



School Law FYI

July 1, 2023, Consumer Price Index (CPI) of 8.00% for Bargaining Agreements Confirmed

DOUGLAS E. WITTE | 02.27.23

If the 4.7% CPI this past year was not challenging/interesting enough, the Wisconsin Department of Revenue (DOR) has advised the Wisconsin Employment Relations Commission (WERC) that the CPI-U increase applicable to one-year collective bargaining agreements with a term beginning on July 1, 2023, is 8.00%. As some of you may still be negotiating your 2022 – 23 agreement or might be planning for 2023 – 24, we thought a couple of reminders might be useful.

This CPI rate is *only* applicable to bargaining units for which the bargaining representative was recertified during this past November election conducted by the WERC. Unless designated by board policy, it does not apply to any other group or individual and does not apply to setting new hire wages.

This CPI rate is a cap. Unless approved by referendum, a school board is prohibited from making any change in total base wage that exceeds this percentage change in CPI. Offers and settlements can still be negotiated or implemented at a level below CPI.

Total base wage is the only mandatory subject of bargaining. Districts are required to negotiate both the amount of total base wage increase offered and its distribution. All other subjects of bargaining are *prohibited*. Districts

may “meet and confer” with unions about other subjects but it is not required, and it should not evolve into “bargaining.” There is a difference, and that difference should be respected.

Total base wage increase means the maximum increase to the sum of all base wages in the applicable bargaining unit; it does not refer to the base wage for individuals.

Distribution of the total base wage increase in a proposal does not have to occur on an equal dollar or equal percentage across-the-board basis. Individuals or groups of employees can, if not discriminatory, be provided different levels of base wage increase. It is common for Districts to offer an equal dollar distribution (even if that means an individual within the bargaining unit may receive an individual percent increase above CPI).

Given these higher CPI amounts, some districts may be seriously consider declaring impasse and unilaterally implementing the board’s final offer if an agreement cannot be reached after good faith bargaining. If any districts have questions about bargaining or implementation, please reach out to a member of the School Law Practice Group.

Firm News

Brian Goodman Selected as WSAA President

At the recent Wisconsin School Attorneys Association (WSAA) annual meeting, Brian Goodman was named President of the WSAA for the upcoming year.

The WSAA was developed by the Wisconsin Association of School Boards (WASB) in 1971 to facilitate the exchange of information and ideas among attorneys practicing school law in the State of Wisconsin. Any attorney who represents a public school district that is a member of the WASB can be part of WSAA.

In the role of President, Brian will lead the organization and help facilitate collaboration between its members. Brian will also work closely with the WASB and WSAA board members to coordinate its annual full-day conference for school attorneys, administrators, and school board members on a wide range of school law topics.

Brian is one of multiple Boardman Clark attorneys to have served as President since the inception of WSAA. We are confident he will continue this history of strong leadership.

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