Wisconsin Supreme Court Continues Attack on Workers’ Rights—Your Vote Is Needed

In Wisconsin we have the opportunity to elect our Supreme Court judges, unlike the U.S. Supreme Court which is appointed. For decades, it was believed that the election process provided for greater democratic control and less political influence than the appointment process, but the judicial elections in Wisconsin over the last decade call that thinking into question. The issue is money. Our union once was part of a large coalition of organizations that supported a bill called “Impartial Justice,” the purpose of which was to take money out of the elections for our state Supreme Court judges. Instead, there would be public financing and special interests, whether from the right or left, would not be able to “buy” a judge. I guess it is not surprising that this bill failed and all attempts to restrict campaign funding died with it.

For at least the last half dozen years, we have seen many millions being spent to elect our judges. What once was a very sober process of evaluating judicial competence, has turned into as nasty a political fight as any Governor or Presidential race. Decisions made by judges are taken out of context and developed into negative campaign ads that run day and night on our TV’s and radios. Big money pours into our state from corporate interests who want courts that side with business—not workers’ interests.

The result has been a complete tilt of the court to the right; but, more disturbing, against working Wisconsinites. In the last few months, our members felt this tilt very directly and personally, and their retirements will be less secure because of these rulings.

Court Majority Deals Two Blows To Retirement Benefits

Decades ago there were a series of lower court decisions that said, for the employees in the Milwaukee County and City pension systems (they are not in the state system), the benefits they were promised could not be reduced. Benefits could be reduced for new hires, but not for existing workers; because, they had come to rely on these promises and, basically, it would be too late to now start over with a new employer. New employees understood that the benefits might be different than older employees, and they could make a decision about taking a job, and even about how long to work, etc. This idea that retirement benefits for existing retirees could not be reduced had been reinforced in many courts for many years, so employees had every reason to believe they were protected. Of course, the County employees, in this case our members that worked for the County, also had contracts that protected their benefits, so they were twice protected.

It is well known that in 2011 the law changed and Governor Walker succeeded in stripping away the rights of all public employees, including our Milwaukee County members, to bargain over benefits or really anything else. When the contract ended in 2012, the County began to make unilateral changes to many benefits, not just for new hires, but for existing workers. The first change was in the formula of the pension (reducing from 2% down to 1.6%), the second applied to retiree health benefits for workers hired before the late 1990’s, and a third change was in the formula of lump sum payouts. When the County changed the benefits, our union, along with the union that represented the County attorneys, filed a lawsuit based on these decades of decisions. This is when we now begin to understand why elections at the judicial level matter.

Over the last few months, two of these cases finally reached the Wisconsin Supreme Court, but the Court had changed over the years; and, since 2011, began making many decisions based on what was clearly politics and not legal theory. As a result of the new rulings, the retirement protections that had existed for decades ended overnight. The majority of the Court said the County could change pensions—not just for new hires, but for current employees. Two of the Justices blasted the decisions saying that they were not even based on any legal theory, but just on the unsupported opinion of the majority. Even one of the Justices that ruled against us said how bad he felt and how the decision was a complete betrayal of trust with these dedicated employees; but, still, he (Justice Prosser) stripped away protection.

In all the years I have been president of our state-wide union, I have never seen such outrageous decisions, except perhaps when this same Court majority agreed that it was legal to take away all bargaining rights; and, also, that there no longer needed to be public notice of hearings to pass laws.

In a few weeks there will be another election for one of these seats and, once again, there will be the chance to elect a Justice that is either on the side of corporations or on the side of working families. The vast majority of Wisconsinites will not vote, or they believe that all Judges are fair and impartial and make decisions based

continued on page 3
Anti-Union Bill Now the Law in Wisconsin

By the time you receive this newsletter, the Governor will have signed the so-called ‘Right to Work’ legislation into law. His action comes after the Republicans who control the Wisconsin Legislature announced an emergency legislative session, not for the purpose of passing a budget or restoring funding to public universities and schools; but, rather, to pass just one bill—one designed to weaken private sector unions in our state. Four years ago, February 2011, these same Republican leaders called a special session to eliminate collective bargaining for all public unions, except police and fire. Now that the public sector unions have been severely weakened and, in many cases, completely eliminated, these same individuals turned their attention to doing all in their power to weaken and eliminate private sector unions. Some of you may remember that newly elected Governor Scott Walker back in 2011 was videotaped stating to one of his millionaire supporters that this was the plan: first take on public sector unions, then the private sector—divide and then conquer—in his own words. Of course, when he was running for office last fall, he did not discuss this plan and left many with the impression that it was not on his agenda. In fact, he sent strong messages that he was not in favor of this type of legislation, and went so far as to promise some building trades unions that he would veto it; and, as a result, they endorsed him and gave him money, and boy do they feel betrayed now.

So what changed? Nothing. This was always the plan, but made even more likely when the multimillionaire Koch Brothers set up a fund in Wisconsin to push the anti-union legislation. All the very wealthy corporate political donors made it clear that they expected this legislation to pass. They are now getting what they paid for.

One key difference in the anti-union legislation this year compared to 2011 is that the only thing a state can do is make it illegal to require employees to pay for collective bargaining and representation rights. Private unions are governed by federal law, so the right to bargain over wages, benefits, hours, schedules, and working conditions cannot be eliminated. Only Congress can take those rights away. At a state level, the only change that can occur in private contracts is to take away the right of all workers to pay for the benefit of a contract. I believe, if those in charge of our state could take away all the private sector workers’ rights as they did with the public sector, they would do so.

So, why are the Republicans taking this action when study after study has shown in states that have passed these laws the unions are weaker and wages and benefits decline compared to states without these so-called ‘Right to Work’ laws? You will hear many claims that this is about freedom, but whose freedom? Why would companies make this a top priority unless they see they will gain? They would not. It is true that paying union dues will become optional under this law. That would be fair, if it was also optional to represent those that choose not to pay, but that is not the case. Those that do not pay will have exactly the same rights under the contract as those that do pay. The effect can be to create internal dissent, less enforcement of rights, and loss of money to pay for the costs of bargaining and enforcing contracts.

The goal of the law is to weaken and eventually eliminate unions such as ours, but that will only happen if the members allow it. If members want to have weak contracts and little support for bargaining and workplace advocacy, then they will drop their membership and the anti-union forces will have won. But, members can refuse to let their union become weak. Members can continue to pay dues and become even more active in the fight for good contracts. The future of our union is in the hands of the members. There are some unions in ‘Right to Work’ states that are very weak, and some that are very strong. It will be up to all of us to find the path to power that will keep our unions strong. The future is in our hands, and it is time to fight on and make it a future of which we can all be proud.

President... from page 2

on sound legal theory, so it doesn’t really matter who is elected. Sadly, this is far from the truth. Like so many elections, this one will matter. Over the years, so many decisions about unemployment and workers’ compensation benefits, about workplace discrimination, and about retirement rights will continue to end up before the state Supreme Court. At this time, there is no case about retirement rights will continue to end up before the state Supreme Court. At this time, there is no case about changes to those already retired; but, frankly, I wouldn’t be surprised if that comes up next.

We need Justices that are fair and will look closely at the legal rights of workers—not just the needs of employers and corporations. That is why our union is supporting the re-election of sitting Justice, Ann Walsh Bradley. Justice Bradley wrote a blistering critique of the decision to reduce pension benefits. She understands the law, and the impact on working families. We will not have the millions of dollars the corporations have to put into this race, but we can still remember, at least for now, every vote carries the same weight. If you care about your rights and the rights of all working families now and in the future, I urge you to vote for Justice Bradley on April 7th. Your rights are at stake. And, as always, Elections Matter!
‘Right to Work’ = Need to Organize
by Jamie Lucas, Lead Organizer

With the deceptively-named ‘Right to Work’ legislation looming in the distance, it’s easy to feel uncertain about what interference will be caused within your hospital, clinic, or lab. While the law is yet another thinly-veiled attempt to undermine and weaken organized labor, it brings another opportunity to refocus our efforts as WFNHP to connect each and every member to our vision of fairness, equality, and providing high quality healthcare services through the voice that being union provides.

This undemocratically passed law is a storm cloud on the horizon. It brings with it real (and very negative) impacts, but the more time we spend looking at the cloud and fearing its effects, the less time we spend getting our own house in order. We are reminded to bring the focus back to each workplace.

WFNHP’s public healthcare employees have had to refocus in a similar way in the past few years since many of their rights were stripped by Act 10. In Milwaukee County, WFNHP has been instrumental in fighting for secure, fair pensions for retired members who served the County and followed the rules to retire with dignity. Milwaukee County Behavioral Health Department members have also banded together to stand up to cuts to services, consistently understaffed units, and dangerous working conditions. In Sheboygan, there is discussion of how to act collectively as a union to advocate for the expansion of healthcare services to lesser-served populations to bring quality healthcare to people in need.

At the Milwaukee VA, WFNHP leaders have engaged groups of RN’s from individual clinics and units to ensure that policies are being fairly enforced. These leaders believe those members directly affected by changes in policy and procedure should have a say in how those policies and procedures are enacted. The union is their voice.

In each of these cases, the common thread is that WFNHP leaders have focused on the issue in each workplace that widely affects members and patients. Fighting on these issues means that WFNHP is standing up for fairness, equality, and quality healthcare in each workplace. When members are a part of the fight to protect these principles in their workplace, there is an inherent connection to these principles of WFNHP. That’s how strong unions are built, and that’s what we all need to remember as that storm cloud lingers in the distance.

‘Right to Work’ Q & A

‘Right to Work’ is now the law in Wisconsin, but what does that mean? Here’s a quick reference to answer the questions you may have about the law:

Q: What exactly does the ‘Right to Work’ law do?
A: The new law only does one thing — make it illegal to require everyone that is covered by a contract to pay their fair share of the costs of collective bargaining and contract administration.

Q: Will it take away the contract and change our ability to bargain?
A: No. The contract and the union will continue as it is now, and so will the ability to bargain over all wages, hours and benefits just as before.

Q: When does the law take effect?
A: It takes effect when a contract expires. So, if a contract expires 6/30/2015, then on 7/1/2015 employees can no longer be required to pay their fair share of costs. If the contract expires 10/1/2016 (St. Francis), then employees must keep paying fees until that contract expires.

Q: If someone chooses not to pay dues, will they still be covered by the contract?
A: Yes. Those that do not pay dues must have the same representation as dues paying members. Even though it is clearly very unfair, the law says they must be treated equally. So, if they have a grievance or are disciplined, they must be treated the same as dues paying members.

Q: If someone does not pay dues, are there things that they do not qualify for?
A: Yes. They will not be covered by the million dollar malpractice and liability insurance and will not have access to any of the many discount programs, because those are member benefits. Also, they cannot run for office or be a steward, and they cannot vote in any union election or contract ratification.

Q: Why do I keep hearing that this bill will make my union weaker?
A: Because the experience in other states shows that without full membership or payment of a fee to pay for contract bargaining and administration, employers see the union as weak and bargaining is more difficult; but, it doesn’t have to be that way in our union, and we will do everything to stop that from happening.

Q: If I want to stop paying dues or representation fees, what is the process?
A: Once your current contract expires, you will have to notify your employer that you want to end your payroll dues deduction. Again, that can only happen after your current contract expires.

Q: I work at the VA. Will this law affect me?
A: No. It only applies to private sector unions.
WFNHP Standing Up for Workers’ Rights

WE WILL NEVER GIVE UP
FIGHTING FOR THE RIGHTS OF WORKERS.
We will never give up fighting for social and economic justice.
We will never give up fighting for a better Wisconsin.

WFNHP members answered the call to action—rallying at the Capitol and testifying against ‘Right to Work’ legislation, because the voices of working families cannot and will not be silenced.

Bonnie Pedraza, RN, took a very rewarding mission trip to El Salvador this February. While there, they provided triage and basic care to over 600 people.

Photo Courtesy of Citizen Action of WI
Last summer hundreds of Milwaukee County retirees were shocked to receive letters telling them they may lose pension benefits. Probably the most troubling fact was that many of the individuals receiving the letters had been retired for decades. When Local 5001 found out about the letters and the threat by the County to strip long time retirees of benefits, it immediately contacted the union attorney with pension expertise and authorized him to help these former members, including filing lawsuits if necessary.

The details are truly shocking. For decades, County employees had the right to purchase pension credits for time they worked, but had not received credit. One of the most common examples was, for years when nurses were hired, they were first hired into what was defined as “emergency” appointments and sometime later moved into “regular” appointments. Often this was done to speed up the hiring process in Civil Service, because of the constant nursing shortage. Later, those nurses found out that the months worked in “emergency” status were not counted for pension calculations. The County established a program so that employees could “buy in or buy back” these credits, which many nurses did. There were a number of other examples, but the basic issue is that: (1) the time purchased was time actually worked; and, (2) the County pension staff reviewed each case, told the employees how much could be purchased, authorized the payment, and then awarded the credits.

Everyone involved from the County has confirmed that the workers did nothing wrong. The retirees have letters from County staff confirming all of these details. Nonetheless, the County said mistakes were made by the pension staff in how the time was purchased (took too many years, used deferred compensation money, etc.). The County administrators admit it was their error, but they were still looking to reduce the benefits of these retirees.

The most outrageous situation was a group of 13 workers (five are former 5001 members) where the County had already eliminated, or drastically reduced, their pensions. One of these former members, in her 70’s and retired in 1995, had her pension reduced from $2400 per month to $1500 per month, then cut in half again, because the County says she owes $223,000 in pension overpayments. Another is 82, blind and in a wheelchair, and she, too, had her pension drastically cut. Two others, that are retired Dynacare members, had their pension stopped completely.

Help from the County Board
In addition to filing legal challenges to the plan to take away benefits, the union leadership, along with our attorney, began working closely with elected members of the County Board to find a way to resolve this problem and protect these retirees’ pensions. When the full situation was explained, many members of the County Board saw the injustice of the administrator’s decision and worked closely with the union to create a resolution that would fix the situation and protect all of the pensions. The resolution to correct the injustice and allow the pension to continue was passed by an overwhelming majority of 14 out of 16 supervisors. True to his word, unfortunately, County Executive Abele not only refused to support any action to protect these retirees, but went even further and vetoed the resolution to fix the injustice.

Fortunately, the vote of the County Board was strong enough; and, on February 17th, once again, 14 County Supervisors voted to override Abele’s veto and, finally, these retirees can breathe a sigh of relief knowing justice has been served.

Moral and Ethical Obligation
Legally, the union does not represent retirees, so there was no obligation to provide legal support; but, the officers of Local 5001 believed our union had a moral and ethical responsibility to pay our attorney to help our retired members, even though the union finances have taken a very hard hit as a result of losing payroll deduction and dues requirements for the County members. Our union will not abandon retired members, and will continue to do all it can legally and politically, now and in the future, to fight for justice for all workers.

We also owe a huge debt of gratitude to our attorney, Jeff Sweetland, who went far beyond his legal obligations and took this issue on as a crusade for justice. Without his legal and political expertise, we would never have won this great victory.
Bargaining Update

Middle River (Local 5035) Agrees to One-Year Contract Extension

One of the smallest units in WFNHP are the 11 LPN’s who work at Middle River Nursing Home in Douglas County, with the nearest large city being Superior, Wisconsin. This unit began as two public sector nursing homes where our union represented both RN’s and LPN’s. Many years ago, the County decided to get out of the nursing home business. It closed one home and transferred the other to a private vendor. The union was recognized and bargaining has continued every year since. Unfortunately, under private labor law, the RN’s ended up being ruled as supervisors and no longer covered by the union; but, the LPN’s continue to have a contract and bargain a new agreement every few years. This year, and last, the employer had no proposed changes to any of the contract and suggested that the contract be extended for a year, and that the LPN’s receive an across-the-board raise; and, that is what happened. The initial proposal of 2.5% was rejected by the LPN’s. In the end, the employer agreed to increase the proposal to a 3% raise as of 1/1/2015 and the proposal passed. After two years with contract extensions, it is very likely that next fall we will have a more complete review of the contract; but, for now, the new contract is in place until 12/31/2015.

Marathon Bargaining Leads to 2½-Year Agreement in Cumberland (Local 5040)

Ever wonder where the rutabaga capital might be? Well, it just happens to be Cumberland, Wisconsin, a city one hour north of Eau Claire, with just over 2000 citizens; and, now, a great new contract. The 140 RN’s, Tech and Support employees are some of the only unionized workers in that part of the state; and, the hospital is one of the very few still independent, and not part of a larger healthcare system. The RN’s organized in the early 1980’s and the rest of the employees in the late 1990’s. While they still have two separate contracts, for many years, they have come together to bargain; and, found strength and solidarity in the unified approach.

The last contract expired 12/31/2014, and in a first-ever event, the team engaged in what can only be called, marathon bargaining, which ran for 16 hours straight. In the end, both the hospital and the union members were very satisfied with their first 2½ year contract (previously always 2 years). The contract included a wide range of economic improvements plus good language changes, and was ratified overwhelmingly with a very high turnout for the vote. The term of the agreement runs from 1/1/2015 until 7/1/2017.

The contract provides a total across-the-board increase of 6% during the contract term. In addition, all employees will continue to receive their step increases. Another very important improvement had to do with employees who work in extended care. This program has suffered many losses over the last few years and, as a result, the nursing staff had ended up with a lower rate than the hospital staff, and had step freezes. While the program is still struggling financially, it was clear that the lower wages were causing hiring problems, so the hospital agreed to move CNA’s and HUC’s working in the extended care unit into the hospital scale, then apply the percentage raises, and also restore movement on steps.

Other wage improvements included an increase of $1 per hour for the COTA/PTA and Surgical Techs, plus an increase from $20 to $25 per shift call-in bonus pay. In addition, it was agreed that new hires could be placed higher on the wage scale; but, if that happens, any current employee in the same classification will have their wage reviewed to see if their level should also be adjusted.

Additional improvements included: Job protection when returning from an approved medical leave; ability to take PTO cash payout twice per year not to exceed 80 hours in a year; better ability to drop to reserve (pool) status at the employee’s request; job postings on the union bulletin board and copied to the officers in addition to electronic posting; review of worked hours every six months at the employee’s request to see if they should have their status increased due to extra hours worked; no employee can have their hours cut or be laid off if there is a pool or agency person, however, may get cut hours due to traveler, if there is special need; clarification on low census—cut hour rules; open shifts to be filled by seniority then posted for first come-first serve, even if results in overtime; and, also agreed to review the role of the charge nurse and look at a pilot program for block scheduling during the regular meetings of labor and management.

In the end, the hospital dropped a long list of proposals that the team saw as negative, including one for a new specialty differential for RN’s when working in ED or OB. The fact is, this is a small critical access hospital, and RN’s often move between these work areas, even during a shift, so the team felt strongly that this proposal was both divisive and very unworkable and suggested they look instead at the use of bonus programs such as recruitment, retention or referral bonuses.

In addition to president Owley as chief spokesperson, the teams included: Amanda Weber, RN, Jane Nickell, RN, Susie Caughey, RN, Lois Foley RN, Jackie Greiner CNA, Terry Dash, Dietary, Julie Navala, Rehab, and Pam Regenauer, HIM.
“For the past 19 years, I have had the honor of serving the people of this state on the Wisconsin Supreme Court. I am committed to maintaining a supreme court that is fair, neutral, impartial and non-partisan—a court that is fiercely independent, not beholden to any political party, association or special interest group.”
~ Supreme Court Justice Ann Walsh Bradley

“We need Justices that are fair and will look closely at the legal rights of workers—not just the needs of employers and corporations. That is why our union is supporting the re-election of sitting Justice, Ann Walsh Bradley.”
~ Candice Owley, WFNHP President

VOTE April 7th

How you vote is a personal decision, but after researching the issues, your union believes Ann Walsh Bradley is the best candidate for Supreme Court.

It Pays to Be a Member

Did you know union members receive a 15% discount on AT&T wireless service?

New AT&T Customers

Go to the AT&T premier site and enroll in the Employee Discount Program.

Or, visit your neighborhood AT&T store. Go online to find your Union ID and the Union Plus Discount Fan Number, and print a coupon to take along with you.

Already have AT&T?

It’s easy! Simply go online and enroll in the AT&T Discount Program.

http://soc.att.com/1wErwXj