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# Solidarity!

## Wisconsin Supreme Court Bars Access to Public Records Created during Union Recertification Elections

MTI filed an action in Dane County Circuit Court in 2015, challenging the Wisconsin Employment Relations Commission's (WERC) refusal to release voter lists during annual Union certification elections. Dane County Judge Peter Anderson ruled in favor of MTI and held that the WERC was required to produce the certification voter lists requested by the Union under the public records law during the election period. The Wisconsin Supreme Court overturned the ruling in a decision released last week, essentially adopting a new Court-made exemption to the state's broad Open Records law.

In a blistering dissent, Justice Ann Walsh Bradley stated: "Despite Wisconsin's longstanding public policy favoring transparency, for the third time in three years this court continues to undermine our public records law. Yet again, this court overturns a lower court decision favoring transparency of records to which the public is rightfully entitled. Once more we must ask, '[w]hat has the majority achieved with its opinion grounded in speculative, abstract, and unsubstantiated fears?'"

The decision blocks the Union's access to a public record of the employees who have voted as of the mid-point of the 20-day election period. MTI was not seeking a record of "how" employees voted (that is rightfully kept confidential), but only a list of voters who had cast a ballot. Since Act 10 was enacted, which requires public employee unions to stand for recertification elec-

tions every year, the WERC has provided the Union with the information on who has voted only after the election was over. The decision will uphold the secrecy of WERC's recertification elections, which it conducts entirely by electronic balloting. Historically, and under WERC's election rules, Unions have a right to observe and monitor certification elections. As a result of the Court's decision, Unions will as a practical matter have no effective way to monitor the WERC's administration of the elections or to track voting, as they would if WERC conducted elections at a physical polling place. The Court's decision will have far-reaching consequences for the Open Records law and is a blow to transparency and open government.

MTI's original case was filed in 2015 in an attempt to allow MTI timely access to recertification voting records from the WERC in order to provide greater transparency in the election process, and to allow MTI to conduct a more efficient and focused recertification election campaign. To no surprise, the current State Supreme Court reversed MTI's Circuit Court victory. Fortunately for MTI, even with these limitations on access to public records, the MTI membership, and a platoon of member organizers and member leaders, continue to deliver impressive recertification victories for the Union - a 78% turnout in the most recent recertification elections in which 98% of those voting cast their ballot in favor of recertification of the Union.

## Handbook Review Recommendations to BOE

The MTI-MMSD Employee Handbook Review Committee met on **February 6** to finalize consensus recommendations for Handbook revisions to the Superintendent to forward to the Board of Education for consideration. The **BOE Operations Work Group** is scheduled to review these recommendations at their **February 19** meeting and the **full Board of Education** is scheduled to act on the recommendations at the **February 26 regular BOE meeting**. Any interested MTI members are invited to attend these meetings. All MTI members were sent an e-mail update on the Handbook discussions on February 1. Summaries are also available on MTI's website ([www.madisonteachers.org](http://www.madisonteachers.org)) under the Employee Handbook tab.

Additionally, all interested MTI members are invited to attend an **MTI informational meeting on the MMSD Employee Handbook recommendations on Tuesday, February 20**, commencing at 4:30 p.m., at MTI Headquarters (33 Nob Hill Road).



### How Do I Join MTI?

Click on the "RENEW" icon/link on the MTI webpage ([www.madisonteachers.org](http://www.madisonteachers.org)) for step-by-step directions. When you join your colleagues as an MTI member, you are making a decision to **stand together in solidarity on important issues that impact your profession, our schools, and our students**. MTI provides you with a voice in the workplace, with the School Board, and at the State Capitol.



### Be a Voter Primary Election Tuesday, February 20

Tuesday, February 20, is the primary election. The Supreme Court Justice is an important race on the ballot (MTI-Voters endorsement decision pending). Every vote will matter in this typically low-turnout election. Polling places will be open from 7 a.m. to 8 p.m. See MTI's website under **Elections Spring 2018** for the MTI-endorsed candidates. **Photo ID is Required for this Election.**

## ***I LOVE MY PUBLIC SCHOOL*** **Week of Action February 12-16**

Schools across Wisconsin are celebrating our public schools this week. Schools are organizing local days of action showing support for our public schools by wearing school shirts, hosting a LOVE MY SCHOOLS walk-in, creating I ♥ Public Schools signs, tweets, or school Facebook events, and posting photos on their school website.

### **Bargaining to Commence Later This Spring on 2018-19 Pay Increases for all MTI-represented Employees**

While Employee Handbook discussions have involved potential *structural* changes to the EA, SEA, and Teacher salary schedules, pay increase discussions for **all MTI-represented employees** will occur later this spring in the context of collective bargaining, for determining base-wage increases. Under Act 10, base-wage increases are limited to the cost-of-living, calculated at **2.13%** for contracts commencing 7/1/18. MTI has successfully bargained cost-of-living base wage increases in each of the past two years that Act 10 has been applicable (0.12% in 2016; 1.2% in 2017) and will be pushing the BOE to agree once again to a cost-of-living increase for District employees. Since Act 10 prohibits bargaining on any issue other than base wage increases, MTI works on those issues in the context of the Employee Handbook discussions and recommendations to the Board of Education.

### **Class Covering Pay**

Section 1.05 (page 99) of the Employee Handbook ensures that teachers are compensated for covering another teacher's class, when a substitute is unavailable. Nearly all members of MTI's teacher collective bargaining unit are entitled to class coverage pay whether they volunteer or are assigned by a building administrator. This is also true whether one loses planning time or not. Follow up with your building administrator or administrative clerk to verify that this additional time is recorded for compensation. Class coverage pay is \$22 per hour.

### **MTI Delegate to SCFL Vacancy**

Nominations are being sought for teacher members interested in serving as an MTI Delegate to the South Central Federation of Labor. Interested teacher members can e-mail MTI Executive Director Doug Keillor ([keillord@madisonteachers.org](mailto:keillord@madisonteachers.org)). Nominations can also be made at the February 20 meeting of the MTI Faculty Representative Council. The election will be held at the March 20 meeting of the Council.

### ***IMPORTANT DEADLINES***

Teacher Retirement & TERP Enrollment -  
February 15, 2018.

Temporary reduction of contract with the right to return to full-time — March 1, 2018.

## **MTI Membership Opportunities**

The following meetings, seminars, and workshops are available to MTI members *only*.

### **MTI & WEA Member Benefits: Financial Services for MTI Members**

MTI and WEA Member Benefits are providing more opportunities to enhance the financial well-being of MTI members. More information and sign-ups for both seminars and consultations can be found at [www.madisonteachers.org](http://www.madisonteachers.org) or [www.weabenefits.com/mti](http://www.weabenefits.com/mti).

#### ***Thursday, March 15—Preparing for Retirement***

In addition, **Steve Pike** (retired teacher and current WEA Member Benefits Consultant) is available for a **free 60-minute financial consultation**. This is ideal if you are just getting started, have specific questions, or would like a quick check-in. It's a convenient way to meet with someone face-to-face to get some general help or guidance. Consultations are held at MTI Headquarters.

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**MTI National Board Certification Training Workshops for 2017-18.** MTI members pursuing National Board Certification are invited to participate in monthly NBC support workshops. The next session is March 14. Contact MTI to register.

#### ***MTI members in need of assistance:***

See your MTI Faculty Rep or contact MTI staff (257-0491 or [mti@madisonteachers.org](mailto:mti@madisonteachers.org)) should you have a question or need **assistance with any work-related matter**.

## ***Calendar of Events***

- Tuesday, February 13, 4:30 p.m., MTI  
MTI Board & Bargaining/Handbook Committee  
MTI Board of Directors (regular meeting)
- Tuesday, February 20, 4:15 p.m., MTI  
MTI Faculty Representative Council
- Wednesday, February 21, 9:00 a.m., MTI  
MTI-Retired Members
- Wednesday, February 21, 4:15p.m., MTI  
MTI VOTERS Political Action Committee
- Thursday, February 22, 4:15 p.m., MTI  
USO-MTI General Membership
- Monday, February 26, 6:00 p.m., Doyle Auditorium  
BOE Regular Meeting
- Tuesday, February 27, 4:15 p.m., MTI  
ESEA-MTI Building Representatives

**Save the Date! April 15, 2018**  
**MTI Cares Bowl-A-Thon for**  
**Food for Thought Initiative (F4TI)**

## ***Our Union Makes Us Strong!***

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MTI's web page - [www.madisonteachers.org](http://www.madisonteachers.org)  
MTI's email - [MTI@madisonteachers.org](mailto:MTI@madisonteachers.org)