

Editor's Note: *The Milwaukee Labor Press prepared and excerpted this report from a legislative summary prepared for the Wisconsin AFL-CIO by Joanne Ricca, its expert legislative research & policy director. But first a few editorial notes ahead of her analysis, which was revised April 4.*

While Gov. Walker named this legislation “budget repair,” the reality that it doesn’t repair anything has led the state itself to now refer to its contents as a “budget adjustment” and there are even concessions by the governor under questioning that many provisions could more accurately be called political choice not economic need, reports Labor Press editor Dominique Paul Noth.

The history of where the repair bill now stands was provided by Ricca, but it should be emphasized that court action currently blocks restrictions in bargaining rights. That led to a threat in late April by the Republican majority that if they didn’t win in court they would simply include these bargaining rights elements as a budget amendment in late Jun – despite the reality that the economic elements Walker wants, in compensation reductions for workers involving health care and pensions, have already been pledged by state unions.

ANALYSIS: SPECIAL SESSION SB 11 BUDGET REPAIR BILL

Collective bargaining rights for public employees in Wisconsin are effectively eliminated by provisions in SS SB 11 Budget Repair Bill which was signed by Governor Walker as Wisconsin Act 10. However, Dane County Circuit Court Judge Maryann Sumi issued a Temporary Restraining Order on March 18 prohibiting Secretary of State LaFollette from publishing Act 10. Until Act 10 is officially published it is not in effect and cannot be implemented.

Based on testimony given to date, Judge Sumi found that there is sufficient evidence that Wisconsin’s Open Meetings Law was violated by legislative leadership in the process of passing SS SB 11. The Open Meetings Law requires that specific notice be given regarding legislative meetings, so that the public is duly informed and has reasonable access to the decision-making process. Judge Sumi reinforced the Temporary Restraining Order on March 31, 2011, until further notice.

Effect on Collective Bargaining Rights if SB 11 Becomes Law

- Effectively, all collective bargaining rights are eliminated for approximately 200,000 public employees who work for the State of Wisconsin, cities, counties and school districts. Their unions will be permitted to bargain for wages only. However, a pay increase (if any) would be capped at the consumer price index. All other items are *prohibited* subjects of bargaining, such as: sick days, seniority rights, transfer and promotion rights, health care, pension benefits, vacations, health and safety, layoff and recall rights, medical leave and work rules.

In the private sector, all of these items are subjects of bargaining between the union and the employer under the National Labor Relations Act, but public sector workers are covered by state collective bargaining laws.

- Unions representing public employees are required to hold a decertification election every year to continue to show sufficient support for the union.
- The union will be decertified if it does not receive a supermajority of at least 51% of *all* employees in the bargaining unit, regardless of how many actually vote. There are no

other elections in the U.S. conducted with this requirement. It means that employees who choose not to vote are counted as a “no” vote. There are close to 2,000 bargaining units in state and local government where the Wisconsin Employment Relations Commission will be required to conduct elections each year.

- Collective bargaining agreements are limited to one year in duration, and may not be extended.
- No public employee can be required to contribute any amount to the costs of union representation. It is illegal for any public employer to enter into a Fair Share agreement with a union, which would require a financial contribution to the union related to the costs of administering the union contract, even if the person chooses not to be a member.
- Public sector employers are prohibited from providing payroll deduction of union dues.

The only public employees that are exempt from Governor Walker’s attack on collective bargaining rights are unions representing state troopers, police and firefighters.

These collective bargaining rights were won by public employees in Wisconsin through the democratic process, beginning in 1959.

STILL MORE:

- Nurses and other health care workers employed by the UW Hospitals & Clinics Authority lose their bargaining rights entirely, despite the fact that the UW Hospitals & Clinics Authority does not receive state funds. Because of their union protection, nurses have been able to fight for better patient care without fear of retaliation. They will lose this independent voice.
- There are some 15,000 faculty and academic staff employees in the University of Wisconsin System who will lose their bargaining rights entirely. These rights were just won during the 2009-2010 Legislative Session after decades of struggle.
- Bargaining rights for state-certified home health care providers (who take care of the elderly and disabled in their homes) and child care providers are eliminated entirely.
- The bill also includes discipline procedures for state employees. If Governor Walker declares a state of emergency, any public employees who participate in a work stoppage or slowdown or any other collective activity that affects the performance of state government will be fired.

None of these “Budget Repair Bill” provisions that gut collective bargaining have anything to do with addressing the state deficit. They are meant to break the unions that public employees have chosen for their representation.

Public sector unions had agreed to pay nearly 6 percent of their wages for pension costs and also double their payments for health insurance to help the state address the deficit. From the day he took office, Governor Walker and his administration refused to sit down at a bargaining table and negotiate with the unions, despite repeated requests. It is clearly union-busting legislation, not an effort to address the deficit.

The gains that public and private sector union members have won over decades of struggle built Wisconsin's middle class. Without strong unions, there will be no wage and benefit standards that benefit all working families. There will be no balance in the relationship between employers and employees. There will be no check on unlimited corporate power. Today, the attack is on the collective bargaining rights of workers in public service. Tomorrow it will be the rest of the middle class.

AND IT DOESN'T STOP THERE. THE BUDGET REPAIR BILL:

- Gives Governor Walker and his chosen head of the Department of Health Services the unprecedented authority to make sweeping changes to Medicaid and BadgerCare health programs by adopting rules that supercede state statutes, with little legislative oversight. BadgerCare is health coverage for working families and the Medicaid program provides substantial benefits for seniors and the disabled.
- Threatens \$47 million in federal aid for Wisconsin's mass transit systems because federal law stipulates that collective bargaining rights must be preserved to qualify for the aid.

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