



1995 SENATE BILL 625

March 14, 1996 – Introduced by Senator DARLING, cosponsored by Representative JENSEN. Referred to Committee on Education and Financial Institutions.

1 **AN ACT to repeal** 111.70 (4) (m) 2. and 119.18 (23); and **to create** 111.70 (4) (m)
2 3. and 119.18 (24) of the statutes; **relating to:** authorizing school closings, and
3 the reassignment of staff resulting from such closings or subsequent
4 reopenings without regard to seniority, in a 1st class city school district.

Analysis by the Legislative Reference Bureau

The current statutes authorize the Milwaukee Public Schools board of school directors to close any school that it determines is low in performance. If the board closes a school, the superintendent of schools may reassign the school's staff members without regard to seniority in service. If the board reopens the school, the superintendent of schools may reassign staff members to the school without regard to seniority in service. The statutes also provide that a 1st class city school district is prohibited from bargaining collectively with respect to the reassignment of employes who perform services for the board of school directors of the school district, with or without regard to seniority, as a result of the decision of the board to close or reopen a school, or the impact of any such reassignment on the wages, hours or conditions of employment of the employes who perform those services. These provisions were enacted as part of 1995 Wisconsin Act 27, the biennial budget act. (Prior to the enactment of Act 27, the method of reassignment of employes who performed services for a 1st class city school district as a result of a decision to close or reopen a school, or the impact of such a decision on the wages, hours and conditions of employment of the employes, was a mandatory subject of collective bargaining between the district and the representatives of its employes.)

On March 7, 1996, the circuit court for Milwaukee County issued a temporary injunction against the implementation of the above provisions. *Milwaukee Teachers' Education Association v. Milwaukee Board of School Directors*, No. 95-CV-011243 Milwaukee County Circuit Court March 7, 1996) (order granting preliminary injunction). The court determined that the provisions are private or local in nature

and were enacted in contravention of article IV, Section 18 of the Wisconsin constitution. That section requires a private or local bill to embrace no more than one subject, which must be expressed in the title.

This bill eliminates the provisions, described above, that were enacted as part of the biennial budget act, and creates identical provisions.

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

1 **SECTION 1.** 111.70 (4) (m) 2. of the statutes, as created by 1995 Wisconsin Act
2 27, is repealed.

3 **SECTION 2.** 111.70 (4) (m) 3. of the statutes is created to read:

4 111.70 (4) (m) 3. Reassignment of municipal employes who perform services for
5 a board of school directors, with or without regard to seniority, as a result of the
6 decision of the board to close or reopen a school under s. 119.18 (24), or the impact
7 of any such reassignment on the wages, hours or conditions of employment of the
8 municipal employes who perform those services.

9 **SECTION 3.** 119.18 (23) of the statutes, as created by 1995 Wisconsin Act 27, is
10 repealed.

11 **SECTION 4.** 119.18 (24) of the statutes is created to read:

12 119.18 (24) SCHOOL CLOSINGS. The board may close any school that it determines
13 is low in performance by adopting a resolution to that effect. If the superintendent
14 of schools recommends to the board that a school be closed, he or she shall state the
15 reasons for the recommendation in writing. If the board closes a school, the
16 superintendent of schools may reassign the school's staff members without regard
17 to seniority in service. If the board reopens the school, the superintendent of schools
18 may reassign staff members to the school without regard to seniority in service.

19 **SECTION 5. Initial applicability.**

1 (1) The treatment of section 111.70 (4) (m) 3. of the statutes first applies to
2 employees who are affected by a collective bargaining agreement that contains
3 provisions inconsistent with that treatment on the day on which the collective
4 bargaining agreement expires or is extended, modified or renewed, whichever occurs
5 first.

6

(END)