

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/23/2001

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Hartsough**

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

Drafter: **champra**

May Contact:

Addl. Drafters: **grantpr**

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

ARC:.....Hartsough - AM48,

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**Topic:**

Establishment of school calendar as permissive subject of collective bargaining

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**Instructions:**

See Attached.

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**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 06/23/2001	wjackson 06/23/2001		_____			
/1			jfrantze 06/23/2001	_____	lrb_docadmin 06/23/2001		

FE Sent For:

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1?	champra	1 Wlj 6/23	do 6/23	6/23			

FE Sent For:

<END>

The Potosi Brewery, located in Grant County, was built in 1852, and is on the National Registry of Historic Places.

**Motion:** Provide \$150,000 PR-tribal gaming revenue to the non-profit Potosi Brewery Foundation, Inc. for: the development of a historic structure report, restoration and salvage, a marketing plan, and restoration project fundraising.  
(Fiscal Effect: \$150,000 PR)

- PJK  
c) Keyes Peak Recreation Center (at the request of Rep. Seratti)

**\*Not Original Request of Caucus\***

The Keyes Peak Recreation Center is being constructed in Florence County upon completion it is expected to bring visitors from Michigan and Wisconsin. The facility is in need of financial assistance.

**Motion:** Provide \$50,000 PR-tribal gaming revenue to the Florence County Keyes Peak Recreation Center.  
(Fiscal Effect: \$50,000 PR)

- d) School Calendar Permissive Subject of Collective Bargaining (at request of Rep. Vrakas)



01-2473/1

RACI  
PG  
Under current law, school districts are required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendar proposal that is primarily related to wages, hours and conditions of employment.

**Motion:** Eliminate requirement that a school district is required to bargain collectively with respect to establishment of a school calendar, but require the school district to bargain collectively with respect to the *impact* of any school calendar decisions on wages, hours and conditions of employment.  
(No Fiscal Effect)

- e) ~~School Calendar Four Day, Labor Day weekend (at request of Rep. Seratti)~~

~~Under current law, a school district is prohibited from starting the school term before September 1<sup>st</sup> (unless in that school year the school board hold a public hearing and adopts a resolution approving an earlier starting date). The "September 1<sup>st</sup> School Start Date" law does not speak to the Friday preceding Labor Day.~~

**Motion:** ~~Prohibit school districts from scheduling the Friday before Labor Day as a school day.~~  
(No Fiscal Effect)

2001

Date (time) needed

Jan

LRB b 1587, 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

PAC+PG: WJ

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

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

>>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 . . . . :



## 2001 ASSEMBLY BILL

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.

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### *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 employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. 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.

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

ASSEMBLY BILL

*#. Page 912, line 20 after sheet line insert*

SECTION 1. 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 employees 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 employee to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and 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 employees 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 employees 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 employees by the constitutions of this state and of the United States and by this subchapter.

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

*Page 913, line 2: after sheet line insert:*

ASSEMBLY BILL

1 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,  
 2 the municipal employer is not required to bargain collectively with respect to the  
 3 establishment of the school calendar. This paragraph shall not be construed to  
 4 eliminate a school district's duty to bargain collectively with the recognized or  
 5 certified representative of school district employees in a collective bargaining unit  
 6 concerning the total number of days of work and the number of those days which are  
 7 allocated to different purposes such as days on which school is taught, in-service  
 8 days, staff preparation days, convention days, paid holidays, and parent-teacher  
 9 conference days, and to bargain collectively with that representative with regard to  
 10 the impact of the school calendar on wages, hours, and conditions of employment. ✓/⓪

# Page 924, line 22: after that line insert:

11 "SECTION 2. 120.12 (15) of the statutes is amended to read:

12 (b) 27604

12 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
 13 school day. The school board may differentiate between the various elementary and  
 14 high school grades in scheduling the school day. The equivalent of 180 such days, as  
 15 defined in s. 115.01 (10), shall be held during the school term. This subsection shall  
 16 not be construed to eliminate a school district's duty to bargain with the employee's  
 17 collective bargaining representative over any calendaring proposal which is  
 18 primarily related to wages, hours and conditions of employment. ✓/⓪

19 ~~(SECTION 4. Initial applicability)~~

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

24 (END)

# Page 1397, line 22: after that line insert:



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1587/1  
RAC&PG:wlj:jf

ARC:.....Hartsough – AM48, Establishment of school calendar as permissive  
subject of collective bargaining

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

2 **1.** Page 912, line 20: after that line insert:

3 **“SECTION 2608h.** 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, except as provided in sub. (4) (m) and (o) and s.  
2 40.81 (3) and except that a municipal employer shall not meet and confer with respect  
3 to any proposal to diminish or abridge the rights guaranteed to municipal employees  
4 under ch. 164. The duty to bargain, however, does not compel either party to agree  
5 to a proposal or require the making of a concession. Collective bargaining includes  
6 the reduction of any agreement reached to a written and signed document. The  
7 municipal employer shall not be required to bargain on subjects reserved to  
8 management and direction of the governmental unit except insofar as the manner  
9 of exercise of such functions affects the wages, hours, and conditions of employment  
10 of the municipal employees in a collective bargaining unit. In creating this  
11 subchapter the legislature recognizes that the municipal employer must exercise its  
12 powers and responsibilities to act for the government and good order of the  
13 jurisdiction which it serves, its commercial benefit and the health, safety, and  
14 welfare of the public to assure orderly operations and functions within its  
15 jurisdiction, subject to those rights secured to municipal employees by the  
16 constitutions of this state and of the United States and by this subchapter.”.

17 **2.** Page 913, line 2: after that line insert:

18 “**SECTION 2613h.** 111.70 (4) (o) of the statutes is created to read:

19 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,  
20 the municipal employer is not required to bargain collectively with respect to the  
21 establishment of the school calendar. This paragraph shall not be construed to  
22 eliminate a school district’s duty to bargain collectively with the recognized or  
23 certified representative of school district employees in a collective bargaining unit  
24 concerning the total number of days of work and the number of those days which are

1 allocated to different purposes such as days on which school is taught, in-service  
2 days, staff preparation days, convention days, paid holidays, and parent-teacher  
3 conference days, and to bargain collectively with that representative with regard to  
4 the impact of the school calendar on wages, hours, and conditions of employment.”.

5 **3.** Page 924, line 22: after that line insert:

6 “**SECTION 2760h.** 120.12 (15) of the statutes is amended to read:

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

14 **4.** Page 1397, line 22: after that line insert:

15 “(8n) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of  
16 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining  
17 agreement that expires or is extended, modified, or renewed, whichever occurs first,  
18 on the effective date of this subsection.”.

19

(END)