

Conference Substitute Amendment

To Assembly Bill 11

March 9, 2011

Quick Summary of the Bill (as it related to collective bargaining and union workers)

1. Eliminates collective bargaining rights for child care workers where the employer is state, counties, and other administrative entities involved in the regulation and subsidization of child care providers.
2. Eliminates collective bargaining rights for University of Wisconsin Hospitals and Clinics Authority employees. Eliminates the University of Wisconsin Hospitals and Clinics Board.
3. Eliminates collective bargaining rights for home health care workers. Eliminates the Wisconsin Quality Home Care Authority.
4. Eliminates collective bargaining rights for University of Wisconsin system faculty and academic staff.
5. Modifies the Municipal Employment Relations Act (MERA) and the State Employment Labor Relations Act (SELRA) (excluding local public safety employees and state traffic patrol and motor vehicle inspectors) as follows:
 - i. Prohibits bargaining over any factor or condition of employment other than “base wages”. Bargaining over base wages would be limited to increases of no more than the Consumer Price Index (whether the CPI-U is positive or negative), unless approved by referendum.
 - ii. Requires the WERC to conduct annual certification elections for all general municipal (including school districts) and state employee bargaining units. Recertification would require that 51% of bargaining unit employees vote for recertification. The first vote must be conducted in April, 2011. Thereafter, elections would be required for school district and state units no later than December 1 each year and by May 1 for all other municipal bargaining units.
 - iii. Prohibits state and municipal employers from making payroll deductions for labor organization dues.
 - iv. Prohibits state and municipal employers from negotiating “fair share” agreements with any labor organization.
 - v. Repeals all the final and binding interest arbitration provisions of MERA.
 - vi. Repeals the limited right to strike under MERA.
 - vii. Limits all collective bargaining agreements to a term of no more than one year.
 - viii. Repeals the public policy declaration of the MERA and SELRA.
 - ix. Repeals the requirement that the Director of OSER conduct a cost benefit analysis before contracting out bargaining unit work.

- x. Includes the Madison Overture Center (cultural arts district) in the definition of municipal employer under the MERA.

Note: these changes first apply on the day in which the current collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

Also note that under MERA, the definition of "municipal employer" includes school districts and technical colleges, as well as counties, cities, villages and other local units of government.

- 6. Provides that during a state of emergency declared by the Governor, agencies may discharge any state employee that a) fails to report to work for any three working days (if not on an approved leave of absence), or b) participates in a work stoppage, sit-down, stay-in, slowdown, or other concerted activities to interrupt the operations of state government (including mass resignations or sick calls).
- 7. Requires local units of government to adopt a civil service procedure that includes a grievance procedure addressing terminations, discipline, and workplace safety. *The bill does not require the procedure to include any standard of review or provide an appeal process before an independent, neutral authority.*
- 8. Prohibits state and municipal employers (excluding employers of local police, local firefighters, state troopers and state inspectors) from paying all or part of the WRS contributions required of participating employees effective March 13, 2011 (or on the day which the collective bargaining agreement expires or is terminated, extended, modified or renewed). This means that public sector workers (unless excluded) would be required to pay one-half of all actuarially-required WRS contributions (5.8% in 2011). *Note: the same requirement applies to the Milwaukee County retirement system.*
- 9. Prohibits state and municipal employers participating in the state health plan (excluding employers of local police, local firefighters, state troopers and state inspectors) from paying more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium costs (tier 1 plan). Effective April, 2011 for state workers and January 1, 2012 for municipal workers (or on the day which the collective bargaining agreement expires or is terminated, extended, modified or renewed). Also requires the Group Insurance Board (GIB) to lower state health plan premiums by 5% and establish a wellness or disease management program.
- 10. Requires the WRS to study the feasibility of converting the WRS system to a defined contribution plan as an option for participating employees. Requires the OSER Director and Secretary of the ETF to study the feasibility of establishing a high deductible health plan with a health savings account to be included as part of the state health plan.