

CR 88-142

CERTIFICATE

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

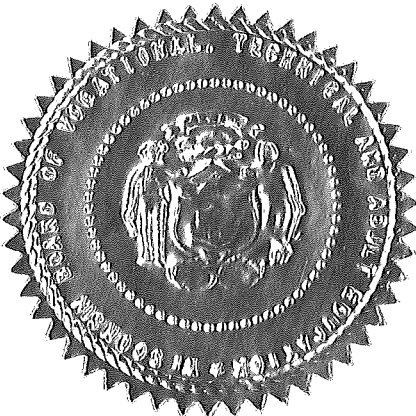
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert P. Sorensen, State Director of the Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board, do hereby certify that the annexed rule amending sections VTAE 2.04(4)(intro.) and (4)(b), Wis. Admin. Code, relating to district board appointments (Clearinghouse Rule 88-142) was duly approved and adopted by the Board on October 26, 1988.

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 14th day of December, 1988.

Robert P. Sorensen
Robert P. Sorensen
State Director



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

The Wisconsin Board of Vocational, Technical and Adult Education proposes an order to amend ss. VTAE 2.04(4)(intro.) and (4)(b) relating to district board member appointments.

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

Statutory Authority: ss. 38.04(15) and 227.11(2)(a), Stats.

Statute Interpreted: ss. 38.08(1)(a)2, Stats. and 38.10(2)(c), Stats.

This rule proposes to amend ss. VTAE 2.04(4) (intro.) and (4)(b) relating to the State Board's review of appointments to vocational, technical and adult education district boards. Current ss. VTAE 2.04(4)(intro.) and (4)(b) require the State Board to review the appointment of employer and employe members to district boards and to determine whether these appointments reasonably represent the various businesses and industries in the district.

A special committee of the State Board consisting of cross section of individuals involved in the appointment process has reviewed various aspects of the appointment process. One of the areas examined concerned whether individuals appointed to employer and employe categories on district boards were truly

representative of businesses and industries in the district. It was determined that in some instances individuals were appointed to employer and employe positions who worked for businesses and industries that had no physical presence in the district.

It was recognized by the State Board that a strength of the VTAE System is its ability to respond to local concerns of the populations to be served, especially business and industry. One of the ways to accomplish this is through the appointment of district board members who directly represent this segment of the population and have a direct impact upon the economy of the district. Based upon these principles the State Board believes it to be in the best interests of the districts to have employer and employe members who represent those businesses and industries that are physically located and regularly employ individuals within the boundaries of the district.

The State Board further notes that following adoption of the special committee recommendations it sought an amendment to s. 38.10(2)(c), Stats., to require Board review of district board appointments "to determine whether they comply with . . . the requirements of s. 38.08(1)(a)." This requirement was enacted through 1987 Wisconsin Act 94, effective December 1, 1987. This review requirement and special committee recommendation, coupled with the authority to " . . . by rule, establish criteria and procedures for the review of district board member appointments . . ." in s. 38.094(15), Stats., along with the general rulemaking authority in s. 227.11(2), Stats., has served as the foundation for enacting the State Board's policy as a

rule.

Following is a summary of the changes to ch. VTAE 2 proposed by this order.

1. Section VTAE 2.04(4)(intro.) is amended to clarify that the State Board's review of appointments is for the purpose of considering disapproval as well as approval of the appointments.

2. Section VTAE 2.04(4)(b) is amended to clarify and make specific what reasonable representation of business and industry within the district means for employe and employer members. An employer or employe must either be employed within the district boundaries or employed outside the district boundaries by a business entity that maintains a physical presence and employs other employes or employers within the districts boundaries.

1 SECTION 1: VTAE 2.04(4)(intro.) and (4)(b) are amended to
2 read:

3 VTAE 2.04(4)(intro.). In considering the approval or
4 disapproval of any appointments made under the plan of
5 representation, the board shall determine whether the
6 appointments:

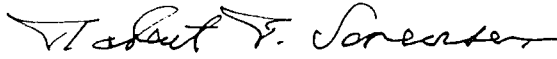
7 VTAE 2.04(4)(b). Reasonably represent the various
8 businesses and industries in the district as required for
9 employer and employe members of the district board. To
10 reasonably represent the businesses or industries in the
11 district a person appointed as an employer or employe member
12 shall be:

- 1 1. Employed at a location within the boundaries of the
2 district, or
- 3 2. Employed at a location outside the boundaries of the
4 district by a corporation, partnership, sole proprietorship
5 labor organization or association, whether or not operated for
6 profit, that maintains an office, factory, warehouse or other
7 business facility within the boundaries of the district where
8 other employers or employes of that corporation, partnership,
9 sole proprietorship, labor organization, or association
10 are regularly employed.

The amendments contained in this order shall take affect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats, and shall apply to all district board appointments made by appointment committees on or after the effective date of this rule.

Dated: October 26, 1988

WISCONSIN BOARD OF
VOCATIONAL, TECHNICAL
AND ADULT EDUCATION


Robert P. Sorensen, Ph.D.
State Director

A8:VTAE204

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

December 14, 1988

RECEIVED

DEC 17 1988

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 West Mifflin Street
Madison, WI 53703

Revisor of Statutes
Bureau

RE: Clearinghouse Rule 88-142

Dear Mr. Prestegard:

Enclosed for filing and publication is a certified copy of an Order of The Board of Vocational, Technical and Adult Education amending sections VTAE 2.04(4)(intro.) and (4)(b), Wis. Admin. Code, relating to district board member appointments, Clearinghouse Rule 88-142. 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:skn

Enclosures

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