

CR 85-121

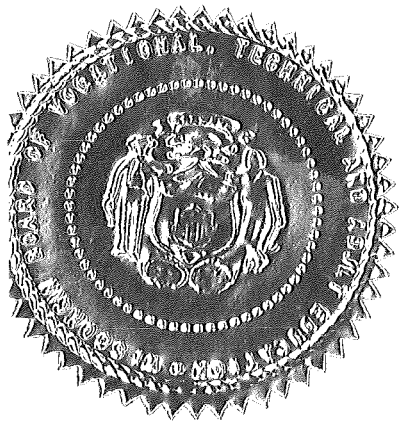
CERTIFICATE

STATE OF WISCONSIN)
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert P. Sorensen, State Director of the Wisconsin Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board, do hereby certify that the annexed rules adopting, amending and repealing various sections of chapter VTAE 2, Wisconsin Administrative Code, relating to district board member appointments (Clearinghouse Rule 85-121) were duly approved and adopted by this Board on November 19, 1985.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at 310 Price Place in the city of Madison, this 6th day of January, 1986.

Robert P. Sorensen
Robert P. Sorensen
State Director

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9:10 am
Revisor of Statutes
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3-1-86

ORDER OF THE BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION
ADOPTING, AMENDING AND REPEALING RULES
RELATING TO DISTRICT BOARD MEMBER
APPOINTMENTS

To adopt, amend and repeal various sections of Chapter VTAE 2, relating to district board member appointments.

ANALYSIS PREPARED BY THE BOARD OF VOCATIONAL, TECHNICAL AND
ADULT EDUCATION

Section 38.08(1)(a)1, Stats., as amended by 1985 Wisconsin Act 29, grants the Board authority to by rule define the words "employer" and "employee" as used in the district board appointment process. This order establishes these definitions.

Employers are defined as those persons who possess various supervisory attributes including the power to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline employees, or to effectively recommend such action provided the person exercising one or more of these powers exercises independent judgment relative to these powers. Employees as defined do not possess these powers. Officers and agents of labor organizations are considered employees regardless of whether they possess the powers attributable to employers.

The remaining sections of this order amends various sections to correct prior cross-referencing errors and to make current cross-references consistent with the new definitions.

Pursuant to authority vested in the Board of Vocational, Technical and Adult Education by sections 38.04(15), 38.08(1)(a) 1 and 227.014(2)(a), Stats., the Board of Vocational, Technical and Adult Education hereby repeals, amends and adopts rules interpreting section 38.08 and 38.10, Stats., as follows:

1 SECTION 1. VTAE 2.02(3), (4), (5) and (6) are renumbered
2 VTAE 2.02(6), (7), (9) and (3) respectively.

3 SECTION 2. VTAE 2.02(4), (5) and (8) are created to read:

4 VTAE 2.02(4) "Employee" means any person who is not an
5 employer as defined under sub. (5) and who receives earnings as
6 payment for personal services, and includes a person acting in
7 the capacity of officer or agent of a labor organization.

8 VTAE 2.02(5) "Employer" means any person who receives
9 earnings as payment for personal services and possesses the power
10 to hire, transfer, suspend, layof , recall, promote, discharge,
11 assign, reward, or discipline other employes, or adjust employe
12 grievances, or effectively recommend such action, if in
13 connection with the exercise of such power the person exercises
14 independent judgment in relation to the power. Employer does not
15 include a person acting in the capacity of officer or agent of a
16 labor organization.

17 VTAE 2.02(8) "Labor organization" means any organization of
18 any kind, or affiliates of any such organization, in which
19 employes participate and which exists for the purpose, in whole
20 or in part, of dealing with employers concerning grievances,
21 labor disputes, wages, rates of pay, hours of employment or
22 conditions of work.

1 SECTION 3. VTAE 2.04(3)(a) is amended to read:

2 VTAE 2.04(3)(a). A statement explaining how the appointments
3 implement the plan, and how the appointments give equal
4 consideration to the general population distribution and the
5 distribution of women and minorities within the district as
6 required under ~~§115.001(8), Stats.~~ sub. (2) (b), and what actions
7 were taken to recruit women and minority candidates for positions
8 on the district board.

9 SECTION 4. VTAE 2.04(3)(b) 5 is repealed.

10 SECTION 5. VTAE 2.04(4)(c) is amended to read:

11 VTAE 2.04(4)(c). Result in a district board consisting of 9
12 members who are residents of the district, including 3 employer
13 members ~~who have the power to employ and discharge~~, 3 employe
14 members ~~who do not have the power to employ or discharge~~, 2 at-
15 large members and a school district administrator as defined
16 under ~~§115.001(8), Stats.~~ s. 115.001(8), Stats., and employed by
17 the school board of a school district located in the district.

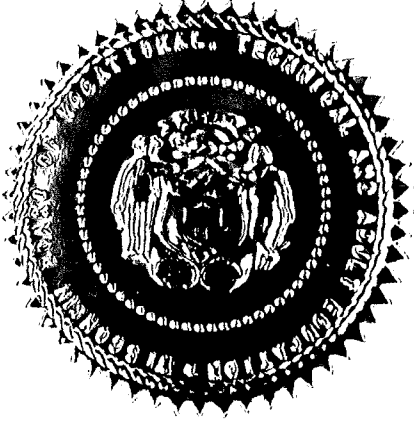
18 SECTION 6. VTAE 2.06(2) is amended to read:

19 VTAE 2.06(2). The appointment committee shall forward to the
20 board the most recent approved plan of representation, the
21 affidavit of each applicant required under ~~§1 VTAE 2.06~~
22 ~~§2.04(3)(b)~~ s. VTAE 2.04(3)(b), and a statement explaining why
23 the appointment committee could not reach agreement.

The rules, amendments and repeals contained in this order shall take effect as provided in s. 227.026(1) (intro.), Stats.

DATE: January 6, 1986

WISCONSIN BOARD OF VOCATIONAL
TECHNICAL AND ADULT EDUCATION



Robert P. Sorensen

Robert P. Sorensen, Ph.D.
State Director

Wisconsin Board of Vocational, Technical and Adult Education

310 Price Place

P.O. Box 7874

Madison, WI 53707

608-266-1207



Robert P. Sorensen, Ph. D.
State Director

January 6, 1965

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Mr. Prestegard:

Enclosed for filing is a certified copy of the Order of the Board of Vocational, Technical and Adult Education adopting, amending and repealing various sections of chapter VTAE 2, relating to district board member appointments (Clearinghouse Rule 85-121). Also enclosed is an additional copy of the Order for use as printer's copy.

Should you have any questions please do not hesitate to contact me at 266-8171.

Sincerely,

Edward S. Alschuler
Legal Counsel

ESA: jmk

Enclosure

cc: Robert P. Sorensen, Ph.D.
John R. Kroll
Edward Chin
Glenn Davison

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JAN 8 1986

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