

1999 DRAFTING REQUEST

Bill

Received: **05/10/1999**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - IND**

By/Representing: **Ron Sklansky**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Collective bargaining regarding the establishment of the school calendar

Instructions:

See Attached.

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>
/1	champra 05/14/1999	chanaman 05/17/1999	martykr 05/20/1999	_____	lrb_docadmin 05/20/1999		State
/2	champra 05/20/1999	ygeller 05/20/1999	ismith 05/21/1999	_____	lrb_docadmin 05/21/1999	lrb_docadminS&L 09/24/1999	

FE Sent For:

<END>

10-01-99
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FE Sent For: *1/2 5/20 jlg* *IS 5/21/99* *IS/JF 5/21/99*
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1/?	champra	1 5/14 jlg	5/18	5/19			

FE Sent For:

<END>

100

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on the school calendar.

Under current law, school district employes 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 draft provides that a school district may not collectively bargain with school district professional employes 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.

3 **SECTION 1.** 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation
5 of a municipal employer, through its officers and agents, and the representative of its
6 municipal employes in a collective bargaining unit, to meet and confer at reasonable times,
7 in good faith, with the intention of reaching an agreement, or to resolve questions arising under
8 such an agreement, with respect to wages, hours and conditions of employment, and with
9 respect to a requirement of the municipal employer for a municipal employe to perform law
10 enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) and
11 (n) and 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 employes

1 under ch. 164. The duty to bargain, however, does not compel either party to agree to a
2 proposal or require the making of a concession. Collective bargaining includes the reduction
3 of any agreement reached to a written and signed document. The municipal employer shall
4 not be required to bargain on subjects reserved to management and direction of the
5 governmental unit except insofar as the manner of exercise of such functions affects the
6 wages, hours and conditions of employment of the municipal employes in a collective
7 bargaining unit. In creating this subchapter the legislature recognizes that the municipal
8 employer must exercise its powers and responsibilities to act for the government and good
9 order of the jurisdiction which it serves, its commercial benefit and the health, safety and
10 welfare of the public to assure orderly operations and functions within its jurisdiction, subject
11 to those rights secured to municipal employes by the constitutions of this state and of the
12 United States and by this subchapter.

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

14 111.70 (4) (n) *Public hearing on the commencement of a school term.* A school district
15 may not engage in collective bargaining with school district professional employes before the
16 school district holds a public hearing on the subject of the establishment of the school calendar.

17 **SECTION 3. Initial applicability.**

18 (1) SCHOOL DISTRICTS; HEARING ON SCHOOL CALENDAR. The treatment of section 111.70
19 (1) (a) and (4) (n) of the statutes first applies to a collective bargaining agreement that expires
20 or is extended, modified or renewed, whichever occurs first, on the first day of the 6th month
21 after the effective date of this subsection.

22 (END)



Seav

JG

1999 BILL

gen cat

1 AN ACT ...; relating to: a public hearing on a school calendar prior to engaging
2 in collective bargaining.

Analysis by the Legislative Reference Bureau

Fix component

For further information, see the NOTES provided by the law revision committee of the joint legislative council. ✓ in the bill

For further information see the *state* 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:

3 SECTION 1. 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
5 obligation of a municipal employer, through its officers and agents, and the
6 representative of its municipal employees in a collective bargaining unit, to meet and
7 confer at reasonable times, in good faith, with the intention of reaching an
8 agreement, or to resolve questions arising under such an agreement, with respect to

Insert 1-3

BILL**SECTION 1**

1 wages, hours and conditions of employment, and with respect to a requirement of the
2 municipal employer for a municipal employe to perform law enforcement and fire
3 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81
4 (3) and except that a municipal employer shall not meet and confer with respect to
5 any proposal to diminish or abridge the rights guaranteed to municipal employes
6 under ch. 164. The duty to bargain, however, does not compel either party to agree
7 to a proposal or require the making of a concession. Collective bargaining includes
8 the reduction of any agreement reached to a written and signed document. The
9 municipal employer shall not be required to bargain on subjects reserved to
10 management and direction of the governmental unit except insofar as the manner
11 of exercise of such functions affects the wages, hours and conditions of employment
12 of the municipal employes in a collective bargaining unit. In creating this subchapter
13 the legislature recognizes that the municipal employer must exercise its powers and
14 responsibilities to act for the government and good order of the jurisdiction which it
15 serves, its commercial benefit and the health, safety and welfare of the public to
16 assure orderly operations and functions within its jurisdiction, subject to those
17 rights secured to municipal employes by the constitutions of this state and of the
18 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, 489, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237.

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

20 111.70 (4) (n) *Public hearing on the commencement of a school term.* In a school
21 district, the municipal employer may not engage in collective bargaining with school
22 district professional employes who are included within a collective bargaining unit
23 for which a representative is recognized or certified until the municipal employer
24 holds a public hearing on the subject of the establishment of the school calendar.

BILL

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SECTION 3. Initial applicability.

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

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3050/1dn

RAC:.....

JG

Ron:

1. I modified the language in s. 111.70 (4) (n) ✓ to conform to other treatments of school districts in subch. IV of ch. 111. I provided that "In a school district, the municipal employer may not engage...", instead of providing that "A school district may not engage...". This conforms to the treatment of school districts in s. 111.70 (4) (m) ✓. Also, I specified that the bargaining is with school district professional employes "who are included within a collective bargaining unit for which a representative is recognized or certified...". I did this to track the definition of "collective bargaining" in s. 111.70 (1) (a) ✓ which contemplates bargaining between the municipal employer and "the representative of its municipal employes" and not with the employes directly. Is this OK?

2. There may be some ambiguity in s. 111.70 (4) (n) ✓ as to exactly when the school district must hold the public hearing. Specifically, it is unclear if the hearing must be held before the school district files notice under s. 111.70 (4) (cm) 1 ✓ or before the presentation of initial proposals under s. 111.70 (4) (cm) 2 ✓. At a minimum, I believe, the hearing must be held before the presentation of initial proposals under s. 111.70 (4) (cm) 2. But it is unclear if the hearing must be held before the school district files notice under s. 111.70 (4) (cm) 1. Do you want to clarify this or allow the school districts to work the issue out?

If you have any questions about the draft, give me a call.

Rick Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

RS:jal;ksm

4/16/99

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

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Under current law, school district employes 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 ~~draft~~ ^{bill} provides that a school district may not collectively bargain with school district professional employes 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.

1-3 →

3 **SECTION 1.** 111.70 (1) (a) of the statutes is amended to read:
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 10 enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) and
 11 (n) and 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 employes

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3050/1dn
RAC;jlg:km

May 19, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3050/1 2

RAC;jlg:km

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1999 BILL

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2 relating to: a public hearing on a school calendar prior to engaging in collective
3 bargaining.

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* fiscal estimate, which will be printed as an appendix to this bill.

FE-SL

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10 (3) and except that a municipal employer shall not meet and confer with respect to
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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:

BILL

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.

10

(END)

Handwritten marks and symbols in the top right corner, including a vertical line and several small characters.

A horizontal line of faint, illegible markings or characters across the middle of the page.

**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: 5/21/99

To: Legislative Council - IND

Relating to LRB drafting number: LRB-3050

Topic

Collective bargaining regarding the establishment of the school calendar

Subject(s)

Employ Pub - collective bargain

1. **JACKET** the draft for introduction _____
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 _____.
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

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