

Clearinghouse Rule 12-032

PROPOSED ORDER OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD AMENDING RULE RELATING TO DISTRICT BOARD MEMBER APPOINTMENTS

The Wisconsin Technical College System Board proposes an order to amend TCS 2 relating to district board member appointments. The scope statement for this rule, SS 039-12, was approved by the Governor on June 8, 2012, published in Register No. 678 on June 30, 2012, and approved by the Wisconsin Technical College System Board on July 25, 2012.

ANALYSIS PREPARED BY THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD

1. **Statutes interpreted:** Wis. Stats. § 38.08 (1) (a)
2. **Statutory authority:** Wis. Stats. § 38.04 (15)
3. **Explanation of agency authority:** Wis. Stats. § 38.04 (15) assigns responsibility for review of district board appointments to the Wisconsin Technical College System stating that “the board shall, by rule, establish criteria and procedures for the review of district board member appointments.”
4. **Related statute or rule:** TCS 2
5. **Plain language analysis:** 2011 Wisconsin Act 286 created new district board and appointment committee membership requirements for the Milwaukee Area Technical College (MATC) District. The proposed amendments to TCS 2 will align administrative rule provisions to MATC’s district board membership with the member representation established by the Legislature and the Governor in 2011 Wisconsin Act 286.
6. **Summary of, and comparison with, existing or proposed federal regulations:**
Not applicable
7. **Comparison with rules in adjacent states:** Not applicable
8. **Summary of factual data and analytical methodologies:** Not applicable
9. **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** Not applicable
10. **Effect on small business:** None

11. **Agency contact person:** Morna Foy, Vice President, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 266-2449, e-mail morna.foy@wtcsystem.edu.

12. **Place where comments are to be submitted and deadline for submission:** A public hearing and notice are not required under s. 227.16 (2) (b), Stats., however, written comments may be submitted by 4:00 pm on September 15, 2012 to Morna Foy at the Wisconsin Technical College System, 4622 University Avenue, PO Box 7874, in Madison, WI 53707-7874 or by email to morna.foy@wtcssystem.edu with a subject line of TCS 2.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

FINAL REGULATORY FLEXIBILITY ANALYSIS - Not Applicable

FISCAL ESTIMATE - Attached

TEXT OF RULE

SECTION 1. TCS 2.02 (1), (3), and (5) are amended to read:

TCS 2.02 Definitions. (1) “Appointment committee” means the appointment committee constituted under s. 38.10 (1) (a), (b), ~~or (c)~~, or (d), Stats.

(3) With the exception of the district board governing the Milwaukee area technical college, ~~“Business and industry”~~ “business and industry” includes every trade, occupation and profession.

(5) Except as provided in (5m) ~~“Employer”~~ “employer” means any person who receives earnings as payment for personal services and possesses the power to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or adjust employee grievances, or effectively recommend such action, if in connection with the exercise of such power the person exercises independent judgment in relation to the power. Employer does not include a person acting in the capacity of officer or agent of a labor organization.

SECTION 2. TCS 2.02 (5m) is created to read:

(5m) For the district board governing the Milwaukee area technical college, “employer” means a business entity, as defined in s. 13.62 (5), Wis. Stats., a nonprofit organization that provides health care services, credit union, or cooperative association.

SECTION 3. TCS 2.04 (3) (a) 4. and 6. are amended to read:

TCS 2.04 (3) (a) 4. Except as provided under subd. 4m., ~~Position~~ position sought as an employer, employee, additional, elected official or school district administrator member.

6. ~~Sex~~ Gender and status as a member of a minority as defined under s. TCS 2.02 ~~(5)-(9)~~.

SECTION 4. TCS 2.04 (3) (a) 4m. is created to read:

For the district board governing the Milwaukee area technical college, position sought as a school district administrator, elected official, additional member, or member representing an employer. A person seeking appointment as an additional member shall indicate whether he or she is a school district administrator, elected official, or member representing an employer. Candidates seeking appointment as a member representing an employer must identify if the employer has 15 or more employees or 100 or more employees, and whether it is a manufacturing business.

SECTION 5. TCS 2.04 (4) (c) and (d) are amended to read:

(4) (c) Except as provided in (e), Reasonably ~~Reasonably~~ represent the various businesses and industries in the district as required for employer and employee members of the district board.

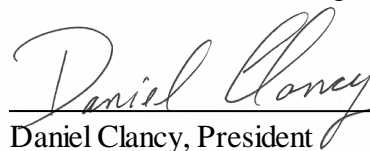
(d) Except as provided in (e), Result ~~Result~~ result in a district board consisting of 9 members, including 2 employer members, 2 employee members, 3 additional members, a school district administrator as defined under s. 115.001 (8), Stats., and employed by a school board of a school district located in the district, and one elected official who holds a state or local office as defined in s. 5.02, Stats., except for the office of party committeeman or party committeewoman.

SECTION 6. TCS 2.04 (4) (e) is created to read:

(e) For the Milwaukee area technical college district, result in a district board consisting of 9 members who are residents of the district, 7 of whom are residents of Milwaukee County, consisting of one school district administrator as defined under s. 115.001 (8), Stats., one elected official who holds a state or local office, as defined in s. 5.02, Stats., 2 additional members, and 5 persons representing employers as defined in TCS 2.02 (5) (b). Three of the members shall represent employers with 15 or more employees, 2 of the members shall represent employers with 100 or more employees, and at least 2 of the members shall represent employers who are manufacturing businesses.

Dated this 26th day of July, 2012.

Wisconsin Technical College System Board



Daniel Clancy, President

Wisconsin Technical College System