

Wisconsin unions in life or death fight to recall Gov. Walker

By **DON McINTOSH**
Associate Editor

Feb. 11 marks one year since Wisconsin's newly-elected Republican governor, Scott Walker, declared war on public-sector unions. Walker introduced what he called a "budget repair" bill, but its aim was to put an end to public employee unionism in Wisconsin. A year after it was introduced — and seven months after it took effect — public employee unions still exist in Wisconsin, but they've suffered a body blow, and are fighting to hold on while they mobilize for a life-or-death fight to recall Walker from office.

Eliminating collective bargaining was not part of Walker's 2010 election campaign. Nor was his election win — with 52 percent of the vote — a particularly strong mandate. But at a private meeting Feb. 7, 2011, Walker announced to his cabinet that he was about to follow in the historic footsteps of his idol Ronald Reagan, who famously fired striking public employees in 1981 and broke their aircraft controllers union.

Walker planned for his bill to be passed within weeks, but it was delayed when Democratic members of the Wisconsin State Senate fled to Illinois, leaving the Republican-dominated legislative chamber without the quorum it needed to pass budget-related bills. Meanwhile, a two-week-long people's occupation of the Wisconsin state capitol attracted worldwide attention. But on March 9, Senate Republicans determined that legally, the bill wasn't budget-related after all, which meant they could pass it without the Democrats present. Unions mounted challenges in court, but none of those challenges have succeeded so far. On June 29, the law took effect, as Wisconsin Act 10.

The only budget-related part of the so-called "budget repair" bill was a requirement that public employees pay a greater portion of the cost of their health

and retirement benefits.

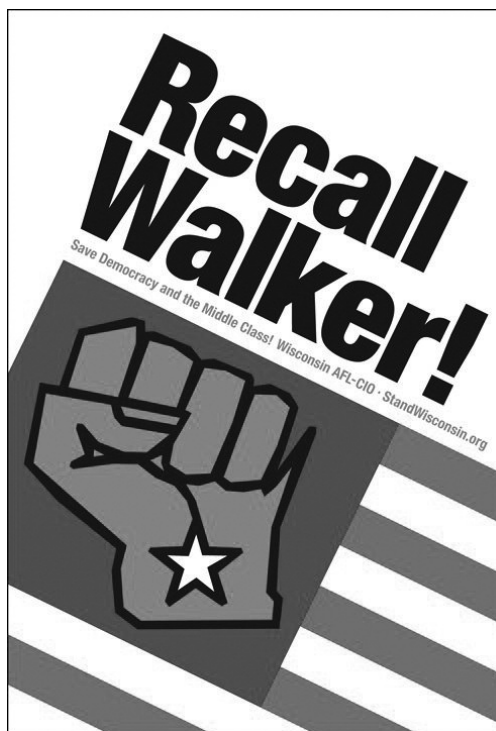
Act 10 eliminated union rights altogether for university employees, but left them intact for police officers and firefighters. For other public employees, strictly speaking, Act 10 didn't eliminate the right to collective bargaining; it just rendered it meaningless.

Under Act 10, in order to engage in collective bargaining, unions must be re-certified every year. To be re-certified, unions must pay a fee of \$200 to \$2,000, and then get "yes" votes — not just from a majority of those voting, but from a majority of the workplace.

Non-union workplaces don't vote every year whether to unionize; only unionized workplaces vote every year whether to stay union. And Act 10 bars school districts and local governments from voluntarily recognizing or bargaining with unions outside of the state framework.

Once a union is re-certified, it may bargain with an employer — but not about benefits, work rules, discipline, safety, or anything else — only about wages, and then only the base wage. Not only that, but public employers are barred from agreeing to raises higher than inflation without a public vote. Note that nothing prohibits public employers from giving higher-than-inflation raises to nonunion employees — only union employees face the cap.

Act 10 also takes away any leverage that public employee union workers could use to make employers agree to a raise. Under the previous law, the two sides had an incentive to agree to a reasonable contract, because if they failed



to, the contract would be resolved by binding arbitration: A neutral arbitrator would pick the most reasonable offer in its entirety. Act 10 eliminates binding arbitration, and at the same time mandates that workers be fired if they strike. With no right to strike and no requirement to arbitrate, collective bargaining is reduced to collective begging.

Finally, under Act 10, no contract can require any public worker to pay union dues. In fact, it bars public employers from deducting union dues from paychecks, even if employees request it.

And as if to put the final nail in the coffin, Walker put an anti-union lawyer in charge of the Wisconsin Employment Relations Commission, the agency that runs the re-certification elections.

Unsurprisingly, most Wisconsin unions opted not even to take part in the new system. Act 10's implementation set in motion a rolling series of "un-cer-

tifications." Union contracts that were ratified before the law took effect remain in force, but the terms of Act 10 take effect when they expire. Because they could see that coming, many local unions rushed to get agreements with cities and counties.

State workers weren't so lucky: Their boss was Scott Walker, and his first act upon taking office had been to cancel an extension of the state worker contract. So state employees were the first group to lose union certification. AFSCME Council 24 — the Wisconsin State Employees Union — had 22,000 state employee members a year ago. Not a single one of its units opted to re-certify.

AFSCME Council 40 — made up of AFSCME chapters at local governments — had just under 32,000 members a year ago. Now, says Executive Director Rick Badger, less than 17,000 remain under about 400 contracts that haven't yet expired, while about 3,000 more — in the formerly unionized units — have stepped up to pay dues (keeping their union membership, but without a contract). Staff dropped to 27 from 38 a year ago, and agreed to a 20 percent cut in pay and benefits. At some local governments where the union and employer had decent relationships, work rules and conditions stayed the same after contracts expired.

In Rock County, south of Madison, commissioners passed elements of the union contract as ordinance.

The Wisconsin Education Association Council (WEAC), an affiliate of the National Education Association, had 98,000 members a year ago. WEAC isn't releasing current membership figures, but spokesperson Christina Brey said about a third of the union's contracts have expired. Union staff is down 42, including 22 who were laid off in October.

Unlike the other unions, many local WEAC chapters decided to seek re-certification, in part to send a message to

Walker. In late November and early December, the Wisconsin Employment Relations Commission conducted 213 union elections in school districts, and 189 (90 percent) resulted in re-certification. In only three cases did the union fail to get a majority of votes, though in 21 cases they failed to get the necessary majority of the workplace.

With the street protests of February and March dying down, the popular fight shifted to the electoral arena. Union members and others gathered signatures to recall state senators who voted for the bill. Enough were gathered that six state senate Republicans faced recall, and in August, two of them lost their seats.

Now, Walker himself faces recall. Opponents had to wait until he'd been in office a year, but on Jan. 17, the group United Wisconsin turned in over a million signatures — far more than the 540,000 they needed to trigger recall — and all the more remarkable in that it was an all-volunteer operation. Now a state agency will have 60 days to certify signatures before scheduling a primary six weeks later. A recall election could take place as soon as June.

Four more Republican state senators also face recall, and three of them are considered vulnerable.

But even in the best case scenario, it will take time to repeal Act 10. Walker could be out in June, if voters are presented with a Democrat they prefer. But the Wisconsin State Assembly would still be controlled 59 to 39 by Republicans until at least the November 2012 election.

Public employee union leaders have tried to focus on the bright side of the struggle — a re-animated rank-and-file, and mass public support of the idea of collective bargaining. But there's no denying that Wisconsin public employee unions are in a defensive fight, a fight for their very existence, and a fight that will have national significance.

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