



## 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.

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

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### *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.

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

4     **SECTION 1.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
5     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 representative of its municipal employes in a collective bargaining unit, to meet and  
2 confer at reasonable times, in good faith, with the intention of reaching an  
3 agreement, or to resolve questions arising under such an agreement, with respect to  
4 wages, hours and conditions of employment, and with respect to a requirement of the  
5 municipal employer for a municipal employe to perform law enforcement and fire  
6 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81  
7 (3) and except that a municipal employer shall not meet and confer with respect to  
8 any proposal to diminish or abridge the rights guaranteed to municipal employes  
9 under ch. 164. The duty to bargain, however, does not compel either party to agree  
10 to a proposal or require the making of a concession. Collective bargaining includes  
11 the reduction of any agreement reached to a written and signed document. The  
12 municipal employer shall not be required to bargain on subjects reserved to  
13 management and direction of the governmental unit except insofar as the manner  
14 of exercise of such functions affects the wages, hours and conditions of employment  
15 of the municipal employes in a collective bargaining unit. In creating this subchapter  
16 the legislature recognizes that the municipal employer must exercise its powers and  
17 responsibilities to act for the government and good order of the jurisdiction which it  
18 serves, its commercial benefit and the health, safety and welfare of the public to  
19 assure orderly operations and functions within its jurisdiction, subject to those  
20 rights secured to municipal employes by the constitutions of this state and of the  
21 United States and by this subchapter.

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

23 111.70 (4) (n) *Permissive subjects of collective bargaining.* In a school district,  
24 the municipal employer is not required to bargain collectively with respect to the  
25 establishment of the school calendar.

