and 305]
- Only teachers who became “permanent employees” as of Dec. 21, 1995 retain just cause protection in Sec. 118.22. [Sec. 304]

ELIMINATES ALL BARGAINING RIGHTS FOR CHILD CARE PROVIDERS: Child care providers are no longer covered by MERA and have no bargaining rights. [Sec. 207]

MUNICIPAL EMPLOYERS ARE PROHIBITED FROM DEDUCTING UNION DUES: General municipal employees cannot be required to pay dues, even to cover the fair share of union representation, i.e. they can be “free-riders.” Municipal employers are prohibited from deducting union dues from *any* general employee paychecks, even for employees who wish to belong to the union representing them. The bill does allow dues deduction and fair share agreements with unions representing police and firefighters. [Secs. 191 and 205]

TERMS OF CONTRACTS: Collective bargaining agreements for general employees may be for only one year and cannot be extended. [Secs. 199 and 216]

ARBITRATION AND CONTRACT ENFORCEMENT: The dispute resolution procedure for contracts is eliminated, including mediation and interest arbitration. [Sec. 214] Grievance arbitration over contract disputes is prohibited and general Wisconsin arbitration statutes are inapplicable to employees covered under MERA. [Secs. 217 and 223]

ANNUAL DECERTIFICATION ELECTION AND TAX ON UNION: A decertification election must be conducted on an annual basis to determine whether a majority of employees still support the union as their bargaining representative. If the union does not receive the support of at least 51% of the entire bargaining unit in any annual election (not just a majority of those voting), the employees will be non-represented for at least a year. [Sec. 220]

The first decertification election in each bargaining unit not covered by a current collective bargaining agreement has to occur by April 2011. The WERC will assess the Union an unspecified fee for conducting each election. [Sec. 9132]

NO LOCAL COLLECTIVE BARGAINING ORDINANCES: The Walker bill prohibits local governments from adopting ordinances or resolutions granting more generous collective bargaining rights for their general employees. [Sec. 151]

EFFECTIVE DATES: The Walker bill would apply to collective bargaining agreements “on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.” [Sec. 9332] Collective bargaining agreements of general municipal employees (not school board employees) who are under extensions of their contracts “shall have their collective bargaining agreements terminated as soon as legally possible.” [Sec. 9132]

**PROPOSED CHANGES TO BARGAINING RIGHTS OF STATE EMPLOYEES
STATE EMPLOYMENT LABOR RELATIONS ACT UNDER CH. 111.80 [SELRA]**

BANS VIRTUALLY ALL COLLECTIVE BARGAINING FOR STATE EMPLOYEES: State employees (except state traffic patrol and motor vehicle inspectors) are prohibited from bargaining anything other than “total base wages.” Health insurance, pension, vacation, holidays, hours of work and any other conditions of employment (promotions, evaluations, safety, grievance/arbitration procedures and just cause standards for discipline) are now prohibited subjects of bargaining. [Sec. 292]

- “Total base wages” do not include overtime, premium pay, merit pay, performance pay, supplemental pay, pay schedules and automatic pay progressions. [Sec. 292] Public safety employees retain collective bargaining rights except the right to bargain over position transfers. [Secs. 281-288]

Ch. 230 now governs the working conditions of all classified staff who were formerly covered by collective bargaining contracts under SELRA. The compensation provisions of 230.10 and 230.12 apply, [Sec. 337] along with hours, leaves of absence and holidays. [Sec. 346-347]

Ch. 230.34 provides a just cause standard in suspension, discharge, and demotion; however, the statutory protections have been less effective than collectively bargained just cause provisions and do not apply to teaching assistants and public defenders.

ELIMINATES ALL COLLECTIVE BARGAINING RIGHTS FOR HOME HEALTH CARE PROVIDERS and UW HOSPITAL AND CLINICS AUTHORITY EMPLOYEES: Home health care providers and UW

Hospital and Clinics Authority Employees are no longer covered by SELRA and have no bargaining rights at all. [Secs. 243 and 257]

- UW Hospitals and Clinics Authority employees covered under WEPA, (represented by AFT-W and SEIU Healthcare Wisconsin), have had their bargaining rights eliminated under that statute. [Sec. 166]

TERMS OF CONTRACTS ARE LIMITED TO ONE YEAR: The terms of collective bargaining agreements for state employees are limited to one year and extensions are prohibited. [Sec. 298]. Public safety employee (state traffic patrol and motor vehicle inspectors) contracts are not limited to one year. [Sec. 297]

ANNUAL DECERTIFICATION ELECTION AND TAX ON UNION: Annually, before December 1, a decertification election must be conducted to determine whether a majority of employees still support the union as their bargaining representative. If the union does not receive the support of at least 51% of the entire bargaining unit in any annual election (not just a majority of those voting), the employees will be non-represented for at least a year. [Sec. 267]

The first decertification election in each bargaining unit has to occur by April 2011. The WERC will assess the Union an unspecified fee for conducting each election. [Sec. 9155]

STATE EMPLOYERS ARE PROHIBITED FROM DEDUCTING UNION DUES: State employers are prohibited from agreeing to deduct union dues from employee paychecks to cover the fair share of union representation. However, the bill continues to allow fair share agreements with unions representing the state traffic patrol and motor vehicle inspectors. [Sec. 276] The bill also bars the state from honoring employee's written requests to deduct dues to employee organizations other than those labor organizations for state traffic patrol and motor vehicle inspectors. [Sec. 65]

EFFECTIVE DATES: The Walker bill would apply to collective bargaining agreements "on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first." [Sec. 9332] If the 2011-2013 state compensation plan has not been established at the time CBAs terminate, OSER may continue to administer "those provisions of the collective bargaining agreements . . . necessary for the orderly administration of the civil services system." [Sec. 9143]

**PROPOSED CHANGES TO WISCONSIN RETIREMENT SYSTEM (WRS)
AND OTHER PROGRAMS ADMINISTERED BY DEPARTMENT
OF EMPLOYEE TRUST FUNDS (DETF) UNDER CH. 40**

REQUIRES HALF OF WRS CONTRIBUTIONS TO COME FROM EMPLOYEE PAYCHECKS: Currently, contributions to the WRS for general employees, including teachers, are comprised of an employer cost (5.1%), a benefit adjustment contribution (1.5%) and an employee cost (5%). Employers may agree to cover all or part of the employee cost and benefit adjustment contribution. The bill eliminates the breakdown and requires employees to contribute “an amount equal to one-half of all actuarially required contributions” out of their paychecks: 5.8% for 2011. Except in the case of public safety employees, the bill forbids employers from covering any part of the employees’ portion.

These changes would take effect the first pay period after March 13, 2011, or upon expiration of an existing collective bargaining agreement. [Secs. 75, 80-87, 9115, and 9315]

SAME FOR MILWAUKEE CITY AND COUNTY EMPLOYEES: Although the City of Milwaukee and Milwaukee County each have their own retirement systems and do not participate in WRS, their general employees will also have to contribute “an amount equal to one-half of all actuarially required contributions” out of their paychecks. The bill forbids the City and County from covering any part of their employees’ portion. [Secs. 148 and 149]

LIMITED TERM EMPLOYEES: The bill would remove limited-term employees (LTEs) employed by the State from eligibility to participate in the State’s group health insurance program. [Sec. 74, 88]

GROUP HEALTH INSURANCE PREMIUMS: Currently state employees and those local government employers participating in State’s group health insurance program must contribute at least 80% of “the average premium cost of plans offered in the tier with the lowest employee premium cost” for full-time employees and UW graduate assistants, and half that amount for part-time employees. The bill replaces this minimum employer contribution with a cap on employer premiums at 88% of that amount for full-time employees, with the director of the OSER to determine the amount to be paid on behalf of part-time employees and UW teaching and graduate assistants. For premiums for April 2011 through December 2011, this results in \$84 individual/\$208 family mthly premium contribution for the lowest employee premium tier; \$122 individual/\$307 family monthly premium for next lowest tier; and \$226 individual/\$567 family for the highest tier.

These changes would take effect the first pay period after March 13, 2011, or upon expiration of an existing collective bargaining agreement. [Sec. 89, 93, 101, 102, 9115, and 9315]

PLANS FOR FUTURE CHANGES TO PENSION AND GROUP HEALTH INSURANCE

- Administration, OCER, and ETF are to study the structure of the WRS and make recommendations by June 30, 2012, including specifically addressing offering a defined contribution plan as an option for participating employees . [Sec. 9115]
- The Group Insurance Board is to design health care coverage plans for the 2012 calendar year to reduce average premium cost of lowest tier plans by least 5 percent; shall require copayments; and may require health risk assessments for state employees and participation in wellness or disease management programs. [Sec. 9115]
- OCER and ETF will be charged with studying the feasibility of offering low-cost health care coverage plan or providing coverage through a high-deductible health plan and the establishment of a health savings account beginning on January 1, 2013. [Sec. 9143]

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