

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **04/03/2002**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN5563,

Topic:

Teacher preparation time as mandatory subject of collective bargaining

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 04/03/2002	kfollet 04/03/2002		_____			
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FE Sent For:

<END>

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			4-3-2				

FE Sent For:

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Employment Relations Commission

Include the attached provisions related to making teacher preparation time a mandatory subject of bargaining.

CN 5563

RAC

Mandatory Subjects of Collective Bargaining

1 **AN ACT to amend 111.70 (1) (a); and to create 111.70 (4) (n) of the statutes;**
 2 **relating to: mandatory subjects of collective bargaining under the Municipal**
 3 **Employment Relations Act.**

Analysis by the Legislative Reference Bureau

Under current law, there are three categories of subjects of collective bargaining under the Municipal Employment Relations Act (MERA). A mandatory subject of bargaining is one primarily related to wages, hours, and conditions of employment; the employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; an employer may, but need not, bargain over this subject. A prohibited subject of bargaining is one that would violate a law; there may be no bargaining over such a subject.

This bill creates a new mandatory subject of collective bargaining under MERA in school districts. Under the bill, in a school district, the employer is required to bargain collectively with respect to:

1. Time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.
2. Time spent to perform the duties required of an individualized education program team, including determining a pupil's eligibility or continued eligibility for special education and related services and the educational needs of the pupil; developing an individualized education program for the pupil; and determining the special education placement for the pupil.

60

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:

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
8 the municipal employer for a municipal employee to perform law enforcement and
9 fire fighting services under s. 61.66, and for a school district with respect to any
10 matter under sub. (4) (n), except as provided in sub. (4) (m) and s. 40.81 (3) and except
11 that a municipal employer shall not meet and confer with respect to any proposal to
12 diminish or abridge the rights guaranteed to municipal employees under ch. 184.
13 The duty to bargain, however, does not compel either party to agree to a proposal or
14 require the making of a concession. Collective bargaining includes the reduction of
15 any agreement reached to a written and signed document. The municipal employer
16 shall not be required to bargain on subjects reserved to management and direction
17 of the governmental unit except insofar as the manner of exercise of such functions
18 affects the wages, hours, and conditions of employment of the municipal employees
19 in a collective bargaining unit. In creating this subchapter the legislature recognizes
20 that the municipal employer must exercise its powers and responsibilities to act for
21 the government and good order of the jurisdiction which it serves, its commercial

1 benefit, and the health, safety, and welfare of the public to assure orderly operations
2 and functions within its jurisdiction, subject to those rights secured to municipal
3 employees by the constitutions of this state and of the United States and by this
4 subchapter.

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

6 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
7 to any subject of bargaining on which the municipal employer is required to bargain
8 under sub. (1) (a), the municipal employer is required to bargain collectively with
9 respect to:

10 1. Time spent during the school day, separate from pupil contact time, to
11 prepare lessons, labs, or educational materials, to confer or collaborate with other
12 staff, or to complete administrative duties.

13 2. Time spent to perform the duties required of an individualized education
14 program team under s. 115.78 (2).

15 SECTION 3. *Initial applicability.*

16 (1) This act first applies to collective bargaining agreements that cover any
17 period that begins after June 30, 2003.

18

(END)

2001

Date (time)
needed _____

LRB b 2968 / 1

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

RAC & PG : kjf : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :

BILL

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:

#. Page 159, line 3: after that line insert:

1 “ SECTION ~~Y~~^{277b}. 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

8 the municipal employer for a municipal employee to perform law enforcement and

9 fire fighting services under s. 61.66, and for a school district with respect to any

10 matter under sub. (4) (n), except as provided in sub. (4) (m) and s. 40.81 (3) and except

11 that a municipal employer shall not meet and confer with respect to any proposal to

12 diminish or abridge the rights guaranteed to municipal employees under ch. 164.

13 The duty to bargain, however, does not compel either party to agree to a proposal or

14 require the making of a concession. Collective bargaining includes the reduction of

15 any agreement reached to a written and signed document. The municipal employer

16 shall not be required to bargain on subjects reserved to management and direction

17 of the governmental unit except insofar as the manner of exercise of such functions

18 affects the wages, hours, and conditions of employment of the municipal employees

19 in a collective bargaining unit. In creating this subchapter the legislature recognizes

20 that the municipal employer must exercise its powers and responsibilities to act for

21 the government and good order of the jurisdiction which it serves, its commercial

BILL

1 benefit, and the health, safety, and welfare of the public to assure orderly operations
2 and functions within its jurisdiction, subject to those rights secured to municipal
3 employees by the constitutions of this state and of the United States and by this
4 subchapter.

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

6 111.70 (4) (n) ^{277e} *Mandatory subjects of bargaining.* In a school district, in addition
7 to any subject of bargaining on which the municipal employer is required to bargain
8 under sub. (1) (a), the municipal employer is required to bargain collectively with
9 respect to:

10 1. Time spent during the school day, separate from pupil contact time, to
11 prepare lessons, labs, or educational materials, to confer or collaborate with other
12 staff, or to complete administrative duties.

13 2. Time spent to perform the duties required of an individualized education
14 program team under s. 115.78 (2).)

#. Page 435, line 11: after that line insert:

SECTION 3. Initial applicability.

16 " (1) ^g ~~This~~ ^{at} first applies to collective bargaining agreements that cover any
17 period that begins after June 30, 2003. "

(END)

(CS)

PREPARATION TIME AND CERTAIN MEETINGS.

TU
treatment of section 111.70 (1) (a) and (4) (n) of
the statutes



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2968/1
RAC&PG:kjfrs

SCC:.....Engel – CN5563, Teacher preparation time as mandatory subject of collective bargaining

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

2 **1.** Page 159, line 3: after that line insert:

3 **“SECTION 277b.** 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
9 wages, hours, and conditions of employment, and with respect to a requirement of
10 the municipal employer for a municipal employee to perform law enforcement and

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

18 **SECTION 277e.** 111.70 (4) (n) of the statutes is created to read:

19 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
20 to any subject of bargaining on which the municipal employer is required to bargain
21 under sub. (1) (a), the municipal employer is required to bargain collectively with
22 respect to:

23 1. Time spent during the school day, separate from pupil contact time, to
24 prepare lessons, labs, or educational materials, to confer or collaborate with other
25 staff, or to complete administrative duties.

