



## 1995 ASSEMBLY BILL 216

March 17, 1995 - Introduced by Representatives WIRCH, KREUSER, GROBSCHMIDT, R. YOUNG, RYBA, PLACHE, BLACK, BOYLE, L. YOUNG, BOCK and PLOMBON, cosponsored by Senators C. POTTER and ANDREA. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 111.70 (1) (ne) and 118.245 (1) of the statutes; **relating to:**  
2 dispute settlement procedure and compensation and fringe benefit  
3 requirements and limitations for aides, assistants, and interpreters for  
4 hearing-impaired pupils, employed in school district special education  
5 programs.

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### *Analysis by the Legislative Reference Bureau*

Currently, in school district employment, prior to July 1, 1996, if a dispute over the terms of a proposed collective bargaining agreement is not settled after a reasonable period of negotiation and mediation, either party, or the parties jointly, may petition the employment relations commission to initiate compulsory arbitration of those items in dispute relating to wages, hours and conditions of employment. If the commission determines that an impasse exists, arbitration is required unless both parties decline to arbitrate, in which case the labor organization may strike. An arbitrator must adopt the complete final offer of one of the parties on all disputed issues, which is incorporated into a collective bargaining agreement. However, in collective bargaining units consisting of professional employes, an employer may avoid arbitration of economic issues by submitting a "qualified economic offer" containing certain elements. Under this bill, individuals who are employed by school districts as aides, assistants, or interpreters for hearing-impaired pupils, in a special education program are considered to be nonprofessional employes, thereby potentially subjecting all issues relating to wages, hours and conditions of employment for these employes to compulsory arbitration.

Currently, each school district is required, for each of its nonrepresented professional employes, prior to July 1, 1996, to maintain at least the same percentage contribution provided by the district to the employe's existing fringe benefit costs and

to maintain all existing fringe benefits. In addition, with certain exceptions, no school district may grant to its nonrepresented professional employees an average increase, for all such employees, in compensation prior to July 1, 1996, having an average cost per employee of more than 2.1% of the total cost per employee of compensation and fringe benefits provided by the district to its nonrepresented professional employees for any 12-month period. Under the bill, no such requirements or limitations apply with respect to individuals who are employed by school districts as aides, assistants, or interpreters for hearing-impaired pupils, in a special education program.

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

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

2           111.70 (1) (ne) "School district professional employe" means a municipal  
3 employe who is employed by a school district, who holds a license issued by the state  
4 superintendent of public instruction under s. 115.28 (7), and whose employment  
5 requires that license, except a municipal employe who is employed as an aide or  
6 assistant in a special education program under subch. V of ch. 115 or as an  
7 interpreter for hearing-impaired pupils in such a program.

8           **SECTION 2.** 118.245 (1) of the statutes is amended to read:

9           118.245 (1) In this section, "professional employe" means a school district  
10 employe who holds a license issued by the state superintendent under s. 115.28 (7),  
11 whose employment requires that license, and who is not included in a collective  
12 bargaining unit for which a representative is recognized or certified under subch. IV  
13 of ch. 111, except an employe who is employed as an aide or assistant in a special  
14 education program under subch. V of ch. 115 or as an interpreter for  
15 hearing-impaired pupils in such a program.

16           **SECTION 3. Initial applicability.**

