

## EMPLOYMENT RELATIONS COMMISSION

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY21 Adjusted Base	FY22 Recommended	% Change Over FY21	FY23 Recommended	% Change Over FY22
GPR	920,200	1,266,300	37.6	1,369,200	8.1
PR-O	145,600	145,600	0.0	145,600	0.0
<b>TOTAL</b>	<b>1,065,800</b>	<b>1,411,900</b>	<b>32.5</b>	<b>1,514,800</b>	<b>7.3</b>

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY21 Adjusted Base	FY22 Recommended	FTE Change Over FY21	FY23 Recommended	FTE Change Over FY22
GPR	6.00	9.00	3.00	9.00	0.00
<b>TOTAL</b>	<b>6.00</b>	<b>9.00</b>	<b>3.00</b>	<b>9.00</b>	<b>0.00</b>

### AGENCY DESCRIPTION

The commission consists of a chairperson, appointed by the Governor with the advice and consent of the Senate, for a six-year term.

The commission is charged with administering processes established by the Wisconsin Employment Peace Act, Municipal Employment Relations Act and State Employment Labor Relations Act (Subchapters I, IV and V of Chapter 111, Wisconsin Statutes) to avoid the costly consequences of strikes, lockouts and other interruptions of services and production. The commission's labor relations work includes conducting elections to determine bargaining units and bargaining representatives; issuing decisions regarding unfair labor practice, election, unit clarification and declaratory ruling cases; mediating collective bargaining disputes; and providing arbitration services for grievances arising over the interpretation and application of existing collective bargaining agreements. The commission also issues decisions regarding appeals of certain state personnel actions under s. 230.45(1), Wisconsin Statutes, and provides labor management consensus bargaining training, designed to enable the parties to work together to achieve common goals.

### MISSION

The mission of the commission is to promote peaceful and harmonious labor-management relations by professionally and impartially administering Wisconsin's municipal, state and private sector labor relations statutes to protect and promote the interrelated interests of the public, the employee and the employer. Through its administration of the statutes, the commission aims to provide taxpayers, labor, management and the public with cost-effective services that promote employment peace, employee freedom to choose whether to bargain collectively, uninterrupted production of goods and services, orderly and constructive employment relations, and efficient administration of state and local government.

**PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES**

**Program 1: Labor Relations**

Goal: Promptly, competently and fairly address and resolve the parties' disputes in grievance arbitration, civil service, labor law complaints and election cases.

Objective/Activity: Work toward 100 percent time line compliance for all decisions and awards.

Goal: Delivery of effective mediation services to municipal, state and private sectors.

Objective/Activity: Provide timely and effective mediation services.

**PERFORMANCE MEASURES**

**2019 AND 2020 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2019</b>	<b>Actual 2019</b>	<b>Goal 2020</b>	<b>Actual 2020</b>
1.	Percentage of mediation-type cases closed without interest arbitration award or fact-finding recommendation.	90%	94%	90%	100%
1.	Percentage of cases with internal nonstatutory timelines. Case types include grievance arbitration, an impartial hearing officer, and draft/proposed decisions in elections and statutory civil service appeals.	100%	80%	100%	88%
1.	Percentage of cases with a statutory time line. Case types include statutory civil service appeals and statutory labor relations cases.	100%	97%	100%	100%

Note: Based on fiscal year.

**2021, 2022 AND 2023 GOALS**

<b>Prog. No.</b>	<b>Performance Measure<sup>1</sup></b>	<b>Goal 2021</b>	<b>Goal 2022</b>	<b>Goal 2023</b>
1.	Percentage of mediation-type cases closed without interest arbitration award or fact-finding recommendation.	90%	90%	90%
1.	Percentage of labor relations decisions and drafts issued by attorney-mediator staff, commissioners or commission in compliance with time guidelines. <sup>2</sup>	90%	90%	90%
1.	Percentage of grievance awards issued by attorney-mediator staff and commissioners in compliance with time guidelines.	85%	85%	85%
1.	Percentage of personnel appeals and drafts issued by attorney-mediator staff, commissioners or commission in compliance with time guidelines.	90%	90%	90%
1.	Percentage of cases with internal nonstatutory timelines. Case types include grievance arbitration, an impartial hearing officer, and draft/proposed decisions in elections and statutory civil service appeals.	100%	100%	100%
1.	Percentage of cases with a statutory time line. Case types include statutory civil service appeals and statutory labor relations cases.	100%	100%	100%

Note: Based on fiscal year.

<sup>1</sup>Performance measures and goals have been modified for the upcoming biennium.

<sup>2</sup>Individual staff members may prepare drafts of decisions for the commission, and, in those cases, the staff member's timeliness guideline for the draft is separate from the commission's timeliness guideline for its decision. The agency would like to track its performance more completely by including drafts in those cases as well as decisions.

## **EMPLOYMENT RELATIONS COMMISSION**

### **GOVERNOR'S BUDGET RECOMMENDATIONS**

#### **RECOMMENDATIONS**

1. Collective Bargaining Provisions
2. Local Government Employee Grievance Procedures
3. Retirement Contingency Funding
4. Standard Budget Adjustments

**Table 1**  
**Department Budget Summary by Funding Source (in thousands of dollars)**

	ACTUAL FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	\$816.6	\$920.2	\$943.0	\$944.8	\$1,266.3	\$1,369.2
State Operations	816.6	920.2	943.0	944.8	1,266.3	1,369.2
PROGRAM REVENUE (2)	\$113.5	\$145.6	\$145.6	\$145.6	\$145.6	\$145.6
State Operations	113.5	145.6	145.6	145.6	145.6	145.6
TOTALS - ANNUAL	\$930.0	\$1,065.8	\$1,088.6	\$1,090.4	\$1,411.9	\$1,514.8
State Operations	930.0	1,065.8	1,088.6	1,090.4	1,411.9	1,514.8

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2**  
**Department Position Summary by Funding Source (in FTE positions) (4)**

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	6.00	6.00	6.00	9.00	9.00
TOTALS - ANNUAL	6.00	6.00	6.00	9.00	9.00

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

**Table 3  
Department Budget Summary by Program (in thousands of dollars)**

	ACTUAL FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
1. Labor relations	\$930.0	\$1,065.8	\$1,088.6	\$1,090.4	\$1,411.9	\$1,514.8
TOTALS	\$930.0	\$1,065.8	\$1,088.6	\$1,090.4	\$1,411.9	\$1,514.8

**Table 4  
Department Position Summary by Program (in FTE positions) (4)**

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
1. Labor relations	6.00	6.00	6.00	9.00	9.00
TOTALS	6.00	6.00	6.00	9.00	9.00

(4) All positions are State Operations unless otherwise specified

**1. Collective Bargaining Provisions**

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	212,200	2.00	279,600	2.00
TOTAL	0	0.00	0	0.00	212,200	2.00	279,600	2.00

The Governor recommends modifying current law to expand collective bargaining rights for state and local government employees. The Governor recommends: (a) establishing collective bargaining, mediation and arbitration rights for front-line workers and any other employee in a collective bargaining unit containing a front-line worker; (b) eliminating the required annual recertification requirement for representatives of all bargaining units; (c) requiring a majority vote of all bargaining unit members voting to recertify a representative, as opposed to a majority vote of all a unit's members; and (d) requiring that upon changes in policy impacting wages, working hours or working conditions (and if there are no such changes then on at least a quarterly basis), employers meet and consult with representatives from all bargaining units other than public safety, transit or front-line worker qualified units with collective bargaining rights. Front-line workers are defined as employees with regular job duties that include interacting with members of the public or large populations, or directly involving the maintenance of public works. The Governor also recommends providing 2.0 FTE positions and associated funding to support these provisions.

**2. Local Government Employee Grievance Procedures**

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	111,100	1.00	144,800	1.00
TOTAL	0	0.00	0	0.00	111,100	1.00	144,800	1.00

The Governor recommends modifying the statutes to require local units of government to revise employee grievance procedures to address employee discipline, workplace safety and a just cause standard of review for termination, including a refusal to renew a teaching contract. The Governor also recommends modifying state statutes to require a local government employee grievance procedure to include an impartial hearing from the commission, during which the grievant would be entitled to legal representation. The Governor further recommends providing an additional position and associated funding to support this initiative.

**3. Retirement Contingency Funding**

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	33,700	0.00	33,700	0.00	33,700	0.00	33,700	0.00
TOTAL	33,700	0.00	33,700	0.00	33,700	0.00	33,700	0.00

The Governor recommends providing one-time salary and fringe benefit funding to support current operations due to the anticipated retirement of an experienced attorney.

**4. Standard Budget Adjustments**

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-10,900	0.00	-9,100	0.00	-10,900	0.00	-9,100	0.00
TOTAL	-10,900	0.00	-9,100	0.00	-10,900	0.00	-9,100	0.00

The Governor recommends adjusting the commission's base budget for: (a) full funding of continuing position salaries and fringe benefits (-\$16,400 in each year); (b) reclassifications and semiautomatic pay progression (\$6,600 in each year); and (c) full funding of lease and directed moves costs (-\$1,100 in FY22 and \$700 in FY23).