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Solidarity!

Act 10: Wisconsin Employment Relations Commissioners in Contempt of Court

Collective bargaining was restored for all city, county and school district employees by a Court ruling last week through application of an earlier (9/14/12) Court decision achieved by MTI. **Circuit Court Judge Juan Colas found that Governor Walker's appointees to the WERC, James Scott and Rodney Pasch, were in contempt of court "for implementing" those parts of Act 10 which he (Colas) previously declared unconstitutional, which made them "a law which does not exist",** as Colas put it. The Judge told Scott & Pasch to comply with his finding of unconstitutionality or be punished for their contempt. They agreed to comply.

Judge Colas made his ruling on unconstitutionality on September 14, 2012. MTI was represented by its legal counsel, **Lester Pines**. In the contempt claim, in addition to MTI, Pines represented the Kenosha Education Association and WEAC. The latter was also represented by Milwaukee attorney **Tim Hawks**, who also represented AFSCME Council 40, AFT Wisconsin, AFT nurses and SEIU Healthcare, in last week's case. Also appearing was **Nick Padway**, who partnered with Pines in representing Milwaukee Public Employees Union Local 61 in the original case.

Judge Colas specifically ordered the WERC to cease proceeding with union recertification elections, which in his earlier ruling were found to be unconstitutional. Act 10 mandated all public sector unions to hold annual elections to determine whether union members wished to continue with representation by the union. *Act 10 prescribed that to win a union had to achieve 50% plus one of all eligible voters, not 50% plus one of those voting like all other elections.* The elections were to occur November 1.

Colas told the WERC Commissioners that the law is clear that when a judge finds a law to be unconstitutional that it has no existence - not just for the party who filed the suit (MTI), but to all; that the judgment has statewide effect and bars WERC from implementation. He said that the WERC Commissioners considered his earlier (9/14/12) Order and disregarded it. The Commissioners told other public employers that Colas' earlier Order only applied to MTI and Milwaukee Local 61. Thus, the challenge of WERC by not only MTI, but by the Kenosha Education Association, WEAC and the other unions noted.

Given Colas' Order last week, all Wisconsin public employee unions, except State employee unions, are now free to bargain new collective bargaining agreements to provide economic and employment security for their members, as if Act 10 had never passed. *An employer refusing to bargain with the union would be violating Wisconsin Statute 111.70.* Given the earlier ruling, MTI recently bargained contracts for all five (5) of its bargaining units through June, 2015.

Nominations Finalized for At-Large Position on MTI Board of Directors

At its October 15 meeting of the MTI **Faculty Representative Council**, nominations were finalized to fill the remainder of **Greg Vallee's** at-large position on the MTI Board of Directors. Vallee was elected Treasurer at the October meeting of the Council to fill the remainder of **Fred Rosevear's** term, who retired in June. Therefore, given that Vallee was elected Treasurer, nominations were entertained to fill the remainder of his at-large term. That term ends October, 2014. Nominated at the Council meeting were **Donna Fogell** (Cherokee), **Andrew Waity** (Crestwood) and **Kati Walsh** (Randall). The election will take place at the November 19 meeting of the Council.

New Ways to Wear MTI Red for Ed

MTI is now offering several new *Solidarity!* shirts: a long-sleeved cotton/poly blend button-down shirt and a short-sleeved soft/poly polo shirt. Both items are in MTI red with a white embroidered MTI emblem on the front upper left side. The shirts are full-cut and suitable for men and women. Price: \$25 for a

polo and \$40 for a button-down. Members can stop by the MTI office any time to purchase. The traditional MTI t-shirt (\$10) with logo front and back, and the MTI sweatshirt (\$35) are also again available. A few MTI stocking hats for the upcoming cold weather also remain (\$10). Buy any MTI item of clothing and receive a free MTI travel mug! Show your MTI pride and solidarity by wearing your MTI red often, but especially on Mondays.



Show **SOLIDARITY**
with your MTI
Sisters & Brothers.
Wear **MTI RED** on
MONDAYS!

Our Union Makes Us Strong!

MTI's web page - www.madisonteachers.org

MTI's email - MTI@madisonteachers.org

Payroll Issues Continue; Check your Pay stubs

There were two issues of note with many October 1 paychecks for which MTI encourages you to remain vigilant in checking your payroll report each month.

- **Total accumulated personal sick leave** was incorrectly reported as "0" for many employees. The District has assured MTI that it is working to correct this error and says it should be corrected on the November 1 payroll. Check your year-end balance on last summer's paycheck to verify that your total is correct on November 1. Contact MTI if it is not properly restored.
- **Staff overpaid for extended employment work.** Nearly 400 members of the Teacher bargaining unit were reportedly overpaid for work performed over the summer months, according to the District. This pay would have been included in the October 1 paycheck, with overpayment amounts ranging from \$10 to over \$2,000 per person. The District claims that some teachers were paid Extended Contract wages (i.e. contract year hourly rate) instead of Extended Employment (\$11 to \$15.30 an hour). *Anyone affected by this error should receive a letter from both MTI and the District informing them of the amount and the re-payment plan the District is proposing.* If the error is legitimate, the money legally must be repaid to the District. However, if the District's proposed repayment plan is a problem, members are encouraged to contact MTI for assistance.

The above issues are a reminder that it is important to review your payroll report and follow up on any discrepancies.

Thinking Retirement? Plan Ahead: Attend a Retirement Planning Session

There are several upcoming opportunities for employees to gather information to enable planning and preparation for retirement. MTI represented employees have retirement benefits available through multiple sources. **Understanding these benefits is essential to plan for retirement successfully.**

MTI encourages those considering retirement in the next few years to attend one of the sessions noted below. Due to high demand, reservations should be made as soon as possible by calling the District's Benefits Department at 663-1697 or email chills@madison.k12.wi.us.

Retirement Planning Meetings

November 5 & 20

7:00 -9:00 p.m.

McDaniels Auditorium, Doyle Building

SEE-MTI General Membership Meeting, Wednesday, October 30

Please join us for an important meeting of the SEE-MTI General Membership on Wednesday, October 30, 4:30 pm at the Madison Labor Temple (1602 S. Park Street) in room 201C. You'll hear about our Contract settlement, an update on the legal status of Act 10, and details on work groups and workshops that have been established to directly address member concerns. This is also an opportunity to bring your questions and most importantly, to get together with your colleagues. Parking is plentiful, snacks will be provided and strength comes in numbers. We hope to see you there. Solidarity!

Lost and Found Items at MTI

After the October 2 MTI Contract ratification meeting, several items were left in the meeting room. If one of the following items belong to you, please contact MTI Headquarters (mti@madisonteachers.org or 257-0491): black "Quench" brand water bottle; brown hat with "I am MTI" button, "Union, Yes!" button, and "I Was There" button; large MTI sweatshirt (missing the ties on the hood); blue Playtex sippy cup.

Other lost and found items at MTI are: dark brown beret; Thanksgiving turkey kitchen towel; and ISU Iowa State University red coffee thermos/mug.

Calendar of Events



- **Monday, October 28, McDaniels Auditorium**
BOE Regular Meeting (6:00 p.m.)
- **Wednesday, October 30, 4:30 p.m., SCFL**
SEE-MTI General Membership Meeting
- **Wednesday, November 6, 4:30 p.m., MTI**
SEE-MTI Board of Directors
- **Thursday, November 7, 4:15 p.m., MTI**
Special Education Sub-Committee
- **Monday, November 11, 4:30 p.m., MTI**
MTI Board of Directors
- **Monday, November 11, 1:30 p.m., Supreme Court**
Act 10, MTI Oral Arguments (Streamed by WisconsinEye)
- **Tuesday, November 12, 4:15 p.m., MTI**
MTI VOTERS Political Action Committee
- **Wednesday, November 13, 4:30 p.m., MTI**
EA-MTI Building Representatives
- **Thursday, November 14, Orpheum Theater**
Diane Ravitch: Public School Shakedown
Introductions - 7:30 p.m.
Presentation - 8:00 p.m.