

Governor in Wisconsin Loses Round on Contract Limits

By MARK TOOR | Posted: Monday, September 17, 2012 3:00 pm

A state Judge in Wisconsin last week struck down the most onerous provisions of Gov. Scott Walker's law limiting the collective-bargaining power of public-workers' unions, but the Governor vowed to take the case to the State Supreme Court.

The decision affects only employees in municipalities and school districts. Unions for state employees are pursuing a separate appeal in the Federal courts. A Federal Judge in April struck down parts of the law eliminating the dues checkoff and requiring that 51 percent of all members vote each year to recertify their unions. But he left in place other restrictions on collective bargaining that bar negotiations on any issue other than pay, keep raises from exceeding the inflation rate and prohibit unions from charging non-members for the cost of representation. The state employees' unions are continuing their appeal.

Found Law Unconstitutional

Lester Pines, an attorney for the Teachers union in the state capital, said last week's decision basically returns conditions to the way they were before the law was passed last year because Judge Juan B. Colas of Dane County Circuit Court declared most of it unconstitutional.

Governor Walker, part of a wave of recently-elected Republican conservatives who have targeted public-employee unions, issued a statement saying, "Sadly, a liberal activist judge in Dane County wants to go backwards and take away the law-making responsibilities of the Legislature and the Governor. We are confident that the state will ultimately prevail in the appeals process."

The State Assembly Minority Leader, Peter Barca, a Democrat, called the ruling a huge victory for workers. "This decision will help to re-establish the balance between employees and their employers," he told the Milwaukee Journal Sentinel. "The decision gives us an opportunity to get back to the Wisconsin values of sitting down and working together to iron out differences, not taking away the constitutional rights of our citizens."

In his ruling, Judge Colas decided that the law violated the equal-protection clause of the U.S. Constitution and the free-speech and free-association clauses of both the Wisconsin and U.S. constitutions. He noted that the law did not affect public-safety unions that supported Governor Walker's election bid and also did not curtail the rights of non-union employees. He also ruled that the law violated prohibitions in both the U.S. and Wisconsin constitutions that prohibit the government from interfering in contracts.

Massive Protests

Before the law was passed, thousands of public employees swarmed the state capitol to protest it. Democrats in the State Senate fled Wisconsin to keep the body from reaching a quorum so it could pass the bill, but the Senate used a parliamentary maneuver to approve it anyway.

The law triggered a recall effort against Governor Walker that was unsuccessful. Unions spent millions of dollars to defeat him, and conservative activists, including the billionaire Koch brothers, contributed millions to keep him in office. The Governor said the law was necessary because the state was in financial trouble, but opponents said he was merely trying to weaken unions that are a major source of contributions to Democratic candidates.