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## **1995 SENATE BILL 299**

August 16, 1995 – Introduced by Senators Darling, Huelsman, Fitzgerald and A. Lasee, cosponsored by Representatives Brandemuehl, Nass, Ott, Kreibich, Ainsworth, Skindrud, Hahn, Grothman and Duff. Referred to Committee on Education and Financial Institutions.

AN ACT *to amend* 111.70 (1) (a) and 120.12 (15); and *to create* 111.70 (4) (n) of the statutes; **relating to:** making the establishment of the school calendar a permissive subject of collective bargaining for municipal employers.

## Analysis by the Legislative Reference Bureau

Under current law, an employer in a school district is required to bargain collectively in good faith with the majority representative of its employes in a collective bargaining unit concerning the wages, hours and conditions of employment of the employes. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is primarily related to wages, hours and conditions of employment. *Beloit Ed. Assn. v. WERC*, 73 Wis. 2d 43, 61–62 (1976).

This bill provides that an employer for a school district is not required to bargain collectively with respect to the establishment of the school calendar but expressly requires a school district to bargain collectively with respect to the impact of any school calendar decision on wages, hours and conditions of employment.

For further information see the *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:

- **Section 1.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:
- 6 111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the

representative of its municipal employes in a collective bargaining unit, to meet and
confer at reasonable times, in good faith, with the intention of reaching an
agreement, or to resolve questions arising under such an agreement, with respect to
wages, hours and conditions of employment, and with respect to a requirement of the
municipal employer for a municipal employe to perform law enforcement and fire
fighting services under s. 61.66, except as provided in sub. (4) (m) $\underline{and}$ (n) and s. 40.81
(3) and except that a municipal employer shall not meet and confer with respect to
any proposal to diminish or abridge the rights guaranteed to municipal employes
under ch. 164. The duty to bargain, however, does not compel either party to agree
to a proposal or require the making of a concession. Collective bargaining includes
the reduction of any agreement reached to a written and signed document. The
municipal employer shall not be required to bargain on subjects reserved to
management and direction of the governmental unit except insofar as the manner
of exercise of such functions affects the wages, hours and conditions of employment
of the municipal employes in a collective bargaining unit. In creating this subchapter
the legislature recognizes that the municipal employer must exercise its powers and
responsibilities to act for the government and good order of the jurisdiction which it
serves, its commercial benefit and the health, safety and welfare of the public to
assure orderly operations and functions within its jurisdiction, subject to those
rights secured to municipal employes by the constitutions of this state and of the
United States and by this subchapter.

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

111.70 (4) (n) *Permissive subjects of collective bargaining*. In a school district, the municipal employer is not required to bargain collectively with respect to the establishment of the school calendar.

**Section 3.** 120.12 (15) of the statutes is amended to read:

and rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The and the school calendar. Not less than the equivalent of 180 such school days, as defined in s. 115.01 (10), shall be held during the school term. This The establishment of the school calendar by the board is beyond the scope of the school district's duty to bargain collectively with the employes' collective bargaining representative, if any, but this subsection shall not be construed to eliminate a school district's duty to bargain collectively with the employe's employes' collective bargaining representative over any calendaring proposal which is primarily related to in regard to the impact of the school calendar decision on wages, hours and conditions of employment.

## SECTION 4. Initial applicability.

(1) School districts; permissive subjects of bargaining. The treatment of section 111.70 (1) (a) and (4) (n) of the statutes first applies to employes who are affected by a collective bargaining agreement that contains provisions inconsistent with that treatment on the day on which the collective bargaining agreement expires or is extended, modified or renewed, whichever occurs first.

20 (END)