



Solidarity!

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Attorney General to Public Employees: We Will Crush You

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.*

In 2012, **MTI prevailed in Circuit Court, with Judge Juan Colas ruling that most of Act 10 is unconstitutional.** Colas later found the Commissioners of the Wisconsin Employment Relations Commission in contempt of Court because they continued to implement Walker’s Act 10, which Colas had declared unconstitutional. These victories, challenged by the Walker administration, finally made their way to the Supreme Court last Monday, as a result of the Attorney General’s appeal.

Act 10 also destroyed MTI’s Contract provision which mandated that the School District pay the employee’s share of the WRS retirement contribution, and it restricts public employers from paying greater than 88% of health insurance premiums. *The WRS provision alone reduces one’s earnings by 7% (effective January 1, 2014).* MTI’s Collective Bargaining Agreements have, thus far, protected those it represents from having to pay 12% of health insurance premiums.

Last Monday’s Supreme Court hearing, scheduled for 90 minutes, went almost four hours, given numerous comments and questions from the Justices - all seven participating to some degree. The resultant responses caused tension, such as **Attorney General Van Hollen’s** response to **Justice Ann Walsh Bradley’s** comment, **“aren’t the parties’ arguments like ships passing in the night?”** **Van Hollen** retorted that the two ships, **“... are on a collision course”** and **“the State has a bigger ship and we shall win!”**

As The Progressive editor **Ruth Conniff** wrote of the exchange, **“That pretty much sums up the Walker Administration’s attitude toward the teachers, janitors, clerks, and municipal employees it seeks to disempower through Act 10. The state is bigger and stronger, Walker, Van Hollen, and their allies argue, and will not be deterred by public outcry, mass protests, or even the courts.”**

MTI legal counsel **Lester Pines**, when presenting the Union’s argument resurrected the ship analogy, telling Van Hollen that, **“The Titanic was a big ship too, compared to the relatively small iceberg that caused it to sink.”** Pines added that the administration’s Act 10, like the Titanic, has hit an iceberg, and that the iceberg in this case is the Wisconsin Constitution.

In his argument, **Pines** told the Court that the fundamental argument came down to Constitutional rights. **Pines’** claim led to **Van Hollen** claiming, **“There is no constitutional right to collective bargaining.”**

Pines then said, **“Our position is not that there is a Constitutional right to collectively bargain. Our position is that there is an associational right of employees coming together for the purpose of petitioning their employer on matters related to wages and working conditions.** Act 10 illegally penalizes people who exercise their associational right to join unions by telling

them they may not discuss wage increases above cost-of-living or other working conditions,” Pines argued.

Pines illustrated that given Act 10 specifies that a union-negotiated increase cannot be greater than the increase in the CPI and that the increase must be calculated on the base wage, and that the base wage can be less than half of an experienced worker’s wage, **means anyone earning more than the base wage will always lose buying power. Because of Act 10, they will be worse off financially every year of their career.**

Van Hollen conceded that individuals have a right to associate and to petition for wages, benefits, and terms of employment.

Don’t those same individuals “have a constitutional right to associate for the purpose of negotiating wages and working conditions?” **Justice Bradley** asked.

“As individuals, absolutely,” Van Hollen replied. **“But there is no statutory right to collectively bargain.”**

As **Conniff** wrote for The Progressive **“Good luck to all those individuals who seek to bargain individually, but not as part of a union. Destroying their collective power is, of course, the whole point of Act 10.”**

Given the complexity of the case, a decision is not expected until 2014 (although, some justices appeared from their questions to have already made up their minds).

(Various portions of the above were taken from The Progressive Magazine.)

More Payroll Confusion; Wages & Sick Leave

Following work done to verify a teacher’s correct salary, **MTI discovered that the District’s application of the 1% wage increase to the salary schedule was in error.** The magnitude of the error for individual teachers adds up to \$3 to \$6 dollars per year **less than** the Board of Education promised. As a result, MTI is working with the District to ensure that this is corrected. *The District’s intent is to include a small amount of back pay on the November 29 check to bring everyone to the correct year-to-date total, and then implement the correct rate of pay going forward for the remainder of the school year checks.*

MTI has also discovered that the District’s records, and therefore what is reported with each employee’s wage deposit, leaves hundreds of employees’ sick leave inaccurately reported, some as much as 70 days in error. The District has also failed to credit employees’ earned sick leave for work during the summer.

As a reminder, remember to check your payroll report each payroll period to verify that it is correct. Contact MMSD Payroll or MTI if you believe you are not being paid correctly or do not understand the numbers on your report.

They're at it again! GOP Legislators Propose Bills to Decrease Retirement Benefits, Increase Age for Qualifying

Fresh off reports that the Wisconsin Retirement System (WRS) is the strongest public pension plan in the nation and a model for others, two proposals have been introduced to make changes to the WRS. After forcing through legislation in 2011 as part of Act 10, which caused every person represented by MTI (and all public employees) to lose 7% (effective January 1, 2014) of his/her income by stripping the provision in Collective Bargaining Agreements that the school district would pay the employee's share to WRS, the Republican legislators again take aim at retirement benefits. In the recently proposed legislation, one would increase the minimum retirement age and the other would decrease retirement benefits.

- **Proposed Assembly Bill 470** would increase the minimum retirement age for all employees by two years. General employees, teachers, elected officials and executive employees are currently eligible to retire at age 55. The Bill would change that to age 57, for the described employees who are under 40 on the effective date of the Bill.
- **Proposed Assembly Bill 471** would change the formula method for calculating a WRS retirement benefit. Under current law, one's benefit is based on the average of the three highest years of earnings. Under the proposal, one's benefit would be based on the average of the five highest years of earnings. This would cause a substantial decrease in one's WRS retirement benefit. This change would take effect five years after the effective date of the bill.

Assuming a wage on which one received an increase of 2% each year for his/her highest five years of earnings versus the highest three years of earnings, **the proposed legislation would REDUCE by approximately 2% one's wage used in calculating the WRS retirement benefit.**

Both Bills have been referred to the Legislature's Joint Survey Committee on Retirement Systems. Updated information on the status of proposed WRS changes can be found on the WRS website: www.etf.wi.gov.

New Ways to Wear MTI Red

MTI is now offering various new styles of *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: polo - \$25 and button-down - \$40. 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 available. A few MTI stocking hats for the upcoming cold weather also remain (\$5). Show your MTI pride by wearing your MTI red often, but especially on Mondays. *Solidarity!*

MTI Survey – Parent-Teacher Conferences

MTI sent out a member survey three weeks ago regarding issues that the joint MTI/MMSD committees will be discussing. Following last week's **parent-teacher conferences**, MTI has one more set of survey questions that teachers are encouraged to respond to, no later than this **Wednesday, November 20**. The additional survey questions were emailed to all MTI teacher bargaining unit members for whom the Union has personal email addresses. It can also be found on MTI's website (www.madisonteachers.org). Members can get the password necessary to access the survey from their Faculty Rep, members of MTI's Board of Directors/Bargaining Committee, or call MTI headquarters. MTI received numerous phone calls and emails regarding issues with the current parent-teacher conference rules. **Make your voice heard on this important issue by responding to the parent-teacher conference survey.**

SEE-MTI Member Needed for Reclassification Committee

Given the retirement of **Nancy Judd**, a vacancy exists on the SEE-MTI Reclassification Committee. **The Reclassification Committee is composed of two District appointees and two union appointees who review the reclassification requests of clerical and technical employees covered by the SEE-MTI Collective Bargaining Agreement.** Meetings take place during the work day with the committee meeting 4-5 times per year. Those who serve on the committee should have a general familiarity with clerical/technical positions throughout the District and a willingness to serve. If you would like to be considered for this appointment, or have additional questions, please contact MTI Asst. Director Doug Keillor at 257-0491.

Calendar/Events

- **Monday, November 18, 6:30 p.m.**
BOE Special Meeting
Doyle, McDaniels Auditorium
- **Tuesday, November 19, 4:15 p.m., SCFL**
MTI Faculty Representative Council
- **Thursday, November 21, 4:30 p.m., SCFL**
SEE-MTI Organizing Workshop
- **Thursday, November 21, 5:30 p.m., Doyle Room 103**
BOE Ad Hoc Student Conduct & Discipline Committee
- **Monday, November 25, Doyle McDaniels Auditorium**
BOE Regular Meeting (6:00 p.m.)
- **Tuesday, November 26, 4:00 p.m., MTI**
MTI Handbook Committee
- **Thursday/Friday, November 28/29**
Thanksgiving Break

Our Union Makes Us Strong!

MTI's web page - www.madisonteachers.org
MTI's email - MTI@madisonteachers.org