



1995 ASSEMBLY BILL 423

June 1, 1995 - Introduced by Representatives SERATTI, GROTHMAN, F. LASEE, NASS, AINSWORTH and OLSEN, cosponsored by Senator ZIEN. 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) (m) of
2 the statutes; **relating to:** making any school calendaring proposal that
3 primarily relates to wages, hours and conditions of employment a prohibited
4 subject of collective bargaining for municipal employers.

Analysis by the Legislative Reference Bureau

Under current law, an employer for 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*, 37 Wis. 2d 43, 61-62 (1976).

This bill provides that an employer for a school district is prohibited from bargaining collectively with respect to any school calendaring proposal which is primarily related to 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:

5 **SECTION 1.** 111.70 (1) (a) of the statutes is amended to read:
6 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
7 obligation of a municipal employer, through its officers and agents, and the

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

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

21 111.70 (4) (m) *Prohibited subjects of collective bargaining.* In a school district,
22 the municipal employer is prohibited from bargaining collectively with respect to any
23 school calendaring proposal which is primarily related to wages, hours and
24 conditions of employment.

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

