
FOR YOUR INFORMATION

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News For School Clients

WEAC Plans Campaign To Show Opposition to QEO and Revenue Controls

The Wisconsin Education Association Council (WEAC), the state's largest teacher's union, plans to implement a significant campaign effort during the 2004-2005 school year. This campaign, the Great Schools Statewide Action Plan, is intended to build opposition to two state laws: the qualified economic offer and revenue limits. The campaign mandates the participation of local associations and requires the associations to implement tactics at the local level in order to draw attention to these state laws. School districts should be aware of this campaign and the tactics associated with it to effectively address any action that may be disruptive to school operations.

In particular, as part of the Great Schools Statewide Action Plan, local associations must select one of three levels of action (Level 1, Level 2, or Level 3). With each increase in level, the tactics increase in aggressiveness. Level 1 is the least aggressive; Level 3 is the most aggressive. WEAC believes that a high level of pressure, similar to the strikes of the 1970s, may be necessary to bring about changes in the law. The different levels and tactics associated with these levels are explained in turn below.

At Level 1, local associations are required to participate in local and statewide actions designed to influence legislators. For example, on October 15, 2004, each affiliate must participate in an "I See Red Day," where wearing red indicates a commitment to voting for candidates who support the repeal of the qualified economic offer and revenue controls. Each Level 1 affiliate must also send participants to attend WEAC events to receive training on political organizing.

At Level 2, local associations agree to execute an escalating series of lawful job actions, including "working to contract" tactics, wearing buttons or armbands, resigning from voluntary activities, and public demonstrations. Such actions are required even in districts with settled contracts. Level 2 affiliates also agree not to enter into a voluntary contract settlement below the WEAC, Uniserv, and/or regional bargaining goals. Locals with settled contracts must commit to this strategy for the 2005-2007 bargaining cycle. Overall, these actions are designed to demonstrate that the current bargaining law does not promote labor peace and to compel school boards and communities to seek the repeal of the qualified economic

offer and revenue caps.

At Level 3, local associations agree to execute an escalating series of job actions (some of which may be perceived to be acts of civil disobedience) in support of local bargaining efforts. Such tactics may include sit ins, occupation of administrative offices, sick-outs, rolling strikes, strikes with picketing, and refusals to comply with injunctions or “back to work” court orders. Level 3 affiliates also agree to organize a “day of leave” to lobby in Madison against the qualified economic offer and revenue controls. WEAC and UniServs are required to lend support to the local associations, including providing assistance with the development of escalating tactics and providing pre-strike assessment and strike assistance.

By now, local associations have likely committed to a level of participation in the campaign. Local associations must keep data on their participation, including data on the type of activities and the names of the participants in these activities. The campaign is designed to take place during the 2004-2005 school year, but will likely continue beyond the school year. The ultimate goal is to influence changes in the 2005-2007 state budget, which will be formulated during the 2004-2005 school year and finalized around June 2005.

Each district should become well-acquainted with teachers’ rights to engage in lawful concerted activities and the district’s rights to discipline teachers for unlawful job actions. Work slowdowns and other concerted activities may constitute a “strike” under Wisconsin law. State law broadly defines this term to include “any concerted slowdown or other concerted interruption of operations or services by municipal employees, or any concerted refusal to work or perform their usual duties as municipal employees, for the purpose of enforcing demands upon a municipal employer.” Further, concerted refusals to work may violate the contract or indicate that the union is not bargaining in good faith, which may constitute a prohibited practice. Collective bargaining agreements should be reviewed for a no-strike clause, and board policies should be reviewed for any policy that prohibits strikes or work stoppages. Unlawful concerted activities may warrant discipline, but the district must avoid harassing or intimidating teachers for taking part in lawful concerted activities. Districts are encouraged to contact legal counsel for guidance in determining whether such concerted activities are lawful and, if unlawful, whether a response is warranted.

If you have any questions regarding this topic, please call any of the following members of the Lathrop & Clark LLP School, Municipal, Labor and Employment Law Team.

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