

# 1999 ASSEMBLY BILL 494

October 1, 1999 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 111.70 (1) (a); and **to create** 111.70 (4) (n) of the statutes;  
2 **relating to:** a public hearing on a school calendar prior to engaging in collective  
3 bargaining.

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### ***Analysis by the Legislative Reference Bureau***

For further information, see the NOTES provided by the joint legislative council in the bill.

For further information see the ***state and 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:***

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on the school calendar.

Under current law, school district employees have the right to bargain collectively with their employing school district. The subject of school calendaring must be collectively bargained when the calendaring primarily relates to wages, hours and conditions of employment.

This bill provides that a school district may not collectively bargain with school district professional employees before the school district holds a public hearing on the subject of the establishment of the school calendar. The hearing requirement will first apply to a collective bargaining agreement that expires or is extended, modified or renewed on the first day of the 6th month after the effective date of the legislation.

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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 employe to perform law enforcement and fire  
9 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) 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 employes 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 employes by the constitutions of this state and of the  
24 United States and by this subchapter.

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

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1           111.70 (4) (n) *Public hearing on the commencement of a school term.* In a school  
2 district, the municipal employer may not engage in collective bargaining with school  
3 district professional employees who are included within a collective bargaining unit  
4 for which a representative is recognized or certified until the municipal employer  
5 holds a public hearing on the subject of the establishment of the school calendar.

6           **SECTION 3. Initial applicability.**

7           (1) This act first applies to a collective bargaining agreement that expires or  
8 is extended, modified or renewed, whichever occurs first, on the first day of the 6th  
9 month beginning after the effective date of this subsection.

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(END)