



Employee Handbook Background

Act 10 and the Attack on Collective Bargaining

Prior to 2011, public sector unions in Wisconsin negotiated Collective Bargaining Agreements (aka “Contracts”) with public employers that specified the wages, hours and working conditions for employees represented by the union. That all changed with the passage of Governor Walker’s Act 10 in 2011 which, among other things, prohibited public employers in Wisconsin from bargaining *any issues* with their employee unions other than *base-wage increases*.

In response to the union-busting law, MTI helped lead the historic Wisconsin Uprising of 2011, in which hundreds of thousands of protestors closed schools, filled the streets and occupied the state capital for a period of months before the law was ultimately passed. Recall elections successfully removed some Act 10 supporters from office, but the Governor remained in office and was ultimately reelected.

MTI then mounted a legal challenge over the constitutionality of Act 10 and prevailed at the Circuit Court and Appellate Court levels before finally losing before the Wisconsin Supreme Court which upheld the constitutionality of Act 10. These legal challenges allowed MTI, and a number of other public unions, to extend their Collective Bargaining Agreements and postpone some of the most negative impacts of Act 10, until June 30, 2016, five years after the passage of Act 10.

Employee Handbook Era Begins

Once Act 10 took effect, many public employers in Wisconsin replaced mutually agreed upon Collective Bargaining Agreements with unilaterally created Employee Handbooks developed by management with no (or token) employee participation. Working conditions were often gutted, benefits were stripped, due process rights eliminated and salary schedules became far more subjective and arbitrary. MTI and the MMSD chose a different path.

Given the loss of bargaining rights under Act 10, MTI worked with the MMSD Board of Education and Administration to develop a collaborative process to develop the Employee Handbook to replace the Collective Bargaining Agreements prohibited by Act 10. This process was first employed in the summer of 2015 and used the CBAs as a foundation for Handbook discussions, recognizing that the Contracts represented decades of mutual agreements forged through negotiation and compromise.

Using this collaborative approach to the development of the Employee Handbook, the employee and employer representatives reached consensus on recommendations to continue the vast majority of the provisions previously negotiated in the CBAs, including critical issues such as the objective salary schedules, just cause protections, and a grievance procedure to enforce the Handbook. They also recommended a commitment to collaboratively review the Handbook annually, which became Section 18 of the Handbook. The Board of Education approved these recommendations and a comprehensive Employee Handbook was implemented on July 1, 2016.

Employee Handbook Revision/Review Process

Section 18 of the Employee Handbook provides for an annual review/revision process in which designated employee and employer representatives meet to discuss revisions. In the summers of 2016 and 2017, following the Review/Revision process, consensus recommendations were advanced for revisions to the Handbook effective July 1, 2017 and July 1, 2018 (the Handbook recommendations are generally made a year in advance of implementation to provide sufficient notice of changes). The BOE approved the recommended changes. This Review/Revision process is now underway for recommended Handbook changes effective July 1, 2019.