2009 DRAFTING REQUEST

Bill

Received: **01/15/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Christine Sinicki (608) 266-8588**

By/Representing: **Mary Beth George**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Teacher prep time as a mandatory subject of collective bargaining

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Instructions:

See attached--companion to -1125

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 01/15/2009	bkraft 01/15/2009		_____ _____			S&L
/1			rschluet 01/15/2009	_____ _____	cduerst 01/15/2009	cduerst 01/23/2009	

FE Sent For:

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<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman	/1 bjk 1/15				please jacket for Sinicki Assembly	

FE Sent For:

<END>

Hanaman, Cathlene

From: George, Mary Beth
Sent: Thursday, January 15, 2009 1:21 PM
To: Hanaman, Cathlene
Cc: George, Mary Beth
Subject: Bill jacket request.

Hi Cathlene:

Rep. Sinicki will be introducing a companion bill with Sen. Erpenbach regarding teacher prep time as a subject of mandatory bargaining. We want to use the identical draft as Sen. E. (LRB # 1125/1).

Could you please have that redrafted for Rep. Sinicki and emailed over?

Thanks so much!

Mary Beth George
Office of State Rep. Christine Sinicki
608-266-8588
marybeth.george@legis.state.wi.us

-1546/1

2009 – 2010 LEGISLATURE

LRB–~~1125/1~~
CMH:bjk:rs
(stays

NO CHANGES

2009 BILL

SA✓

repr cat

AN ACT ***to amend*** 111.70 (1) (a); and ***to create*** 111.70 (4) (n) of the statutes; **relating to:** preparation time as a mandatory subject of collective bargaining.

Analysis by the Legislative Reference Bureau

Under current law, there are three categories of subjects of collective bargaining under the Municipal Employment Relations Act (MERA). A mandatory subject of bargaining is one primarily related to wages, hours, and conditions of employment; the employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; an employer may, but need not, bargain over this subject. A prohibited subject of bargaining is one that would violate a law; there may be no bargaining over such a subject.

This bill creates a new mandatory subject of collective bargaining under MERA in school districts. Under the bill, in a school district, the employer is required to bargain collectively with respect to time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 111.70 (1) (a) of the statutes is amended to read:

2 111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual
3 obligation of a municipal employer, through its officers and agents, and the
4 representative of its municipal employees in a collective bargaining unit, to meet and
5 confer at reasonable times, in good faith, with the intention of reaching an
6 agreement, or to resolve questions arising under such an agreement, with respect to
7 wages, hours, and conditions of employment, and with respect to a requirement of
8 the municipal employer for a municipal employee to perform law enforcement and
9 fire fighting services under s. 61.66, <u>and for a school district with respect to any</u>
10 <u>matter under sub. (4) (n),</u> except as provided in sub. (4) (m) and s. 40.81 (3) and except
11 that a municipal employer shall not meet and confer with respect to any proposal to
12 diminish or abridge the rights guaranteed to municipal employees under ch. 164.
13 The duty to bargain, however, does not compel either party to agree to a proposal or
14 require the making of a concession. Collective bargaining includes the reduction of
15 any agreement reached to a written and signed document. The municipal employer
16 shall not be required to bargain on subjects reserved to management and direction
17 of the governmental unit except insofar as the manner of exercise of such functions
18 affects the wages, hours, and conditions of employment of the municipal employees
19 in a collective bargaining unit. In creating this subchapter the legislature recognizes
20 that the municipal employer must exercise its powers and responsibilities to act for
21 the government and good order of the jurisdiction which it serves, its commercial
22 benefit and the health, safety, and welfare of the public to assure orderly operations
23 and functions within its jurisdiction, subject to those rights secured to municipal
24 employees by the constitutions of this state and of the United States and by this
25 subchapter.

1 **SECTION 2.** 111.70 (4) (n) of the statutes is created to read:

2 111.70 **(4)** (n) *Mandatory subjects of bargaining.* In a school district, in addition
3 to any subject of bargaining on which the municipal employer is required to bargain
4 under sub. (1) (a), the municipal employer is required to bargain collectively with
5 respect to time spent during the school day, separate from pupil contact time, to
6 prepare lessons, labs, or educational materials, to confer or collaborate with other
7 staff, or to complete administrative duties.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to collective bargaining agreements that cover any
10 period that begins after June 30, 2011.

11 **(END)**

Barman, Mike

From: George, Mary Beth

Sent: Friday, January 23, 2009 3:18 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-1546/1 Topic: Teacher prep time as a mandatory subject of collective bargaining

Please Jacket LRB 09-1546/1 for the ASSEMBLY.