

Suggested Steps for Transition to Recertification and Membership Organizing

Assumptions:

- Recertify and organize (sign-up) members in unsettled locals immediately. Recertification elections by December 1, 2011. Goal to recertify before end of the 2010-2011 school year.
- Recertify and organize (sign-up) members in locals with a contract settled through June 2011 by December 1, 2011. Goal to recertify before end of the 2010-2011 school year.
- Recertification and member sign-up efforts will be done simultaneously.
 - Two committees functioning to meet these two functions (where possible).
 - Two committees coordinate message and reporting data.
- Recertification and organizing in locals with contract extensions will be addressed in the year they expire.
- Staff assistance will be provided (46 NEA Staff + WEAC Staff)

Goals:

- Channel the energy of WEAC members into strengthening their local, UniServ, & state union.
- Engage members with 1-1 conversations with their colleagues.
- Identify leaders.
- Transfer membership dues payment to electronic fund transmittal (EFT).
- Hold successful recertification elections in all local unions during the required dates (listed above).

These goals will be met through two committees in each local, trained and supported by staff.

Local Organizing Committees	Local Recertification Committees
<p>Trained and able to:</p> <ul style="list-style-type: none"> • Have 1-1 conversations with members around their fears, issues and hopes for their union. • Connect members with opportunities for engagement within their union. • Assist members with transfer from payroll deduction to electronic transmittal for their dues. • Create a plan to recruit and train additional member organizers as needed. 	<p>Trained and able to:</p> <ul style="list-style-type: none"> • Provide information to members regarding the timelines for upcoming recertification elections. • Conduct a straw poll of members about the upcoming vote, if necessary. • Create a plan to conduct the recertification process in their local.
<p><u>Local Organizers should be 'natural leaders' in their organization who have</u></p> <ul style="list-style-type: none"> • Followers • Credibility • Good interpersonal skills • Excellent listening skills • Ability to follow through on tasks • Can keep confidences 	<p><u>Local Recertification Committee</u> members should be members in their organization who can</p> <ul style="list-style-type: none"> • Follow through on tasks • Design a plan that meets specified timelines and requirements • Communicate effectively with members about the recertification process

Steps:

1. Local Leader Meeting, March 12, 2011
2. Statewide Staff Meeting, March 18, 2011
3. *Organizing for Our Future* workshops (initiated March 19 & 20, 2011).
 - a. Held at UniServ Offices.
 - b. All locals are invited, give priority to unsettled 2009-0211 locals first as they have the most immediate need; then locals settled through June 20011. Locals with a contract extension would not need to attend a training this year, but consideration should be given to the message and value in membership organizing components.
 - c. Rollout workshops continuously throughout the month of April to reach all locals. It is possible that leaders who attend the workshops may implement "mini-workshops" for other members at their locals and encourage them to assist.
 - d. No more than 50 people participating at one time (which could mean various numbers of locals as we have asked local leaders to bring with them folks who would be on an organizing committee and a recertification committee)
 - e. The workshop will be presented as a team effort among UniServ Staff and WEAC/NEA Staff. As you implement workshops, you may want to consider asking leaders to facilitate the workshop with you.
4. We encourage the following process be implemented in each local after the workshops:
 - a. Local association meetings (both EA and ESP) at one time.
 - i. Poll members re: recertification and sign-up members who are willing at this time.
 - ii. Log those who attended
 - iii. Meet with organizing and recertification committee re: strategy.
 1. Log those who volunteered
 2. Describe who they will be following up with.
 3. Try to limit each member to following up with X employees after the meeting.
 4. Give them a period of time to follow-up with you.
 - b. Buildings Meetings
 - i. Targeted list of those who didn't sign up at local association meeting.
 - ii. During the am or lunch.
 - c. Member volunteers do follow-up 1:1 conversations.
 - d. Phone calls the week before ballots are due; group voting event/activity, etc.
5. Continue advocacy and action on member issues
 - a. Review member issues log from membership organizing/sign-up efforts.
 - b. Keep advocacy and action member issue driven.
 - c. Develop local leaders and expand. Keep them engaged and find a meaningful role for them.
 - d. Continue member engagement actions and opportunities that are meaningful, effective, and escalate.
 - e. Coalition building around the budget (elections).
 - i. How to connect to other community groups? (find common ground with religious groups; libraries; other labor)
 - f. Continue relationship building through Phase 3 – building visits by staff.

Questions and Answers

Certification

1. What is certification? Certification is the process whereby a local union seeks the legal authority to serve as the exclusive bargaining agent for a group of employees. The employer must negotiate mandatory subjects of bargaining ("base wages" under the budget repair bill) with the certified exclusive representative.
2. What is a certification election? In a certification election, employees are asked to decide (by secret ballot) whether or not they want a union as their exclusive collective bargaining representative. The elections are conducted by a state agency, the Wisconsin Employment Relations Commission. Under the new bargaining law, 51% of all bargaining unit employees must vote "yes" for union representation to maintain formal union recognition in the workplace. It is important to note that **we must win 51% of all eligible voters, not 51% of votes cast.** It is also important to remember that we have a union regardless of whether that union is the certified exclusive bargaining agent for the employees.
3. Why is it important to win certification elections? It is important that we work hard to win certification elections to show that our union is supported by the teachers, faculty and/or support professionals in every school, state institution and technical college across this state. It's a way to show school board members, legislators and the Governor that we are standing together to take back our rights. In addition, certification places us in a better position to begin bargaining when we win our bargaining rights back.
4. When will certification elections happen? It is WEAC's position that the law requires that initial elections must be conducted no later than December 1, 2011, for school district and technical college locals with unsettled contracts, and no later than April 2011 for state employees. After that, the locals will be subject to annual certification elections.

For locals that have a collective bargaining agreement in effect, an election must be held no later than December 1 following the expiration of the collective bargaining agreement. After that, the locals will be subject to annual certification elections.

The Wisconsin Employment Relations Commission will be issuing new rules regarding this question. Should those rules provide for a different procedure, we will notify all locals.

5. When a unit is certified, what is WEAC's obligation to represent non-members? Under the new bargaining law, WEAC is legally obligated to represent non-members only on issues pertaining to "base wages." WEAC will not represent non-members in individual employment issues such as non-renewals, unemployment insurance, Family Medical Leave Act, and other individual employment matters outside the new and very limited scope of representation. WEAC will represent members in employment issues other than "base wages."
6. What is the difference between certification and union membership? **We are a union regardless of whether or not we certify our bargaining units.** Employees can belong to a union even if it is not

legally recognized as the employees' certified exclusive bargaining agent. In this case, employees use different tactics to achieve their goals. For example, under the new law certified units can collectively bargain over "base wages." Employees in non-certified unions, on the other hand, may use collective action to pressure a school board to adopt fair and equitable salary policies.

7. How will the WERC conduct the certification elections? Many of the details concerning the certification elections will be determined after the WERC issues administrative rules concerning the process. For example, as of this writing, it is currently unknown if the WERC will use mail ballots or some other type of ballot.
8. Can a local collect certification ballots and mail them in collectively? As of this writing it is unclear if mail ballots will be used. Many of the details concerning the certification elections will be determined after the WERC issues administrative rules concerning the process. *If mail ballots are used, the ballots should be mailed in strict accordance with the directions provided by the WERC.* WEAC advises against mailing ballots in the same envelope as it could call into question the secrecy of the ballots cast. This could lead to the election results being set aside by the WERC if the employer raised an objection.

HOWEVER, the certification election presents locals with a good opportunity to engage in a collective action. Think creatively about how your local can organize your members around the certification process.

9. Will voting lists be available to administrators? Prior to a certification election, the employer will send a list of bargaining unit employees to the Wisconsin Employment Relations Commission. The union will have the right to review the employee list and, if necessary, challenge the eligibility of employees. Upon completion of the election the employer and the union will receive a list of employees that voted. The list WILL NOT specify how the employee voted.
10. If a local does not certify, what happens to any assets left in the local union's account? The local union continues to exist regardless of the outcome of the certification election. If a local does not certify it ceases to become the exclusive bargaining agent of the bargaining unit employees. However, in this circumstance, the local continues to operate and can continue to assess membership dues. The local union can and should use collective advocacy to achieve members' objectives.
11. If the union doesn't certify, do members still have Weingarten Rights (right to union representation in discipline meetings)? Current private sector law (National Labor Relations Act) does not afford the right of representation in disciplinary meetings in a nonunion workplace. The WERC has not decided this issue to date. Given the Governor's opportunity to appoint two new WERC commissioners, it is unlikely that a new Commission will afford employees the right of representation in a nonunion setting. WEAC may decide to litigate this issue if the right facts present themselves. There are good arguments to support such right in a nonunion setting since the proposed collective bargaining bill

continues to afford municipal employees the right to engage in lawful, concerted activities for mutual aid and protection. See 111.70 (2) stats.

Membership Sign Up

12. **How am I to convince employees that they need to join the union?** WEAC and UniServs are holding a number of "Organizing for Our Future" workshops around the state focused on membership sign-up and certification. At these sessions you'll learn how to successfully recruit members and build our union's strength. In addition, WEAC is developing a series of materials that clearly explain the benefits of membership. Check with your UniServ for more information.
13. **How will dues be paid?** The budget repair bill prohibits the employer from deducting dues from members' paychecks. As current collective bargaining agreements expire, members will begin paying dues via Electronic Funds Transfer (EFT). This will require the union to sign up every employee for membership and EFT. WEAC and NEA are currently researching other options for paying dues.
14. **How will dues payments work over the rest of the current (2011) membership year?** The membership year is September 1-August 31.

Members working under currently expired contracts will remit unpaid dues via Electronic Funds Transfer (EFT) for the remainder of the membership year. For 2011, WEAC will begin EFT on May 10th, meaning members will make four payments covering the balance of the membership year. If the member signs up after May, the outstanding dues payments will be spread over fewer months.

Current year dues payments in locals with contracts expiring on June 30th, 2011 will be handled differently depending on the local. Members can generally be broken down into two categories:

- **Paid portion of full-year dues by June 30th** – Members that are paid year round will have automatic dues deduction stop on June 30th. These members would have had 2011 dues deducted from their July and August checks. They will now owe 2011 dues for the months of July and August.
- **Paid full-year dues by June 30th** – Members that are paid on a school-year basis will have automatic dues deduction stop on June 30th. However, these members will have paid their 2011 dues in full over the course of the school year. These members will still need to be signed up, but will not be charged for 2011 dues in July and August. Their first Electronic Funds Transfer will occur on September 10, 2011 – the first EFT of the 2012 membership year.

There are many variations on the above theme and therefore this is not a comprehensive response. Locals with contracts expiring on June 30th, 2011 need to be aware of how dues were deducted from members' paychecks during July and August. Plan accordingly to avoid a significant drop-off in membership during July and August of 2011.

15. If you have a contract in place beyond 2011, will dues payments via payroll deduction continue? Yes. Dues payments via payroll deduction will continue until the current collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first. Thereafter, dues payments via payroll deduction are a prohibited subject of bargaining.
16. Is WEAC considering reducing dues? The WEAC Representative Assembly (RA) is scheduled for April 29-30. The WEAC budget, including WEAC dues, will be considered at that time. A WEAC officer will attend every pre-RA meeting.
17. Should we consider not assessing local dues next year? Passage of the budget repair bill requires us to think differently about the work we do and how we use our financial resources. And while we may be using our financial resources in new ways, the need for those resources remains. That said, local dues assessment is ultimately a local decision.
18. When will employees need to sign up for membership and Electronic Funds Transfer? Sign-up for membership and EFT will vary based on a bargaining unit's contract expiration date. Employees in bargaining units with expired contracts will need to sign up for membership and EFT as soon as the law goes into effect. Employees in bargaining units with extended contracts will need to sign up for membership and EFT in advance of the contract expiration date.
19. Does a bargaining unit need to be certified in order to sign employees up for membership and EFT? No. Employees can still join WEAC even if they do not belong to a certified bargaining unit. Your union continues to exist independent of the outcome of a certification election. The strength and effectiveness of your union will depend on the number of active, engaged members you're able to sign up.
20. Do we have to wait for our current contract to expire to begin signing employees up for membership and EFT? No. You can begin signing employees up in advance of your contract's expiration date. Leaders should begin their membership drives well in advance of the contract's expiration date to minimize drop-offs in membership levels.
21. Once an employee signs up, how long are they a member? Once an employee signs up to be a member, he or she will remain a member until opting out. Membership will continue annually and dues will be adjusted based on the decisions of democratically elected representatives. Members will be informed of changes to their dues on an annual basis.

22. Can employees cancel their membership? Yes. Members can cancel their membership by following the "opt-out" or cancellation procedure. The specific procedure is being developed. However, we believe that members will have to opt out in writing by the first day of the month in order to suspend EFT payment scheduled for the 10th day of the month.
23. When will dues be deducted? Dues will be deducted on the 10th day of each month. If your contract is expired now and you are signing up for membership for the remainder of the 2010-11 membership year, deductions will begin on May 10th, 2011.
24. What if the 10th is a non-business day? Dues will be transferred via EFT on the next business day.
25. How many dues deductions will there be in a year? Twelve. The membership year is September 1 – August 31. Dues will be deducted monthly on the 10th of each month.
26. Why are dues deducted once rather than twice per month? One deduction per month allows WEAC's membership staff to ensure EFT transactions are posted correctly. In addition, WEAC is charged a transaction fee for every transaction; a twice monthly dues deduction doubles the bank fee.
27. What if an employee has concerns about the privacy of their banking information? The employee should seal his/her membership form and voided check in a pre-addressed WEAC membership envelope and mail the envelope to WEAC. WEAC membership staff will process the membership information.
28. Is there a change in the process for requesting a PAC dues rebate? No.
29. Without a collective bargaining agreement, what are dues for? Passage of the budget repair bill requires us to think differently about the work we do and how we use our financial resources. While we may be using our financial resources in new ways, the need for those resources remains.

Our collective bargaining rights have been taken from us and as time passes, the need for traditional bargaining and contract administration will diminish. However, we will continue to organize and advocate for our members at the local and state levels. We can still use collective advocacy to pressure school boards into adopting fair employment policies that reflect language in our collective bargaining agreements. We can still organize around workplace issues. And we will continue the fight to regain our bargaining rights.

30. How will dues be determined by WEAC and the UniServs? WEAC dues will continue to be set by the democratically elected Representative Assembly, which meets each spring. UniServ dues will be set in accordance with each UniServs' constitution and bylaws.

The New Law

31. When does the bill become effective? As of this writing, it is unclear when the bill will become effective. Following the passage of the bill, Secretary of State Doug La Follette indicated that he will wait the full ten days before publishing the bill. That meant the bill will take effect on March 26th. However, the recent Temporary Restraining Order granted by Judge Maryann Sumi calls the bill's effective date into question.
32. Wasn't the budget repair bill necessary to deal with a budget shortfall? No. While there's no question that times are difficult for many Wisconsin families, the State of Wisconsin is in no way broke. According to the non-partisan Legislative Fiscal Bureau (1/31/11), the state was projected to end the current fiscal year (2010-11) in the **black** with a general fund gross balance of \$121.4 million and a net balance of \$56.4 million. This means that the Governor was not required by law to introduce a budget repair bill. He did this on his own.
33. What happens to our existing collective bargaining agreements now that the bill has passed? Existing collective bargaining agreements remain in full force and effect until they expire or are terminated, extended, modified, or renewed, whichever occurs first. After this occurs, certified bargaining units can continue to bargain only over "base wages," limited to percentage changes in the inflation rate (Consumer Price Index – All Urban Consumers).
34. What is the definition of "base wages"? As of this writing, the term "base wages" is undefined. The term could be interpreted to mean several different things and therefore may be the subject of future litigation.
35. Can school boards volunteer to bargain with local unions? School boards must still bargain on "base wages." On all other subjects (e.g. seniority, prep time, benefits, layoff, etc.) school boards can choose to meet and confer with local union representatives. School boards can collaborate with local union officials and adopt mutually acceptable employment policies. However, bargaining on all matters except "base wages" is prohibited. That means school boards can unilaterally set all terms and conditions of employment except for "base wages." Even though our legal right to bargain has been taken from us, we can still engage in collective action at the school board level to advocate for better terms and conditions of employment and persuade the employer to adopt fair and equitable employment policies.
36. What about contracts that are not settled when the new law goes into effect? Unsettled contracts will no longer be in effect or enforceable once the new law goes into effect. Districts will have new rights to implement changes to our benefits and working conditions.
37. What are the civil service protections included in the bill? The bill requires local units of government to adopt a civil service procedure that includes a procedure to address terminations, discipline, and workplace safety concern. The bill DOES NOT require the civil service procedure to include any standard of review or provide for an appeal process before a neutral third party. In other words, the employer has final authority over terminations, discipline and workplace safety.
38. If I'm in a local with an unsettled contract, how will non-renewals and/or layoffs be handled? Questions regarding layoffs and non-renewals are complicated. The WEAC legal department has

provided detailed guidance on this topic to UniServ Directors across the state. Please direct specific questions to your UniServ Director. Below are some general guidelines to consider:

- "Economic non-renewals": Keep in mind that all collective bargaining agreements (unsettled or otherwise) remain enforceable until the new law takes effect. So even if your contract is unsettled, the status quo is still currently in effect until this "budget repair bill" takes effect. Thus, layoff clauses of contracts still apply. Many of the recent "non-renewals" are being called "economic non-renewals" or "non-renewal/layoffs." Under the law governing non-renewals, there is no such thing as an "economic nonrenewal" or "nonrenewal layoff". Non-renewals are for performance reasons. If your district has given out "economic non-renewals" or something similar, you should contact your UniServ Director as soon as possible and ask for assistance.
- Layoffs: After the law officially takes effect, layoffs (as opposed to non-renewals) will be governed by collective bargaining agreements where they are settled or have been extended. WEAC takes the position that with respect to employees' recall rights for the 2011-12 school year, the recall rights in effect at the time of the layoff (e.g., 2010-11) apply to any recall of employees for the 2011-12 school year. Where a district has laid off employees for the 2011-12 school year and determines to recall employees for that school year, the District should be required to follow the recall procedures of the collective bargaining agreement. If that is not the case, contact your UniServ Director immediately. Where contracts haven't been settled, any layoffs issued after the law takes effect will be in accordance with district policy. We will need to influence decisions made about these policies by organizing our members and advocating for fair layoff policies and procedures.

39. When do the increased WRS contributions go into effect? For state workers the increased WRS contributions go into effect on the first day of the first pay period following March 13, 2011. For school district/tech college/other municipal workers the effective date of the WRS contributions depends on whether the contract is open (unsettled) or closed (settled and/or extended contracts). For open contracts, the increased WRS contributions also go into effect on the first day of the first pay period following March 13, 2011. For closed contracts, the new WRS contribution rates begin on the day in which the collective bargaining agreement expires or is terminated, extended, modified or renewed.

40. When do the changes to the health insurance co-premiums take effect? For those in the state health care plan, the new law restricts public employers from paying more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium costs (tier 1 plan). This becomes effective on the first day of the first payroll period following March 13, 2011, for state workers and on January 1, 2012 for municipal workers (or on the day the collective bargaining agreement expires or is terminated, extended, modified or renewed).

For those not in the state plan, the co-premium contribution rates remain as per your collective bargaining agreement until that agreement expires or is terminated, extended, modified or renewed. At that point, co-premiums and insurance generally will be determined by district policy. Again, we will need to influence the decisions made about our health insurance by organizing our members and advocating for high-quality and affordable health care.

The Future of Our Union

41. Without bargaining and "just cause," what protections do I have? We are not without power to influence the decisions made by districts, technical colleges and the state. However, our approach to influencing these decisions will need to change dramatically in the months ahead. Organizing, rather than traditional contract bargaining, will become the primary tool we use to advocate for better conditions of employment in our workplaces. It won't be easy to make this transition, but it's important to remember that our union existed before we had collective bargaining and it will continue on even with the passage of this draconian law. We will learn together and become stronger as we strengthen our union and build a growing state-wide movement for political, social and economic change.
42. How will we protect new teachers in the profession? While we have been stripped of most of our collective bargaining rights, we are not powerless. We can achieve much – for new and veteran employees alike – by organizing and taking collective action. Our collective bargaining rights are important to us and we'll fight to get them back. But together we still have the ability to collectively advocate for students, our profession and for ourselves. We have strength in numbers – strength that allows us to confront belligerent administrators, argue for curricular change, advocate for fair wages and benefits, and demand the return of our collective bargaining right.

Using our collective strength we'll advocate for all education employees. Meanwhile, we'll provide the professional development support new teachers need to succeed in the classroom.

43. What should I be doing now? WEAC is recommending that local leaders focus their energies on the following actions:
- **Negotiations** – Work with UniServ staff to settle and extend contracts, where possible
 - **Membership sign-up** – Develop and implement a local plan for signing employees up for membership and EFT
 - **Certification** – Develop and implement a local plan to get employees to vote "YES" in certification elections
 - **Election** – Volunteer for recall efforts and the April 5th election
 - **Budget campaign** – Use your connections to get community groups, leaders and activist to voice their opposition to Governor Walker's regressive state budget
 - **Collective advocacy at the local level** – Use your union's collective voice to advocate for fair employment practices. Organize and mobilize your members around workplace issues

The priority order of these activities may differ from local to local based on various factors, including when the local's current collective bargaining agreement expires. If the local does not have a settled contract, or the contract expiration is in 2011, local leaders are advised to devote substantial energies to negotiations, membership sign-up and bargaining unit certification.

44. What is WEAC doing to support the membership sign-up and certification campaigns? WEAC is working with the UniServes to offer a series of "Organizing for Our Future" workshops. These sessions are focused on giving members the tools they need to sign up members and certify bargaining units.

Included in these sessions are: nuts and bolts of the new law; the importance of building our power through organizing; how to build a local sign-up and certification plan; how to conduct one-on-one conversations with members; and other topics. Check with your UniServ for more information.

45. Who should we contact if we have any questions about the membership sign-up and certification campaign? Your primary point of contact should be your UniServ Director.
46. Who will contact me regarding membership sign-up and certification? Due to the size and scope of the membership sign-up and certification campaign, we hope that many local leaders will self-start. We will do our very best to provide as many resources as possible – staff, workshops, materials, etc. WEAC will post as much information as practical on the Connecting Leaders and Staff Blog and the WEAC website. We will also use periodic conference calls/webinars to provide updates, direction, feedback and answers to frequently asked questions.
47. Is WEAC getting assistance from other unions? Yes. The NEA is working closely with WEAC on a variety of fronts: sharing staff, developing a new membership system, and providing advice and consultation. Staff from other NEA state affiliates are in (or will be in) Wisconsin to assist with the membership sign-up and certification campaigns and a variety of other organizing efforts. WEAC continues to work closely with other Wisconsin public sector unions (AFSCME, AFT-WI, SEIU, Wisconsin state AFL-CIO, and others).

Questions from Saturday, March 26th Recertification Training

Collective Advocacy (yellow)

- How do we get young teachers involved?
 - Young teachers and initial educators are vital to our efforts. They need to understand that without the restoration of collective bargaining it will be impossible for us to reestablish decent working conditions (prep. time, sick leave etc.), not to mention reasonable compensation levels. There are a number of locals where the initial educators have taken a leading role. Student WEA is also involved in this.
- Is it time that, as our organization, we do not have to advocate for those not paying dues (other than the 2.5% pay increase)?
 - Under the new law non-members will not be represented other than for negotiating salaries.
- Protection of our members rights what rights will our members have?
 - Our members will still retain all of the statutory rights not taken away by this Bill. For union members we will still be advocating on their behalf and making sure the districts do not these rights and discriminate against them. A list of advocacy issues was included in the packet.
- How do we still represent our members' grievance wise, issue with administrators etc?
 - Yes, we will still be representing members, but the strategies we use, and the processes for pursuing issues will change.
- How can retirees help?
 - Retirees can be involved in assisting the committees that each local is setting up.

We are Wisconsin (yellow)

Recertification (red)

- How can I influence others to see the importance of continuing the union?
 - A list of talking points for why we need the union was distributed. These messages will be honed in the coming days and weeks. By the time we have the forms for recertification and membership they will be extremely hard-hitting.
- What are going to be the most compelling arguments to convince members why a union is still important?
 - See the response above.
- Can members vote absentee for recertification?
 - Recertification will be by postal ballot.
- Dues costs?
 - The membership forms will come with the dues amounts already on them. We will not know for a few weeks, however, what the WEAC, WU or local dues will be.
- How do we convince younger members to recertify? They are excited to not have to pay \$750 in dues and don't realize what they'll lose.

- The best argument that I have heard is:
 - A NO vote is a vote for Walker.
 - Do you approve of what Governor Walker has done to us?
 - Do you want to do anything in response to this bill?
 - Given that you disapprove and want to do something about it, what do you think will be more successful –fighting this alone or all of us together and organized?
 - Do you think Walker supporters (big business and employers) are organized?
 - Do they financially support their candidates and organizations?
 - So what are we going to do to turn this around and is there a role for the union in bringing about this change?
- Civil service agreement?
 - This is not a viable option in many cases. Where it may be appropriate the Uniserv Director will work with the local.
- If you recertify will you provide legal counsel to all members?
 - Yes, in a very similar way that we do now.

Membership (red)

- How do you approach our members who support the bill?
- Even if we recertify, why become a member? Please give us facts not rhetoric.
- What do we say to those who will vote to recertify but won't pay dues?
- What can we inform membership with that will convince them to stay a member?
- How do we get people to understand why they should pay union dues with limited bargaining rights?
- We are losing our experienced union members to early retirement. How do we advocate our youngest members?
- Is FMLA a bargained right?
- If we recertify, does it become a choice to members to be part of the union or are they required to join?
- Without a contract, how will you represent our union members?
- Why pay dues if all I get is CPI?
- Someone will represent me anyway?
- I can't afford dues?

Electoral Efforts (orange)

- Who are school board etc. that should be voted for in locals we live in but don't work in?

ORGANIZING FOR OUR FUTURE AGENDA

- I. Welcome
- II. Review – Conference Substitute Amendment to Assembly Bill 11
- III. United, We're Moving Forward – Next Steps
- IV. Organizing – Foundation of Our Future Work
- V. Membership Organizing Campaign
- VI. Recertification Campaign
- VII. Implementation – How do we take this back to our local?
- VIII. Adjourn

The Walker Budget Repair Bill

Summary of the Bill as passed by the Wisconsin Senate and Assembly

and signed into law as 2011 Wisconsin Act 10

Sections that affect collective bargaining and union rights:

1. Eliminates collective bargaining rights for child care workers where the employer is state, counties, and other administrative entities involved in the regulation and subsidization of child care providers.
2. Eliminates collective bargaining rights for University of Wisconsin Hospitals and Clinics Authority employees. Eliminates the University of Wisconsin Hospitals and Clinics Board.
3. Eliminates collective bargaining rights for home health care workers. Eliminates the Wisconsin Quality Home Care Authority.
4. Eliminates collective bargaining rights for University of Wisconsin system faculty and academic staff.
5. Modifies the Municipal Employment Relations Act (MERA) and the State Employment Labor Relations Act (SELRA) by
 - i. Prohibiting bargaining over any factor or condition of employment other than "base wages". Bargaining over base wages would be limited to percentage changes in the Consumer Price Index (whether the CPI is positive or negative), unless approved by referendum.
 - ii. Requires the WERC to conduct annual certification elections for all general municipal and state employee bargaining units. Recertification would require that 51% of bargaining unit employees vote for recertification. The first vote must be conducted in April, 2011. Thereafter, elections would be required for school district and state units no later than December 1 each year and by May 1 for all other municipal bargaining units.
 - iii. Prohibits state and municipal employers from making payroll deductions for labor organization dues.
 - iv. Prohibits state and municipal employers from negotiating "fair share" agreements with any labor organization.
 - v. Repeals all the final and binding interest arbitration provisions of MERA.
 - vi. Repeals the limited right to strike under MERA.
 - vii. Limits all collective bargaining agreements to a term of no more than one year.
 - viii. Repeals the public policy declaration of the MERA and SELRA.
 - ix. Repeals the requirement that the Director of OSER conduct a cost benefit analysis before contracting out bargaining unit work.

- x. Includes the Madison Overture Center (cultural arts district) in the definition of municipal employer under the MERA.

Note: these changes first apply on the day in which the collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

6. Provides that during a state of emergency declared by the Governor, agencies may discharge any state employee that a) fails to report to work for any three working days (if not on an approved leave of absence), or b) participates in a work stoppage, sit-down, stay-in, slowdown, or other concerted activities to interrupt the operations of state government (including mass resignations or sick calls).
7. Requires local units of government to adopt a civil service procedure that includes a grievance procedure addressing terminations, discipline, and workplace safety. *The bill does not require the procedure to include any standard of review or provide an appeal process before an independent, neutral authority.*
8. Prohibits state and municipal employers from paying all or part of the WRS contributions required of participating employees effective on the first day of the first payroll period after March 13, 2011 (or on the day which the collective bargaining agreement expires or is terminated, extended, modified or renewed). This means that public sector workers would be required to pay one-half of all actuarially-required WRS contributions. *Note: the same requirement applies to the Milwaukee County retirement system.*
9. Prohibits state and municipal employers participating in the state health plan (excluding employers of local police, local firefighters, state troopers and state inspectors) from paying more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium costs (tier 1 plan). Effective on the first day of the first payroll period following March 13, 2011, for state workers and January 1, 2012 for municipal workers (or on the day which the collective bargaining agreement expires or is terminated, extended, modified or renewed). Also requires the Group Insurance Board (GIB) to lower state health plan premiums by 5% and establish a wellness or disease management program.
10. Note: The changes to the collective bargaining law, as well as the increased WRS and health insurance contributions, do not apply to certain public safety bargaining units, including local police, local firefighters, state troopers and state inspectors.
11. Note: The original bill authored by the Governor included a provision that required the WRS to study the feasibility of converting the WRS system to a defined contribution plan as an option for participating employees. The original bill also included a provision requiring the state to study the feasibility of converting the state health plan to a high deductible/health savings account plan. Both of these provisions were left out of the Conference Committee Substitute amendment passed by the Senate and Assembly (March 9 and 10th).

Other provisions affecting working families:

12. Gives the Department of Human Services the authority to make certain administrative rule changes to the State Medical Assistance program and apply for a federal waiver. The provision sunsets on January 1, 2015.
13. Reduces funding for Family Care aging and disability resource centers by \$3,100,000 in 2010-11.
14. Increases the number of current statutorily authorized division administrators that may be appointed by the Governor from the unclassified service by 35. This includes one additional administrator (the WERC general counsel) with the Office of State Employment Relations that would now be appointed by the Governor.
15. Allow career executive positions to be transferred/reassigned by the Governor (DOA).

Questions and Answers

1. When does the bill become effective?

The Secretary of State has up to ten days (not including Saturdays and Sundays) from the day the Governor signs the bill to publish the bill. The bill becomes effective on the day after it's published. The Secretary of State, Doug La Follette, has indicated that he will wait the full ten days before publishing the bill on March 25th. That means the bill will take effect on March 26th.

2. Wasn't the budget repair bill necessary to deal with a budget shortfall?

No. While there's no question that times are difficult for many Wisconsin families, the State of Wisconsin is in no way broke. According to the non-partisan Legislative Fiscal Bureau (1/31/11), the state was projected to end the current fiscal year (2010-11) in the **black** with a general fund gross balance of \$121.4 million and a net balance of \$56.4 million. This means that the Governor was not required by law to introduce a budget repair bill. He did this on his own.

3. What happens to our existing collective bargaining agreements now that the bill has passed?

Existing collective bargaining agreements remain in full force and effect until they expire or are terminated, extended, modified, or renewed, whichever occurs first. Bargaining over "base wages" continues after this occurs, limited to percentage changes in the inflation rate (CPI-U).

4. What about contracts that are not settled when the new law goes into effect (expected on March 26th)?

Unsettled contracts will no longer be in effect or enforceable once the new law goes into effect. Districts will have new rights to implement changes to our benefits and working conditions. We are not without power to influence the decisions made by districts, technical colleges and the state, however, our approach to influencing these decisions will need to change dramatically in the months ahead. Organizing, rather than traditional contract bargaining, will become the primary tool we use to advocate for better conditions of employment in our workplaces. It won't be easy to make this transition, but it's important to remember that our union existed before we had collective bargaining and it will continue on even with the passage of this draconian law. We will learn together and become stronger as we rebuild our union and a state-wide movement for political change.

5. What happens to dues collection?

Where our contracts are unsettled, we will lose the ability to collect union dues through employer payroll deductions (taking it out of our members' paychecks). With settled contracts, payroll deduction continues until the contract expires or is terminated, extended, modified, or renewed, whichever occurs first. Locals with unsettled contracts will need to replace payroll deduction of dues with new systems for collecting dues. We are working to create a new system (modeled after what other states use) that allows members to pay dues through Electronic Fund Transfers from their personal bank accounts. More information on this will be provided to locals in the near future.

6. What is a certification election?

A certification election is where bargaining unit employees are asked to decide (by secret ballot) whether or not they want union representation. The elections are conducted by the Wisconsin Employment Relations Commission. Under the new law, 51% of all bargaining unit employees must vote "yes" for union representation to maintain formal union recognition in the workplace. It is important

that we work hard to win these elections across the entire state to show that our union is supported by the teachers, faculty and/or support professionals in every school, state institution and technical college across this state. It's a way to show the world that we are standing together to take back our rights and our democracy.

7. When will certification elections happen?

It is our position that the law requires that initial elections must be conducted no later than December 1, 2011, for school district and technical college locals with unsettled contracts, and no later than April 2011 for state employees. After that, the locals will be subject to annual certification elections. For locals that have a collective bargaining agreement in effect, an election must be held no later than the December 1 following the expiration of the collective bargaining agreement. After that, the locals will be subject to annual certification elections. However, the Wisconsin Employment Relations Commission will be issuing new rules regarding this question. Should those rules provide for a different procedure, we will notify all locals.

8. If I'm in a local with an unsettled contract, how will non-renewals and/or layoffs be handled?

Questions regarding layoffs and non-renewals are complicated. It's complicated because the state law governing non-renewals was modified by the Governor's budget repair bill by removing Wis. Stat. § 118.22(4) which permitted for a collective bargaining to modify or amend the provisions of the contractual renewal statute and additional layoff language found in our collective bargaining agreements is or will be affected by the new law. The WEAC legal department has provided detailed guidance on this topic to UniServ Directors across the state. Please direct specific questions to your UniServ Director. Below are some general guidelines to consider:

- "Economic non-renewals": Keep in mind that all collective bargaining agreements (unsettled or otherwise) remain enforceable until the new law takes effect (which we believe will happen on March 26th). So even if your contract is unsettled, the status quo is still, currently in effect until this "budget repair bill" takes effect. Thus, layoff clauses of contracts still apply. Many of the recent "nonrenewals" are being called "economic nonrenewals" or "nonrenewal/layoffs." Under the law governing non-renewals, there is no such thing as an "economic nonrenewal" or "nonrenewal layoff". Non-renewals are for performance reasons. If your district has given out "economic nonrenewals" or something similar, you should contact your UniServ Director as soon as possible and ask for assistance.
- Layoffs: After the law is officially takes effect, layoffs (as opposed to nonrenewals) will be governed by the collective bargaining agreement where they are settled or have been extended. WEAC takes the position that with respect to employees' recall rights for the 2011-12 school year, the recall rights in effect at the time of the layoff (*e.g.*, 2010-11) apply to any recall of employees for the 2011-12 school year. Where a district has laid off employees for the 2011-12 school year and determines to recall employees for that school year, the District should be required to follow the recall procedures of the collective bargaining agreement. If that is not the case, contact your UniServ Director immediately. Where contracts haven't been settled, any layoffs issued after March 25, 2011, such procedures will be determined by district policy. We will need to influence decisions made about these policies by organizing our members and advocating for fair layoff policies and procedures.

9. When do the increased WRS contributions go into effect?

For state workers the increased WRS contributions go into effect on the first day of the first pay period following March 13, 2011. For school district/tech college/other municipal workers the effective date of the WRS contributions depends on whether the contract is open (unsettled) or closed (settled and/or extended contracts). For open contracts, the increased WRS contributions also go into effect on the first day of the first pay period following March 13, 2011. For closed contracts, the new WRS contribution rates begin on the day in which the collective bargaining agreement expires or is terminated, extended, modified or renewed.

10. When do the changes to the health insurance co-premiums take effect?

For those in the state health care plan, the new law requires restricts public employers from paying more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium costs (tier 1 plan). This becomes effective on the first day of the first payroll period following March 13, 2011, for state workers and on January 1, 2012, for municipal workers (or on the day which the collective bargaining agreement expires or is terminated, extended, modified or renewed).

For those not in the state plan, the co-premium contribution rates remain as per your collective bargaining agreement until that agreement expires or is terminated, extended, modified or renewed. At that point, co-premiums and insurance generally will be determined by district policy. Again, we will need to influence the decisions made about our health insurance by organizing our members and advocating for high quality and affordable health care.

-end-

Next Steps in Building Our Power

Five Vital To Dos

Membership Organizing/Sign-Up – Governor Walker's assault on collective bargaining will require an unprecedented membership organizing campaign. Union members and staff will need to work together to sign up each and every WEAC member. Training on membership organizing/sign-up will be provided through the UniServs and carried out in each school building where we have members.

Timeline – Urgent ongoing priority

Recertification – We know our members are united in their opposition to Governor Walker's attacks on teachers, support staff and other public employees. In the coming days, the Wisconsin Employment Relations Commission will begin the process of conducting certification elections in over 700 WEAC bargaining units. We need to stand together and demonstrate our united front by winning these certification elections.

Timeline

- Unsettled locals – Recertification elections will take place this April, likely by mail ballot.
- Settled locals – WEAC believes that locals that currently have settled contracts must recertify by December 1 of the year in which the contract expires. So, if your agreement expired on June 30, 2012, WEAC argues recertification must take place by December 1, 2012. Ultimately, the Wisconsin Employment Relations Commission must issue rules addressing the initial recertification of locals with settled contracts.

Electoral Efforts

Recall Campaign (on own time) – We have a historic opportunity to take back the Wisconsin State Senate and create a check on Governor Walker's power. Recall petitions are being circulated in eight Senate Districts. Polling data indicates strong support for recalling several of the State Senators. But more volunteers are needed to canvass these districts and collect recall signatures. You can find out more about volunteering for recall campaigns by visiting <http://www.recalltherepublican8.com/>.

Timeline – Ongoing canvassing in all 8 districts until petition due date on May 2. Additional timelines pertain in districts where sufficient signatures are collected. Check the recall website for specific canvass dates.

April 5 Election (on own time) – Electing a supportive Supreme Court Justice is an important next-step in regaining our voice. Ultimately, the Supreme Court may hear challenges to Governor Walker's attack bill. In the coming days, WEAC will make an official recommendation; keep your eyes open for an announcement. We must do all we can to elect her.

