



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: JOINT COMMITTEE ON EMPLOYMENT RELATIONS (JCOER) MEMBERS
FROM: Terry C. Anderson, Director
RE: Responsibilities of the Joint Committee on Employment Relations
DATE: November 14, 2002

JCOER is composed of the various legislative leaders. This committee is staffed by Bob Conlin, Senior Staff Attorney, in this office, and Terry Rhoades of the Legislative Fiscal Bureau. The following is a summary of the organization, duties, and process of JCOER.

MEMBERSHIP

The membership of the Joint Committee is established by statute. The Joint Committee is composed of the following eight members:

- Speaker of the Assembly and President of the Senate.
- Assembly and Senate majority leaders.
- Assembly and Senate minority leaders.
- Assembly and Senate Co-Chairs of the Joint Committee on Finance.

[s. 13.111, Stats.]

JOINT COMMITTEE'S MAJOR RESPONSIBILITIES

Compensation Plans

The Secretary of the Department of Employment Relations (DER) is required to submit, to the committee, any changes in the following two state employee compensation plans:

- The Compensation Plan for classified and certain unclassified employees, including executive salary group (ESG) employees and elected officials. [s. 230.12 (3) (a), Stats.]

This plan also includes travel, moving, and temporary lodging expenses for state employees and legislative expense allowances (per diems). [ss. 20.916 (8) (b), 20.917 (2) (a), and 20.923 (2) (b), Stats.]

- The compensation and benefit adjustments for faculty, academic staff, and certain University Senior Executive Salary Groups of the University of Wisconsin (UW) System. [s. 230.12 (3) (e), Stats.]

After receiving these proposals from the Secretary, the Joint Committee must hold a public hearing. The Joint Committee may then modify the Secretary's proposed changes; however, any modifications made by the Joint Committee may be disapproved by the Governor within 10 days (presumably, this means within 10 days of the Joint Committee's action). If the Governor disapproves a modification, the Joint Committee may set aside the Governor's disapproval by a vote of six of the Joint Committee's eight members. [s. 230.12 (3) (b) and (e), Stats.]

Provisions of the compensation plans approved by the Joint Committee which require legislative action for implementation, such as changes in fringe benefits and any proposed amendments to the statutes, must be introduced by the Joint Committee in a bill (or companion bills), to be put on the calendar. The bill must be accompanied by a message that the Joint Committee informs the Legislature that the Joint Committee concurs in the matters under consideration and recommends passage of the bill, without change. [s. 230.12 (1) (bf), Stats.]

These bills are not subject to referral to the Joint Committee on Finance or the Joint Survey Committee on Retirement Systems. In addition, the bills are not subject to the prohibition against the passage of any bill increasing or decreasing state revenues by more than \$10,000 before passage of the biennial budget bill. [s. 230.12 (1) (bf), Stats.]

In the odd-numbered years, compensation adjustments contained in the compensation plans may not take effect prior to the enactment of the biennial budget bill. [s. 20.928 (3), Stats.]

Contracts With Represented State Employees*

The DER has the authority to negotiate collective bargaining agreements with unions representing state employees. Thus, the DER has the sole responsibility for making and accepting offers on behalf of the state. However, during this process, the DER is required to maintain close liaison with the Legislature and notify and consult with JCOER. [ss. 111.815 (1) and 111.915, Stats.]

To keep informed regarding the status of collective bargaining, it has been the practice of the Joint Committee to sometimes hold closed meetings, pursuant to s. 19.85 (1) (e), Stats., at which the Committee is briefed by the DER. At the briefings, the Joint Committee has sometimes let the DER know of areas in which the DER should not enter into a tentative agreement without consulting the Joint Committee.

* The procedures described in this section do not apply to employees of the University Hospitals and Clinics Board (UWHCB). Those agreements are negotiated by the UWHCB and the appropriate unions and executed when ratified by the union. [ss. 111.815 (1), 111.825 (1m), and 111.92 (1) (b), Stats.]

Once the DER and a union representing state employees reach tentative agreement, a ratification vote is held by the union. If the union ratifies a tentative agreement, the agreement is then submitted to the Joint Committee for its approval or disapproval. The Joint Committee must hold a public hearing on the agreement before approving or disapproving the agreement. [s. 111.92 (1) (a), Stats.]

The Joint Committee may *not* modify a tentative agreement; it may only approve or not approve an agreement. If the Joint Committee does not approve a tentative agreement, it must be returned to the parties for renegotiation. [s. 111.92 (1) (a), Stats.]

If the Joint Committee approves a tentative agreement, the Committee must introduce a bill (or companion bills) which includes that portion of the agreement which requires legislative action for implementation, such as salary adjustments, changes in fringe benefits, and any proposed amendments to the statutes. Generally, this bill takes the form of a statement that the Legislature ratifies the agreement, as negotiated by the DER and the union and recommended by the Joint Committee. The legislation must be accompanied by a message that the Joint Committee concurs with the matters under consideration and recommends passage of the legislation, without change. [s. 111.92 (1) (a), Stats.]

If the Legislature does not adopt, *without change*, that portion of the tentative agreement introduced by the Joint Committee, the tentative agreement is returned to the parties for renegotiation. [s. 111.92 (1) (a), Stats.]

These bills are not subject to referral to the Joint Committee on Finance or the Joint Survey Committee on Retirement Systems. In addition, the bills are not subject to the prohibition against the passage of any bill increasing or decreasing state revenues by more than \$10,000 before passage of the biennial budget bill. [s. 111.92 (1) (a), Stats.]

In the odd-numbered years, compensation adjustments contained in collective bargaining agreements may not take effect prior to the enactment of the biennial budget bill. [s. 20.928 (3), Stats.]

Division Administrators

Generally, all unclassified division administrator positions in state government are assigned to one of 10 ESG's (the minimum and maximum of the ranges for each ESG are established in the Compensation Plan for classified and certain unclassified employees). [s. 20.923 (1) and (4), Stats.]

The assignment of a division administrator position to an ESG, and any changes in those assignments, are made by the Secretary of DER, with the approval of JCOER. The Joint Committee may, by a majority vote of the full Committee, amend the Secretary's recommendations for either initial position assignments or changes in the assignments. The division administrator assignments and amendments to those assignments, as approved by the Joint Committee, become part of the Compensation Plan for classified and certain unclassified employees. [s. 20.923 (4), Stats.]

The appointing authority may set the salary for a division administrator position until the Joint Committee approves the assignment of the position to an ESG. [s. 20.923 (4), Stats.]

In addition to these specific ongoing responsibilities, from time to time, the Legislature enacts statutes or session laws requiring the Joint Committee to review and/or approve other matters related to state employment. For example, SECTION 3019 (2) and (2m) of 1985 Wisconsin Act 29 required the

Secretary of DER to submit plans to correct pay inequities based on gender or race in the state civil service to JCOER for approval. Also, SECTION 3053 (6) of that Act required the Joint Committee to approve a plan for implementing a categorization structure for UW System academic staff.

ROLE OF THE CO-CHAIRS

Usually, the Joint Committee meets at the request of the DER. Specifically, the Joint Committee usually meets when the Secretary of DER submits proposals in one of the areas described above. However, the authority for deciding whether the Committee will meet, setting the date of any meeting, and setting the agenda for the meeting lies with the Co-Chairs of the Joint Committee. The Co-Chairs also, of course, run the meetings and provide leadership to the Committee.

OTHER ADMINISTRATIVE MATTERS

Because the actions of the Joint Committee must follow statutory procedures and have legal ramifications for the state as an employer, certain formalities have developed regarding the way the Committee operates. These include (1) a written agenda and (2) to the extent feasible, written motions prepared before the Committee's meetings.

Generally, before each Committee meeting, Legislative Council staff will prepare the agenda and motions approving the Secretary's proposals and give copies of them to the Co-Chairs and the Co-Chairs' staff. In addition, Legislative Council staff and Legislative Fiscal Bureau staff will be available to discuss the proposals submitted by the Secretary with, and prepare any motions making modifications to those proposals for, the Co-Chairs of the Joint Committee or any other members of the Joint Committee.

Legislative Council staff will prepare the necessary meeting notices, Committee reports, etc., for the Co-Chairs' signatures.

If you have questions or need for additional information, please contact Bob Conlin in this office. I look forward to working with you during the next biennium.

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