



1999 ASSEMBLY BILL 75

February 2, 1999 – Introduced by Representatives BRANDEMUEHL, JENSEN, VRAKAS, GROTHMAN, DUFF, F. LASEE, JOHNSRUD, AINSWORTH, ALBERS and POWERS, cosponsored by Senators DARLING, FITZGERALD, WELCH, HUELSMAN and DRZEWIECKI. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 111.70 (1) (a) and 120.12 (15); and **to create** 111.70 (4) (o) of
2 the statutes; **relating to:** making the establishment of the school calendar a
3 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 employees in a collective bargaining unit concerning the wages, hours and conditions of employment of the employees. 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:

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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 the
8 municipal employer for a municipal employee to perform law enforcement and fire
9 fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s. 40.81
10 (3) and except that a municipal employer shall not meet and confer with respect to
11 any proposal to diminish or abridge the rights guaranteed to municipal employees
12 under ch. 164. The duty to bargain, however, does not compel either party to agree
13 to a proposal or require the making of a concession. Collective bargaining includes
14 the reduction of any agreement reached to a written and signed document. The
15 municipal employer shall not be required to bargain on subjects reserved to
16 management and direction of the governmental unit except insofar as the manner
17 of exercise of such functions affects the wages, hours and conditions of employment
18 of the municipal employees in a collective bargaining unit. In creating this subchapter
19 the legislature recognizes that the municipal employer must exercise its powers and
20 responsibilities to act for the government and good order of the jurisdiction which it
21 serves, its commercial benefit and the health, safety and welfare of the public to
22 assure orderly operations and functions within its jurisdiction, subject to those
23 rights secured to municipal employees by the constitutions of this state and of the
24 United States and by this subchapter.

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

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1 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
2 the municipal employer is not required to bargain collectively with respect to the
3 establishment of the school calendar. This paragraph shall not be construed to
4 eliminate a school district's duty to bargain collectively with the recognized or
5 certified representative of school district employes in a collective bargaining unit
6 concerning the total number of days of work and the number of those days which are
7 allocated to different purposes such as days on which school is taught, in-service
8 days, staff preparation days, convention days, paid holidays and parent-teacher
9 conference days, and to bargain collectively with that representative with regard to
10 the impact of the school calendar on wages, hours and conditions of employment.

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

12 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
13 school day. The school board may differentiate between the various elementary and
14 high school grades in scheduling the school day. The equivalent of 180 such days, as
15 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
16 ~~not be construed to eliminate a school district's duty to bargain with the employe's~~
17 ~~collective bargaining representative over any calendaring proposal which is~~
18 ~~primarily related to wages, hours and conditions of employment.~~

19 **SECTION 4. Initial applicability.**

20 (1) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
21 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining
22 agreement that expires or is extended, modified or renewed, whichever occurs first,
23 on the effective date of this subsection.

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(END)