



2012 Membership Meeting Minutes May 12, 2012, 10:00am, Truax- Room 322

- A. Call to order 10:12
- B. Announcements: two offices vacant. Secretary will be posted. Portage Steward has a volunteer.
- C. Welcome, Election Results and Introduction of Officers and Stewards Present: Mike Kent, Bob Curry, Kathleen Breene, Peg Vaughan, Joyce Aasen, Greg Davis, Barb Jenson, Jeff Parker, Jimmy DeGidio, Nancy McMahon,
- D. Approval of 2011 Membership Meeting minutes: Davis/Vaughan move to approve. Passed.
- E. Informational Items (No Action)
 - 1) Legal Status of the Union, Act 10 and the upcoming recall elections: Act 10 is subject to a number of legal challenges. Federal suit had dues deduction ban overturned. Also annual recertification election mandate was overturned. This was a lethal requirement for this union. Legal theory was a rational basis argument – law must have some rational basis to be upheld. Court found there was none. Bargaining limited to base wages was upheld.
 - ~Second federal case was filed and is still pending. 14th amendment equal protection claim on the separating police and fire unions from everyone else.
 - ~MTI vs. Walker in state court is pending. Attacks law on variety of grounds – special legislative session (prohibited). Free speech – Restrictions on wage bargaining – punishment for being with union. WERC is responsible for interpreting provisions of ACT 10. How to figure out base wages when that is all that is negotiable. Originally it was established as everything paid as of this moment. Education and seniority accumulated as of today is the base assumed. Revised Walker rules take everything down to the base, starting wage - impacts other unions much more than us.

DeGidio: schools have option of not paying the total of that extra.

Kent: It is entirely policy if they want to pay all of those accumulated extras. WEAC vs. Walker is under appeal, so we actually may have to deal with recertification.

Status as a union: prior to court ruling, we would not have had to take certification vote until next April. If it is overturned, the old requirement will come back and we could have to take recertification vote in May '13 or even earlier. As of now, don't need to take one.

~ Bargaining: Only base wages. In the past, school has argued that we cannot take unemployment compensation for summer if we could reasonably expect continued employment. Now that job security is off the table, there is no reasonable expectation of continued employment. Will have no contractual language and if they don't tell us we will be employed in the spring, we could take unemployment.

~ Authorization for dues deduction – state and school will demand that there be a specific authorization on a signed card. We cannot get an agency fee from non-members. We can take dues if we get people to voluntarily withhold them.

~ Recall election: June 5 election could potentially change our fortunes. All kinds of scenarios possible. No one knows how the Act 10 provisions will be affected by all these scenarios. Barrett is in favor of legislation. November is the first time the assembly could flip, but if assembly doesn't turn Democratic, Act 10 will probably not be affected greatly.

2) President's annual report to the membership: we want to make sure we are doing everything we can to protect and further our members' rights and opportunities.

i. FY 2011-12 activities: Last year at this time we were pretty sure we would have to have a recertification election, so we worked on forming a successor organization. Have had more contact with the legislature in the last year than ever before. Producing some dividends.

Grievances: most have been for non-assignment of work. Success in getting those resolved – usually dean complies with our request. Most have been worked out in centers.

DeGidio: most problems come up because of lack of communication between teacher and dean/assoc dean.

ii. Four noteworthy:

~ Northern region email-gate. PT teacher was inadvertently sent an email by a full-time teacher that talked about the scheduling of that PT teacher. It was a window into the way things work at MATC – full-timers are deeply involved in scheduling which violates our contract and is an unfair labor practice. FT faculty has no business in anything to do with supervisory issues: hiring, firing and scheduling. A real smoking gun. Options are to hold college to its own policies. We can talk to FT faculty and PSRP to get out of the

business of scheduling. We could, with this, bring a unit clarification action – anyone acting like administrators should be accountable as administrators and not be members of the FT bargaining unit.

~ Feb 2012 non-probationary complaints that full-time overloads were being taken from non-probationary faculty. Sent out an email requesting PT – Non Probationary faculty look at FT overload courses to see if they were denied a course in favor of overload. Habve talked to Chuck McDowell about this in Union/Management meetings.

~ March 2012: Motorcycle instructor is having license pulled by DOT and so school denied teacher courses as not meeting certification. Turns out de-licensing action was not coming from DOT – other people in the MATC motorcycle program convinced DOT to instigate revocation. School stopped scheduling teacher before license was even revoked. Possibly the program director wanted a romantic interest to have the teacher's courses. Individual is appealing revocation from DOT. Meeting with D. Holton, dean. A long list of apparent violations supposedly committed by teacher appeared recently, but it was the first time instructor and dean had ever seen them. Hearing with DOT coming up. Draws attention to internal games being played in some of these programs.

~ May '12 Instructor had pay accidentally miscalculated by college – too much last fall and too little this spring. College started garnishing from check – employment didn't consent to it. If he had, it would be a settlement. But if he doesn't they have no basis to take money back from him. When they started taking money without his permission, they were violating Wisconsin wage law. Disturbing thing is that they said "this is what the college always does." Herb Nelson: same thing happened to me this semester. Kent: what they should do is call teacher in, show the teacher what happened and find a settlement. If we want to grieve it, we have to bring it to the college within 30 days or 30 days from when we realize the violation. We can prosecute breach of contract back 6 years.

- iii. Plan for FY 2012-13: Successor Organization overview – guild model. Named InChorus. Last year's budget approved money to get a successor organization up and running. First meeting, college was hostile to it. Second meeting, Chuck took some notes and it was dropped. Could not get on board agenda because we were/are blocked by Bettsey. Shifted to an external strategy, we got our material up and running, website and presentation, etc., and went to the legislature where we received a positive response from everyone. Bylaw committee was formed. This organization can take a number of forms. As a non-profit membership organization, we would have a way to organize. The other aspect of it is to have

a for-profit employment agency. If union is shut down, InChorus will be able to function as a membership organization.

Communication: Convocation: when the administration said they would curtail offerings and there would be nothing for PT instructors to attend so they wouldn't have to pay us, we offered substantive sessions through the day to ensure PT faculty could be paid for convocation. All presentations on website.

~ Radio (Sly in the Morning), WSJ/Cap Times, Labor Radio.

~ Met with legislators in fall and spring – got a bipartisan letter of support. Had a hearing for Assembly Committee for Colleges and Universities.

~ In the wage claim against the college settled during the winter, 1436 people were shorted. Members have to send email back to college email address. We also have a whistleblower claim designed to get protection for our members under this law outside of the contract framework.

Ongoing: Our duty is to protect our members' rights regardless of political flux, and preserve organization's flexibility to adapt to rapidly changing circumstances. Indianhead Tech just signed a contract that fit on a post-it note. We sent the notice to bargain on 3/30 to hold off opening as long as possible.

~ Bargaining team will be paid a stipend rather than hourly because of budgetary constraints.

~ Team is Mike Kent, Bob Curry, Peg Vaughan, Jeff Parker, John Grade, Laura Turzinski.

~ Starting a resign drive in the next couple of months – recommitment drive. Stewards will have key role and we will pursue face-to-face contact. AFT National has offered some training in this regard. If we don't have strong contractual protection, we have to have other strategies – showing up at board meetings, writing letters, etc.

Three priorities: Enabling legislation for statewide contracting for PT faculty for InChorus model.

~ Change selection process for Tech College Boards from appointed to elected. As of now, Tech school boards are unaccountable and insulated from consequences so they don't care. Elections would force board to listen to people. Possible to get a more friendly board.

~ Oppose changes to Tech College Faculty certification system. Have made a proposal to de-professionalize teaching/us – need for teaching skills at a tech college is much higher than at the University. We need to keep college from making it easier to hire their buddies. The administrations are already running little

kingdoms where they are unaccountable to anyone. Herb Nelson: Enormously expensive to administer certification so they want to get rid of it. Nancy McMahon: College never really wanted certification anyway. The unions wanted it decades ago so now when the unions are under attack, they want to get rid of it as it has always bothered them.

~Litigation: We are under a significant handicap under Act 10, so we will go after 4 vulnerabilities in Act 10. Goals: Protect our ability to bargain, fund the union, maintain our membership, etc. First case that we will file in the next week or so: Looking for a declaratory judgment declaring us not covered under MERA or SERLA. We are in a legal limbo and if this works, Act 10 will not apply to us. There are no previous court cases in the state that determine that tech colleges are either municipal or state employers. Vaughan: won't it be decided on taxation? Kent: no, that has already been decided. There is no downside risk for us. Will handle the cases internally, so we won't have additional financial burden for filing these suits.

F. Budget (Action item)

- 1) Treasurer's Report, FY2012-13 Budget Presentation and Budget Vote:
 - ~ Kathleen Breene introduces herself.
 - ~ Breene Presents PowerPoint of YTD expenses. Report entered into record. Financial Statement provided by external accounting firm entered into record. Audit by Wegner CPAs also entered.
 - ~ Budget for next year presentation (entered into record):
 - ~ Questions submitted by Jim Lane answered by Mike Kent.
 - ~ Question about money in our account – Kent – if we were to lose a recertification vote, all of our money would go back to AFT. The successor organization would be a way to use our local's money to work for our members. Davis/Parker move to approve budget. Approved.

G. Good of the Union/Public Comment/Misc. Communications/Consent Items:
Honoring long time retirees – Nancy McMahon and Barb Jensen. Kent: Cannot put a value on what Nancy McMahon has given to this union. Presentation of gifts to Nancy and Barb.

H. Drawing for gift cards.

I. Adjournment: Davis/Jensen move to adjourn. Adjourned, 12:38

Minutes recorded and distributed by Bob Curry.