

## 2011–2013 State Budget Implications: An AFE Series

### PART 2 Collective Bargaining

**Collective Bargaining**, noun: negotiation of wages and other conditions of employment by an organized body of employees. — Oxford American Dictionary

#### How Collective Bargaining Has Proceeded in the Past

In the Whitefish Bay school district there are 3 bargaining units. The teachers are represented by Whitefish Bay Educations Association (WBEA). The secretaries and support personnel are represented by the Educators Support Personnel Unit (ESP) and the custodial staff is represented by ASCME Local 1486. Only the custodial staff has a contract that is good until June of 2013. WBEA and ESP will be negotiating with the school district in the next year.

Employees negotiated as a group in a process called collective bargaining. Teachers were not required to join WBEA, but the school district was required by law to take union dues from their paychecks even if they chose not to join. The contract as negotiated applied to all teachers whether they were members or not.

Contract negotiations were bound by several factors. The Qualified Economic Offer (QEO) in place since the early 1990's required the school district offer at least a 3.8% increase in total compensation if they didn't want to be forced into binding arbitration. In addition, they would start with the prior contract. All provisions of the prior contract were maintained unless negotiated out. Ideally, both parties would come to consensus through negotiation. In the event they couldn't come to consensus and the QEO wasn't met, they were required to go to arbitration.

In addition to wages, many other work conditions have been subjects of negotiation. Examples include:

- what hours teachers work,
- how the district calendar is written (what days are off, ½ days, etc.),
- how many students are in the classroom,
- a pay scale called "Lane/Step" that increases compensation for both seniority and advanced training and education,
- the privileges of seniority,
- how the health insurance plan is designed, and
- how much is paid into pension accounts.

School boards, including our own, asked our legislators for some flexibility in their negotiations. Faced with continued budget pressures, all of the school boards in the state asked that many of

Tuesday, March 29, 2011

Advocates for Education of Whitefish Bay, Inc.

[www.advocatesforeducation.org](http://www.advocatesforeducation.org)

these conditions become “permissive” issues of bargaining, thus giving the district the ability to make their own decisions as to whether these topics were part of their negotiations with the unions.

### **How Collective Bargaining is to Proceed Under the Budget Repair Law**

Under the Budget Repair Bill, all of these working conditions listed above are “prohibited” topics of negotiation. Only wages will be considered in the collective bargaining negotiations between the school board and the union. All other issues become matters of district policy.

In addition, pay increases for district employees will be limited to the current Consumer Price Index (CPI). If the district is interested in offering more than the CPI, they will be required by law to take the issue to a referendum vote. The CPI limitation would make it impossible to continue “Lane/Step” pay because the required pay increases would exceed the CPI.

Within the provisions of the Budget Repair Bill, the district will be prohibited from deducting union dues from employee paychecks. The Union will be responsible for collecting these dues. An employee can choose to opt-out of union membership. Unions will be required to hold yearly recertification votes. 51% of the members must choose to remain unionized or the Union ceases to exist as a bargaining unit.

### **What this Means for the School District**

At a recent school board meeting, the task ahead for the district was compared to completely re-writing the district’s employee handbook. With WBEA prohibited from negotiating the terms of seniority, insurance plan options or even the school calendar, these decisions have shifted to the district. At this point, the district is analyzing its options. When asked recently by WBEA to renew the current teachers’ contract with concessions for increased contributions toward insurance premiums and pensions, the district responded that it would be too soon to make that decision in light of the court challenge for the Budget Repair Bill. (Whitefish Bay Patch Mar. 22, 2011)

Without knowing the final status of the Budget Repair Bill, it is difficult to say with certainty what will happen, but the process is already starting to take shape. School district staff members have begun to review current policies and are working to update them to reflect the changes. As part of their membership in [CESA #1](#) members of the district staff are collaborating with other districts to write policy in the hopes of saving time and resources by sharing the workload. The Whitefish Bay school district is also waiting for additional guidance from The Wisconsin Employment Relations Commission ([WERC](#)). WERC is tasked with interpreting and implementing many of the changes dictated by the Budget Repair Bill.

Some provisions of the Budget Repair Bill will present significant challenges for the district and the teachers and staff members who work for the district. For example, seniority and tenure are no longer issues to be collectively bargained, the district may choose to shift the way it evaluates employees and determines who receives offers of future employment. Some media reports suggest that the freedom to design their own insurance plan may offer substantial cost savings to school districts in the hope to recover some of the losses in state revenue.

Fortunately for Whitefish Bay, the district has always had a good working relationship with the unions that represent their teachers and staff. This positive relationship has facilitated some creative solutions in the past to the tough problems of balancing the district's budget.

In the months ahead, the district office will be presenting many new policies to the School Board for approval. As always, AFE encourages you to be a part of the conversation. Attending school board meetings and offering your concerns and opinions informs the district of your needs. Whitefish Bay takes great pride in the quality of our public education and it needs community input to keep that tradition strong.

[March 30, 2011 School Board Committee Meeting Agenda](#)

[March 30 School Board Packet](#)