

2007 DRAFTING REQUEST

Bill

Received: **03/16/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Tryg Knutson**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Preparation time as mandatory subject of collective bargaining

Instructions:

See Attached--2005 -4246/1

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>
/?	chanaman 03/20/2007	jdyer 03/22/2007		_____			S&L
/1			rschluet 03/22/2007	_____	sbasford 03/22/2007	cduerst 03/23/2007	

FE Sent For:

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intro

<END>

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/?	chanaman	1 3/22 jld					

FE Sent For:

<END>

Hanaman, Cathlene

From: Grant, Peter
Sent: Monday, March 12, 2007 3:13 PM
To: Hanaman, Cathlene
Subject: FW: Teacher Prep Time
Attachments: PrepTimeMandSubject CollectBargain.pdf

Think this one's yours.


From: Knutson, Tryg
Sent: Monday, March 12, 2007 2:05 PM
To: Grant, Peter
Subject: FW: Teacher Prep Time

Hi Peter –

Senator Erpenbach would like to have this bill from last session drafted for this session.

Thanks.

Tryg Knutson

2007-08 Legislative Agenda

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an NEA Affiliate

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Preparation Time for Teachers as a Mandatory Subject of Collective Bargaining

Background

Our great schools depend on the effectiveness of our teachers. Prepared teachers are effective teachers. Making teacher preparation time a mandatory subject of collective bargaining gives teachers an opportunity to negotiate for time built into the scheduled workday to make them most effective in the classroom.

Research shows that teacher planning makes a significant difference in student learning. When teachers meet to share instructional strategies that work in their classrooms and together design standards-based unit plans and assessments, this time is an effective use of taxpayer dollars, making a difference for children.

Legislative History

The Municipal Employment Relations Act provides that matters affecting wages, hours and conditions of employment are subject to collective bargaining.

The Wisconsin Supreme Court has ruled that teacher preparation time is a permissive subject of bargaining because the court determined that preparation time is primarily related to educational policy rather than wages, hours, and conditions of employment (see *Dodgeland Education Association v. WERC*, 240 Wis.2d 287 (2002)). This decision remains the law of the state and no legislation has been passed to solve the problem of inadequate preparation time for teachers.

WEAC Position

The Wisconsin Education Association Council believes that teacher preparation time should be a mandatory subject of collective bargaining.

Talking Points

- Teachers, particularly those who teach elementary school students, lack adequate time in the school day to prepare lesson plans and other duties important to effective teaching since the day is consumed with classroom teaching responsibilities. Elementary school teachers are generally limited to preparation time during art, music and physical education whereas middle and high school teachers have more flexibility to use non-classroom periods to prepare.

- With cuts to education programming due to revenue caps, teacher time is stretched tight as teachers serve in multiple capacities to meet the educational needs of children. As a result, teachers are left with little or no time in the day to prepare for classroom instruction and to meet the other demands on their time.

- The quality of our children's education suffers when teachers are not given enough time during the workday to prepare for the classroom.

- Teacher preparation time should be a mandatory subject of collective bargaining because it directly impacts the work hours of teachers. Otherwise, the only alternative for teachers is to spend time outside the academic day preparing lessons – time that is not compensated. This is in addition to the many hours teachers spend volunteering for various school-related activities, including small group tutoring and after-school clubs, and many other activities parents and children have come to expect.

Additional information

Contact Deb Sybell, WEAC Legislative Program Coordinator, at 800-362-8034 ext. 227 or by e-mail at sybeld@weac.org with any reactions, comments or questions.

Posted May 4, 2006

2278/1

stays

2005⁷ BILL

LPS-
PWF
please

Refer cat

- 1 AN ACT *to amend* 111.70 (1) (a); and *to create* 111.70 (4) (n) of the statutes;
- 2 **relating to:** preparation time as a mandatory subject of collective bargaining. ✓

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 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. ✓ ✓

For further information see the *state and 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:

BILL

1 **SECTION 1.** 111.70 (1) (a) ^X 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
22 benefit and the health, safety, and welfare of the public to assure orderly operations
23 and functions within its jurisdiction, subject to those rights secured to municipal
24 employees by the constitutions of this state and of the United States and by this
25 subchapter.

BILL

1 **SECTION 2.** 111.70 (4) (n) [✓] of the statutes is created to read:

2 111.70 (4) (n) [✓] *Mandatory subjects of bargaining.* In a school district, in addition
3 to any subject of bargaining on which the municipal employer is required to bargain
4 under [✓] sub. (1) (a), the municipal employer is required to bargain collectively with
5 respect to time spent during the school day, separate from pupil contact time, to
6 prepare lessons, labs, or educational materials, to confer or collaborate with other
7 staff, or to complete administrative duties.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to collective bargaining agreements that cover any
10 period that begins after June 30, 2007 [✓].

11

(9) (END)

Duerst, Christina

From: Knutson, Tryg
Sent: Friday, March 23, 2007 10:27 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2278/1 Topic: Preparation time as mandatory subject of collective bargaining

Please Jacket LRB 07-2278/1 for the SENATE.