

1999 DRAFTING REQUEST

Bill

Received: 10/1/98

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **David Brandemuehl (608) 266-1170**

By/Representing: **Sherry**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies: **JTK, PG**

Topic:

School calendar and subjects of collective bargaining

Instructions:

Redraft 1997 AB 37

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 10/5/98	gilfokm 10/8/98		_____			Local
/1			lpaasch 10/9/98	_____	lrb_docadmin 10/9/98	lrb_docadmin 10/15/98	

FE Sent For: 10/15/98.

(5/1")

<END>

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1/?	champra	1-10-8 KMG	10/8 LP	10/8 L.P. JS			

FE Sent For:

<END>



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-1049/2

RAC:kaf:km

LRB-0416/1
RAC:KMG

1997 ASSEMBLY BILL 37

January 29, 1997 - Introduced by Representatives BRANDEMUEHL, NASS, DUFF, AINSWORTH, JENSEN, POWERS, GOETSCH, SERATTI, VRAKAS, HANDRICK, F. KASEE, SKINDRUD and GROTHMAN, cosponsored by Senators DARLING, HUELSMAN, FITZGERALD, ZIEN and FARROW. Referred to Committee on Labor and Employment.

Gen. Cat.

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 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.

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

ASSEMBLY BILL 37

SECTION 1

1 SECTION 1. 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 289,
2 is amended to read:

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

25

Insert A

ASSEMBLY BILL 37

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

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

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

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

W/ STAT. BOOK

20 **SECTION 4. Initial applicability.**

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

25 **SECTION 5. Effective date.**

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ASSEMBLY BILL 37

SECTION 1

1 (1) This act takes effect on May 1, 1997, or on the day after publication,
2 whichever is later.

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(END)

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Section #. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employes in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employe to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) ^{and} ^(c) s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employes under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employes in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employes by the constitutions of this state and of the United States and by this subchapter.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237.

10

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 10/9/98

To: Representative Brandemuehl

Relating to LRB drafting number: LRB-0416

Topic

School calendar and subjects of collective bargaining

Subject(s)

Employ Pub - collective bargain

1. **JACKET** the draft for introduction Brandemuehl
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Brandemuehl.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930