

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/18/99

Received By: champra

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Rindfleisch

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Pre Topic:

ARC:.....Rindfleisch - Amdt. #29,

Topic:

Collective bargaining and school calendar proposals

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>
/?	champra 06/21/99	ygeller 06/21/99		_____			
/1			jfrantze 06/21/99	_____	lrb_docadmin 06/21/99		

FE Sent For:

<END>

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/?	champra	1/6/21 jlg	8/6/21	8/6/me 6/21			

FE Sent For:

<END>

To Be Drafted

Agency	EmpRel	Amendment#	29
ARC Analyst	Kelly Rindfleisch	I-RR#	
		Tax Cut	<input type="checkbox"/>

Summary

Under current law, an employer in a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit. 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.

This amendment 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.

Fiscal Impact

None.

Statement of Intent

Employment Relations. Makes the school calendar not a mandatory subject of collective bargaining between a school district and employees.

1999

Date (time) needed Jan

LRB b 0727, 1

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

RAC: jlg:

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

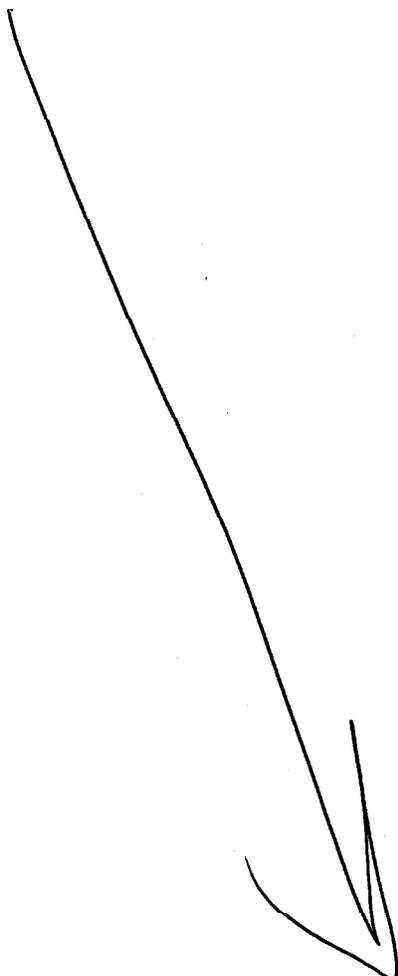
#. Page , line :

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**ASSEMBLY AMENDMENT ,
TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page ~~980~~^{1092 20 ✓}, line ~~11~~⁽¹⁰⁾: after that line insert:

3 “SECTION ~~2033M~~⁽¹⁰⁾ 111.70 (1) (a) of the statutes is amended to read:

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

5 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
6 obligation of a municipal employer, through its officers and agents, and the
7 representative of its municipal employes in a collective bargaining unit, to meet and
8 confer at reasonable times, in good faith, with the intention of reaching an
9 agreement, or to resolve questions arising under such an agreement, with respect to
10 wages, hours and conditions of employment, and with respect to a requirement of the
11 municipal employer for a municipal employe to perform law enforcement and fire
12 fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s. 40.81
13 (3) and except that a municipal employer shall not meet and confer with respect to

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

15 **2.** Page ~~981~~¹⁰⁹³, line ~~7~~² after that line insert:

16 “**SECTION 2035m.** 111.70 (4) (o) of the statutes is created to read:

17 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
18 the municipal employer is not required to bargain collectively with respect to the
19 establishment of the school calendar. This paragraph shall not be construed to
20 eliminate a school district’s duty to bargain collectively with the recognized or
21 certified representative of school district employes in a collective bargaining unit
22 concerning the total number of days of work and the number of those days which are
23 allocated to different purposes such as days on which school is taught, in-service
24 days, staff preparation days, convention days, paid holidays and parent-teacher

1 conference days, and to bargain collectively with that representative with regard to
2 the impact of the school calendar on wages, hours and conditions of employment.”.

3 **3.** Page ~~10010~~^{1121 18}, line ~~2~~¹ after that line insert:

4 “SECTION **2124m.** 120.12 (15) of the statutes is amended to read:

5 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
6 school day. The school board may differentiate between the various elementary and
7 high school grades in scheduling the school day. The equivalent of 180 such days, as
8 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
9 ~~not be construed to eliminate a school district's duty to bargain with the employe's~~
10 ~~collective bargaining representative over any calendaring proposal which is~~
11 ~~primarily related to wages, hours and conditions of employment.”.~~

12 **4.** Page ~~1451~~^{1589 5}, line ~~2~~¹ after that line insert:

13 “(3c) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
14 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining
15 agreement that expires or is extended, modified or renewed, whichever occurs first,
16 on the effective date of this subsection.”.

17 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0727/1
RAC;jlg:jf

ARC:.....Rindfleisch – Amdt. #29, Collective bargaining and school calendar proposals

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1092, line 20: after that line insert:

3 “SECTION 2033r. 111.70 (1) (a) of the statutes is amended to read:

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

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

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 (o) 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.”.

19 **2.** Page 1093, line 2: after that line insert:

20 “SECTION 2035m. 111.70 (4) (o) of the statutes is created to read:

21 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
22 the municipal employer is not required to bargain collectively with respect to the
23 establishment of the school calendar. This paragraph shall not be construed to
24 eliminate a school district’s duty to bargain collectively with the recognized or

1 certified representative of school district employes in a collective bargaining unit
2 concerning the total number of days of work and the number of those days which are
3 allocated to different purposes such as days on which school is taught, in-service
4 days, staff preparation days, convention days, paid holidays and parent-teacher
5 conference days, and to bargain collectively with that representative with regard to
6 the impact of the school calendar on wages, hours and conditions of employment.”.

7 **3.** Page 1121, line 18: after that line insert:

8 “SECTION 2124m. 120.12 (15) of the statutes is amended to read:

9 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
10 school day. The school board may differentiate between the various elementary and
11 high school grades in scheduling the school day. The equivalent of 180 such days, as
12 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
13 ~~not be construed to eliminate a school district’s duty to bargain with the employe’s~~
14 ~~collective bargaining representative over any calendaring proposal which is~~
15 ~~primarily related to wages, hours and conditions of employment.”.~~

16 **4.** Page 1589, line 5: after that line insert:

17 “(3c) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
18 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining
19 agreement that expires or is extended, modified or renewed, whichever occurs first,
20 on the effective date of this subsection.”.

21 (END)