



2013 Membership Meeting Minutes May 22, 2013 6:30 p.m. Truax-Room 322

1. Call to Order at 6:36 p.m.
2. Announcements: None, but Kent shows *WSJ* article of State Legislator Steve Nass taking the opportunity to call Barhorst on the legacy of the financial damage she caused to the college at the announcement of the naming of the Welcome Center after her.
3. Welcome and Introduction of Officers and Stewards present: Mike Kent, Bob Curry, Kathleen Breene, Joyce Aasen, Jamie Steckelberg, Cathy Frederick, Peg Vaughn, and Greg Davis. Nine other members present, two additional come later.
4. Approval of 2012 Membership Meeting minutes. Davis/Frederick move to approve. Passed.
5. President's Report:
 - Current status on bargaining with the college: Jon Anderson will bargain only base wages and calculates allowable increase using WERC's revised rule which grants PTF less than 50% time. We're waiting for the Colas decision which would allow public employees to engage in conditional bargaining while case is pending.
 - Currently, our contract is in hiatus, a legal status, which is defined as the parties still being in negotiations with the old contract having expired but the new one not having been ratified yet. The Fourth Circuit Court said they didn't want to take it but to send it to supreme court, saying there's no reason employers can't bargain if it's ongoing, MATC is not interested. It will be decided at an unspecified date later this year.
 - FTF recently indicated they were ready to start bargaining with the college but it refuses won't bargain anything besides base wages.
- MK: As far as 6100 is concerned, it's unfair not to bargain our previous contract because we are in litigation and because of the unique situation of Act 10. As with the FTF, they refuse to bargain anything other than base wages. It's been a poker game with college for the last year. By and large, though, the college has been obeying the contract, assigning

courses correctly, giving payouts for retirement, and obeying the contract, but not withholding fair share dues for.

- Current status of 6100 case against the college, the Judge Sumi case, filed August 20, 2012. This case is predicated on the basis that Act 10 does not apply to technical colleges because their definition relative to political boundaries has become increasingly ambiguous from their founding in 1911 and through 1972 when some technical colleges began to unionize. At this point, the issue before the Sumi court is that they do not fall under the umbrella of the Municipal Employees Relations Act (MERA), in other words, they do not fall under municipalities, so that technical colleges and their unions are not affected by the law. Already the court had ruled that under MERA they were not state employers (as the college had argued, wanting WERC to rule), nor county employees. Now, local 6100 wants the court to rule that technical colleges are not political entities at all but instrumentalities, unique institutions that are not under control of the state, cities, counties or other politically defined districts. In other words, they are, according to precedent “[q]uasi- municipal corporations which act as agents of the state for the purpose of administering the state’s system of vocational, technical and adult education.” Or, according to Kent: “There has been no consistent definition of technical colleges. We operate more like a business, we are functioning more like a corporation. Even though we have district borders we have many students from other areas—we don’t have the same boundaries as other systems.” At this point, we’re down to whether we’re a municipality or not.
- In April 2013, 6100 requested a summary judgment which is due on July 1, 2013. The college has until August 1, 2013 to respond. We should have the outcome sometime later in August. If the court rules that we are a unique institution and Act 10 does not apply, our union will be restored to pre-Act 10 status. In anticipation of further lawsuits, if we will have been successful in circuit court, we will probably be good in the appellate court and have a good chance in the Supreme Court. The risks we would take are acceptable: we would be covered under the employment piece act: wages and hours remain; binding arbitration is gone in exchange for the right to strike. Our right to college fair share dues would be preserved, thus allowing the organization to survive and maintain its effectiveness. There would be no change in WRS participation. All that would be possible if we were not considered a public employer for MERA.
- Peg Vaughan: Decisions came down about the definition of technical schools all over the map. Why were they not like a single voice; the circuit court calls it one thing; WERC calls it something else. No consistency in it.
- Three bills being presented in the legislature may appear to hurt us but not if we are ruled not to be under MERA. Another issue is the budget bill and whether it goes before the governor before our case is settled. If we lose the case, we’re back where we were before. If Republicans maintain control, we may have difficulty holding this case. We may have a chance if Republicans see us the way they did the public safety unions and maintained them, as no threat to them.
- Act 10 workarounds: 1. Shared governance with new administration; 2. Development of our alternative dispute resolution—all kinds of things we can bring before courts regarding employment laws; 3. EEOC; 4. Civil Service appeals system; 5. Circuit court; 6. Unemployment insurance; 7. AQIP; 8. Legislative contacts can put pressure on college so it does not go wild west on us. 8. InChorus is in place as an alternative to union.

- Biggest wave of full time retirements will take place by 2014. Peg Vaughan: How about double dipping? MK: right now as the law is written, FTF cannot come back as FTF, but they may try to come back as PTF and push existing PTF out of their jobs. FTF is now working on how to create an emeritus position so that returning FTF will have preferred status over PTF. Our position would be they would have to begin on Start.
- The new president will be coming into an administration that has or will probably be losing several administrators: Charles McDowell, Roger Price, Keith Cornille, and, possibly, Terry Webb. The board has or will lose Radomski, Bales, Cavanaugh, and Huntley Cooper.
- Union Management Issues: 1. CPACC load calculation; apparently Chris Vandall did not understand that the change in PTF did not apply to CPACC or ACE; agreed to in Union Management meeting but now have to convince Webb. 2. Webber and O'Connell: confidential until permission is granted; 3. payroll problems have been persistent since beginning of semester involving writing center and substitution hours, rounding down those hours. Now we have direct connections to payroll to resolve remaining or additional issues. 4. Writing Center compensation for PTF will be reduced by half, redefining those positions as tutors not teachers. The union will grieve this if it is not changed.
- Presidential search: Bob Curry is on the committee. Deadline for applications was last Friday, May 17, with the decision to be made by July 1.
- Marie Martini: what about now erasing the definition of probationary and non-probationary faculty? MK: an effort on the part of the college to get rid of FTF overload to save money allowing probationary PTF, with far lower wages, to be assigned before FTF.

6... Treasurer's Report, FY 2013-14 Budget Presentation and Budget Vote:

Kathleen Breene introduces herself and presents Power Point of YTD expenses. Report entered into record. Financial Statement provided by external account firm entered into record. Audit by Wegner CPAs also entered. Budget for next year presentation (entered into record). MK: We want to protect what we have in the escrow account; we spend what we take in and nothing more. KB: the fact that our budget shows 0 amount for the upcoming year for our leadership indicates the degree of commitment we have to the union. MK: we have to bring more folks in. Discussion between Jill List and Cathy on the merit of using limited funds for attracting new members with free lunches at convocation. Peg Vaughan wondered whether the amount we spent was commensurate with the motive.

- Jim Lane moved that we pass the budget as presented/seconded by David Ford. Greg Davis called the question/passed unanimously.
- Ann Krebs Byrne, a member of the finance committee, asked that it be written into the record that she believed that Jill List, Mike Kent, and Bob Curry provided so great an amount of work that they should be included in the budget. MK indicated that Jill would be but that he and Bob would not.

7. Annual vs. biannual audit—Discussion and Advisory Vote (Const. Article V, section 4, (e) controls frequency of audit, formal change require constitutional amendment).

Kathleen Breene explained the difference in the degree of checking with each by the

The membership unanimously supported asking for the membership to change the constitution from the present annual to biannual audit.

8. Update regarding AFT-WI/AFT-National and status of continued affiliation—
Discussion only. MK: Some of the leadership we will be talking with AFT-National President, Randi Weingarten Friday, May 24 at noon over the ongoing lack of support and other issues 6100 have had with AFT-WI. That includes many difficulties with Steve Kowalski, later replaced by Mindy Taranto with whom we last had contact two years ago, and ongoing lack of support and even sabotage by Bryan Kennedy. Randi wants to convert some of our members to supporting national; MK says they can choose what they want but we all have to know what national is willing to do for us for the money they want. Many AFTs may be dropping out with some of New York's merger with WEAC. MK: we will let you know what Randi says.
9. Discussion of Constitutional reorganization of steward positions, discontinuation of the West campus, location based vs. discipline based positions—discussion only. With West campus closing, the issue has arisen whether stewards should be assigned to locations or to particular disciplines. For example, does the familiarity of the steward with the discipline help advocate better for an instructor in that field? After discussion, all but one of the group voted for discipline rather than location-based stewards.
- I. Good of the union/Public Comments/ Miscellaneous communication. None.
- J. Adjournment: Vaughn moved/ Ford seconded/passed to adjourn at 8:49 p.m.

Respectfully submitted by Joyce Aasen