



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 505**

March 14, 1996 - Offered by Representatives BRANDEMUEHL and PROSSER.

1 **AN ACT to amend** 111.70 (1) (a) and 120.12 (15); and **to create** 111.70 (4) (n) of
2 the statutes; **relating to:** making the establishment of the school calendar a
3 permissive subject of collective bargaining for municipal employers.

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

4 **SECTION 1.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
5 is amended to read:

6 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
7 obligation of a municipal employer, through its officers and agents, and the
8 representative of its municipal employes in a collective bargaining unit, to meet and
9 confer at reasonable times, in good faith, with the intention of reaching an
10 agreement, or to resolve questions arising under such an agreement, with respect to
11 wages, hours and conditions of employment, and with respect to a requirement of the
12 municipal employer for a municipal employe to perform law enforcement and fire
13 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81
14 (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 **SECTION 2.** 111.70 (4) (n) of the statutes is created to read:

16 111.70 (4) (n) *Permissive subjects of collective bargaining.* In a school district,
17 the municipal employer is not required to bargain collectively with respect to the
18 establishment of the school calendar. This paragraph shall not be construed to
19 eliminate a school district's duty to bargain collectively with the recognized or
20 certified representative of school district employes in a collective bargaining unit
21 concerning the total number of days of work and the number of those days which are
22 allocated to different purposes such as days on which school is taught, in-service
23 days, staff preparation days, convention days, paid holidays and parent-teacher
24 conference days, and to bargain collectively with that representative with regard to
25 the impact of the school calendar on wages, hours and conditions of employment.

1 **SECTION 3.** 120.12 (15) of the statutes is amended to read:

2 120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal
3 school day. The school board may differentiate between the various elementary and
4 high school grades in scheduling the school day. The equivalent of 180 such days, as
5 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
6 ~~not be construed to eliminate a school district's duty to bargain with the employe's~~
7 ~~collective bargaining representative over any calendaring proposal which is~~
8 ~~primarily related to wages, hours and conditions of employment.~~

9 **SECTION 4. Initial applicability.**

10 (1) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
11 section 111.70 (1) (a) and (4) (n) of the statutes first applies to collective bargaining
12 agreements that cover periods that begin after June 30, 1997.

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(END)