



821 Williamson St. * Madison, Wisconsin 53703-4503 * Phone (608) 257-0491 * Fax (608) 257-1168

Solidarity!

MTI's Act 10 Case before Supreme Court Today

In February 2011, **Governor Walker**, as he described it, **“dropped the bomb”** on Wisconsin’s public employees, the birthplace of public employee bargaining, *by proposing a law (Act 10) which would eliminate the right of collective bargaining in school districts, cities, counties, and most of the public sector. Collective Bargaining Agreements provide employment security and economic security, as well as wage increases, fringe benefits, and as U.S. Supreme Court Justice Holmes said many years ago, an effective voice for employees in the workplace.* Unions had achieved these rights and benefits in a half-century of bargaining. Ostensibly proposed to address an alleged budget shortfall, the Governor’s proposed Act 10 not only called for reductions in economic benefits for public employees (e.g. limits on employer contributions toward pensions and health care), but prohibited public employers from *bargaining* with nearly all public employees over *any* issue, other than limited wage increases, under which no employee could recover losses due to the increase in the Consumer Price Index. **For example, under Act 10, teacher unions can no longer bargain over issues of school safety, class size, planning and preparation time, and health insurance; educational assistants can no longer bargain over salary progression, insurance coverage or training; clerical/technical workers can no longer bargain over work hours, vacation benefits or time off to care for sick children; and state workers can no longer bargain over whistle-blower protections.** *The intent of the Governor was to silence public employees on issues of primary importance to them and those they serve, and to eliminate their political activity.* His stated extreme, no compromise, **“divide and conquer”** approach was to gain full power over employees. **That resulted in MTI members walking out for four days to engage in political action. Soon thereafter thousands followed MTI members, resulting in the largest protest movement in State history.**

MTI legally challenged Walker’s law and in September, 2012, MTI, represented by **Lester Pines**, and his partners **Tamara Packard** and **Susan Crawford**, prevailed in an action before Dane County Circuit Court Judge Juan Colas, wherein Colas found that most of Act 10 is unconstitutional. In ruling on MTI’s petition, Colas agreed that Act 10 **is unconstitutional as it violates MTI members’ freedom of association and equal protection, both of which are guaranteed by the Wisconsin Constitution. This enabled MTI to bargain Contracts for its five (5) bargaining units for 2014-15.** MTI’s are among the few public sector contracts in Wisconsin for 2014-15.

Because Walker’s appointees to the Wisconsin Employment Relations Commission claimed Colas’ ruling provided relief only in Dane County, almost all other Wisconsin public employees have not been able to bargain new contracts. In cooperation with the Kenosha Education Association and WEAC, MTI legal counsel returned to Colas’ court on October 21, *claiming the WERC Commissioners were in contempt of*

court for not enabling bargaining for KEA, and for continuing to process the Act 10-mandated annual elections among union members as to whether they wished to maintain their union’s continued representation. On both accounts Colas agreed, finding the WERC Commissioners in contempt, and ordered their compliance with his 2012 ruling. **He chastised them for implementing a law that no longer existed, given his 2012 ruling.**

The Attorney General appealed Colas’ 2012 decision to the 4th Circuit Court of Appeals. After considering the parties’ briefs, the Court of Appeals did not rule on the case, but certified it to the Supreme Court, which is scheduled to hear oral arguments **today, November 11.** The Attorney General also appealed Judge Colas’ October 21, 2013 Order, which **found the Commissioners of the WERC in contempt** of his 2012 Decision.

The Supreme Court ruled that it would not act on the Attorney General’s petition for a Stay until after the Court of Appeals rules on the petition for a Stay. The Supreme Court ordered that, following a decision by the Court of Appeals, any additional filings in the Supreme Court on the Stay must be made by November 7, and that the parties should be prepared to address all issues during its November 11 hearing. The Court of Appeals denied the Attorney General’s request for a Stay. The Attorney General appealed that denial to the Supreme Court, so that will also be among the subjects before the Supreme Court today.

The Supreme Court hearing will convene at 9:45 a.m. and will be streamed on WisconsinEye. MTI’s is the second case scheduled for 9:45 a.m. and will likely begin around 11:00 a.m.

Diane Ravitch to Present November 14

As part of **The Progressive Magazine’s** effort to preserve public education, **“Public School Shakedown”**, New York Professor and former Assistant Secretary of Education, Diane Ravitch, will appear at the Orpheum Theater (216 State Street) on Thursday, November 14. The program will begin at 7:30 p.m., with Ravitch to speak at 8:00 p.m., in order to accommodate teachers holding parent-teacher conferences that evening. *Free tickets are available from MTI or at the door the night of the program.*

The Progressive Magazine is running a series which illustrates the massive effort to privatize public education. Ravitch is among the leaders of those opposing the *corporate attempt to takeover public schools*, which those trying to privatize misleadingly call **“school choice”**.

Reminder: Health Insurance Annual Choice/Open Enrollment

MTI's various Collective Bargaining Agreements with the District provide that between October 15 and November 15 each year there will be an annual choice to switch health insurance providers among the insurance carriers named in each of the Contracts. Members of MTI have their choice among the three insurers - GHC, Unity and Dean Health Plan.

ANNUAL CHOICE is the period during which MTI-represented employees who are already covered under an MTI-negotiated District health insurance plan *may choose, without having to prove insurability, an alternate plan which is available under the Collective Bargaining Agreement.* Implementation of new coverage will commence **January 1, 2014.**

OPEN ENROLLMENT is available as a result of gains made during MTI's 1999 negotiations. Enrollment in health insurance is available to any employee who is benefit eligible (*an assignment of 19 hours per week or a teacher contract of at least 50%*). Those with health insurance who have **an eligible dependent, who is not now covered, may enroll that dependent during this period.** The effective date for all new coverage is **January 1, 2014.**

- **Thursday, November 21:** Educator for a Day. Community leaders will be invited to experience the day as educators and to experience the challenges of teaching and the needs of students.
- **Friday, November 22: Substitute Educators Day.** This day honors the educators who are called upon to replace regularly employed teachers.

Reminder: SEE, EA & SSA November 15 Workday

Although teaching staff is not obligated to work on Friday, November 15, given the parent-teacher conferences on the evenings of November 12 and 14, members of MTI's clerical/technical, educational assistant and school security assistant bargaining units are reminded that November 15 is a regular work day pursuant to the terms of the SEE-MTI, EA-MTI and SSA-MTI Collective Bargaining Agreements.



Calendar of Events

- **Monday, November 11, 9:45 a.m., Supreme Court**
Act 10, MTI Oral Arguments (Streamed by WisconsinEye)
- **Monday, November 11, 4:30 p.m., MTI**
MTI Board of Directors
- **Monday, November 11, Doyle Room 103**
BOE Operations Work Group (5:00 p.m.)
- **Wednesday, November 13, 4:15 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.
- **Tuesday, November 19, 4:15 p.m., SCFL**
MTI Faculty Representative Council
- **Thursday, November 21, 4:30 p.m., SCFL**
SEE-MTI Organizing Workshop
- **Tuesday, November 26, 4:00 p.m., MTI**
MTI Handbook Committee
- **Thursday/Friday, November 28/29**
Thanksgiving Break



American Education Week November 18-22

Though federal and state governments are obligated to provide public education, both fail to fully fund their mandates on schools. While every child in America deserves a quality public education, the failure of federal and state governments and the state usurping the authority of local

school boards to adequately fund their schools places American education in very poor light. America must provide students with quality public schools so that the next generation can grow, prosper, and achieve.

NEA's American Education Week (www.nea.org/aew) presents all Americans with an opportunity to honor individuals who are making a difference in ensuring that every child receives a quality education for the nation's 50 million K-12 students. American Education Week's celebration days include:

- **Monday, November 18: National Kickoff.** Schools across the country will celebrate excellence in education by hosting kickoff events and activities.
- **Tuesday, November 19: Parents Day.** Schools will invite parents into the classroom for a firsthand look at what the school day is like for their children.
- **Wednesday, November 20: Education Support Professionals Day.** Individuals who provide invaluable services to schools are recognized for their outstanding work.



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