



LABOR ASSOCIATION OF WISCONSIN, INC.

Serving Public Employees Throughout Wisconsin

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COURT UPHOLDS PART OF CONTROVERSIAL WISCONSIN COLLECTIVE BARGAINING LAW

Recently, the federal court in the Western District of Wisconsin issued a significant decision upholding the state's right to limit collective bargaining of general employees but striking down provisions (1) requiring an absolute majority to recertify and (2) prohibiting the deduction of fees from paychecks. The state has already filed a request to delay implementation of the court's decision requiring employers to deduct union dues, pending an appeal.

Facts

The Budget Repair Bill (also known as 2011 Wisconsin Act 10) made significant changes to public employees' right to unionize, bargain collectively, and collect or deduct union dues. The Act amended statutes governing public-sector labor relations in Wisconsin and created two

classifications of public employees: (1) general and (2) public safety. Public-safety employees include police officers, deputy sheriffs, firefighters, state patrol officers, and state motor vehicle inspectors. General employees include all workers not categorized as public-safety employees. The right of public-safety employees to unionize, bargain collectively, and collect or deduct union dues remains largely unchanged.

However, general employees are no longer permitted to bargain collectively over a variety of issues such as hours and conditions of employment. Instead, collective bargaining for general employees is limited to negotiations over total base wages, which cannot exceed a cap based on the Consumer Price Index. General employees are required to

take an annual vote to maintain certification as a union, and an absolute majority of all members of a bargaining unit (51%) is required. Additionally, employers may not deduct labor organization dues from general employees' earnings.

Employees, labor organizations, and exclusive collective bargaining representatives of affiliated labor organizations filed suit against the state officials responsible for implementing or administering Act 10. Fueling the lawsuit is the claim that Act 10's creation of two classes of public employees violates the Equal Protection Clause of and the First Amendment to the U.S. Constitution. State officials claim that the two classifications are necessary to protect the government's legitimate interest in avoiding strikes by public-safety employees.



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***District court's decision
cont...***

There's no question that Wisconsin may bar its public employees from engaging in collective bargaining. The only question for the court was whether the state could restrict the rights of general employees while granting full rights to public-safety employees. The law allows such "line drawing" as long as the government can articulate a rational basis for doing so and a suspect class isn't involved. State officials argued that the law doesn't limit the bargaining rights of members who perform the most essential functions of maintaining public safety because of concerns over strikes. The employees argued that (1) limiting bargaining rights isn't rationally related to a government interest and (2) employees providing political support to the elected party receive favorable treatment.

The court first noted that receiving political preference isn't actionable and is a matter for the next election. As to the state's concern over strikes by public-safety employees and interruption of essential government services, the significant controversy surrounding the passage of Act 10 supports the state's concerns. The court ruled that the creation of separate classifications of employees for the purpose of collective bargaining over

wages doesn't violate the Equal Protection Clause because (1) it doesn't constitute a suspect class and (2) the state articulated a rational basis for creating the public-safety classification: concerns over strikes.

The court struck down the portions of Act 10 addressing annual recertification on equal protection grounds. The court found the annual recertification unprecedented and not rationally related to a legitimate government interest. Since collective bargaining for general employees has been limited to wages and the union is unable to compel participation of any employee in union activities, the court found it irrational to require annual recertification of general employees but not public-safety employees.

Likewise, the court found that deduction of union dues from public-safety employees who oppose the union but not general employees who support the union has no rational basis and violates the Equal Protection Clause. The concern of potential strikes does not support the distinction.

As to the employees' First Amendment claims, the court found that the prohibition on deductions of union dues implicates the First Amendment because

dues withdrawn from paychecks are used to fund speech. The court concluded that the state didn't offer or articulate a rational basis to ban payroll deductions of union dues. According to the court, it appeared that the state was attempting to discriminate against the general employees based on their viewpoint. For that reason, the ban on deductions of union dues could not stand.

The court then turned to fashioning a remedy. It entered an order requiring the return of union dues that were automatically deducted to all members of public unions by May 31. The state filed a request to postpone implementation of the court's order, pending an appeal. The court also stopped Act 10's mandatory recertification of general employee unions, effective

Bottom line

Public employers may continue to bargain with general employees as set forth in the court's decision, but they can no longer require annual recertification of general employee unions. Public employers should begin implementation of automatic dues reduction and, if the decision is not suspended pending an appeal, be ready to begin the deductions no later than May 31.

LAW SUCCESSFULLY DEFENDS THE RIGHT OF EMPLOYEES TO REMAIN AS PUBLIC SAFETY EMPLOYEES

In August of 2011, Winnebago County filed a Unit Clarification with the WERC in hopes to remove the Deputy Sheriff's assigned to the Jail from the Winnebago County Deputy's Association because it was the County's opinion that those employees did not meet the definition of a "Public Safety Employee" since Act 10/Act 32 was passed.

LAW disagreed and based upon the decision referenced below from the WERC, the WERC agreed. Even though it was a long seven month wait for the decision, it was worth it.

The WERC ruled that the bargaining unit does *not* need to be altered and the inclusion of the Deputy Sheriff's assigned to the jail in the bargaining unit is appropriate.

Special thanks to Roger Peters, Jason Freeman and the entire Winnebago County Deputy Sheriff's Association in their help and assistance in this case.

Please visit our web site, www.law-inc-wi.com, to read the complete WERC decision.

The Officers in the City of Delavan Leave the WPPA for the Labor Association of Wisconsin, Inc.

The Labor Association of Wisconsin is pleased to announce that the City of Delavan Police Association *overwhelmingly* voted to leave the Wisconsin Professional Police Association (WPPA) to become members of the Labor Association of Wisconsin (LAW). The addition of the City of Delavan police officers shows that LAW is able to provide services and benefits over and above that of the WPPA.

LAW welcomes the City of Delavan Police Association and looks forward to providing them with outstanding representation.

Lest We Forget....



*And they who for
their country die
shall fill an honored
grave, for glory
lights the soldier's
tomb, and beauty
weeps the brave.*

- Joseph Drake

**HAVE A SAFE AND
HAPPY
FOURTH OF JULY!**



LAW'S DENTAL AND VISION
INSURANCE RATES

The following information shows the monthly rates for our Vision and Dental Insurance. Rates shown are for our Locals and WPEA members. To view an in-depth benefits schedule, please visit our web site at:

www.law-inc-wi.com

VISION PLAN

Single Plan

- \$9.75 per month

Family Plan

- \$22.00 per month

Retiree Single Plan:

- \$10.75 per month

Retiree Family Plan

- \$24.50 per month

DELTA DENTAL PLAN

Single Plan

- \$37.00 per month

Family Plan

- \$99.00 per month

ANTHEM DENTAL PLAN

Single Plan

- \$48.00 per month

Family Plan

- \$128.00 per month

Monthly premium coupons to mail along with your payments for both dental and vision insurance can be found on our web site.

*Winners of the LAW, Inc. Brewer's Raffle 2012*

NAME	DATE	TEAM
Robert Dzbinski – Twin Lakes PD	Apr 7	STL
Dayne Zastrow – Watertown PD	Apr 18	LAD
Mark Meyers – Shorewood PD	Apr 23	HOU
Scott Komorowski – So. Milwaukee PD	Apr 25	HOU
Craig Knox – East Troy PD	May 7	CIN
Roger Person – Elkhorn PD	May 9	CIN
Sabrina Waswo – Lake Geneva Employee's	May 12	CHC
Steve Sigmund – Walworth PD	June 2	PIT
Sharon Johnson – Florence Co. Social Services	June 8	SD
Karen Holden – Chippewa Co. Nurse	June 9	SD
Steve Hesse – So. Milwaukee PD	June 18	TOR
Bob McMillin – Clintonville PD	July 2	MIA
Rose Baier – Chippewa Co. Professionals	July 3	MIA
Scott Hoogester – Sheboygan Falls PD	July 13	PIT
Patrick Costigan – Glendale PD	July 14	PIT
Joel Fus – Butler PD	Aug 17	PHI
James Turk – Whitefish Bay PD	Aug 20	CHC
Jason Freeman – Winnebago Co. Deputies	Sept 1	PIT
Roger Peters – Winnebago Co. Deputies	Sept 11	ATL
Josh Kolo – Nekoosa PD	Sept. 14	NYM
Kathy Laubinger – Genoa City DPW	Sept. 29	HOU
James Theep – Germantown PD	Oct. 2	SD

Congratulations to the winners of this year's Brewer Ticket Raffle.
Thank you to all of those who participated.



Light and Fruity

PREVENTING MOLDY BERRIES

Berries are delicious, but they're also kind of delicate. Raspberries in particular seem like they can mold before you even get them home from the market. There's nothing more tragic than paying \$4 for a pint of local raspberries, only to look in the fridge the next day and find that fuzzy mold growing on their insides. Well, with fresh berries just starting to hit farmers markets, we can tell you that how to keep them fresh! Here's a tip on how to prevent them from getting there in the first place:

WASH THEM WITH VINEGAR!

When you get your berries home, prepare a mixture of one part vinegar (white or apple cider probably work best) and ten parts water. Dump the berries into the mixture and swirl around. Drain the berries, rinse if you want (though the mixture is so diluted you can't taste the vinegar,) and pop in the fridge. The vinegar kills any mold spores and other bacteria that might be on the surface of the fruit, and voila! Raspberries will last a week or more, and strawberries go almost two weeks without getting moldy and soft. So go forth and stock up on those pricey little gems, knowing they'll stay fresh as long as it takes you to eat them.

You're berry welcome!



FOODS THAT FIGHT ALLERGIES

Research has suggested that certain foods can help fight allergies by controlling underlying inflammation, dilating air passages, and providing other relief effects.

One such study found that the staples of a heart-healthy Mediterranean diet, such as nuts, grapes, oranges, apples, and fresh tomatoes, could provide allergy relief. Researchers focused on Grecian children who followed the particular diet and were less likely to show allergic nasal symptoms or asthma. Some of those foods are:

FRUITS RICH IN VITAMIN C

Blame itchiness, hives, and other discomfort you feel during an allergic response on histamine. Vitamin C can help you with that. "Vitamin C indirectly inhibits inflammatory cells from releasing histamine," says Carolyn Dean, MD, ND, medical director of the Nutritional Magnesium Association. Studies have shown that high levels of vitamin C reduce histamine and help it break down faster, once it's released, providing allergy symptom relief.

FOODS RICH IN MAGNESIUM

"Magnesium-rich foods, such as almonds, cashews, wheat bran, and kelp, are excellent foods for allergy relief, because magnesium is a bronchodilator and an antihistamine,". Magnesium also has a calming effect on the muscles of the bronchial tubes and the whole body, Dean adds, which can provide allergy relief, too. One study out of Brigham Young University showed that animals deficient in magnesium had higher levels of histamine in their blood when exposed to allergens than did animals with adequate magnesium levels.

FRESH FRUITS AND VEGETABLES

One sure way to improve your diet is to increase the amount of fruits and vegetables you eat, Silvers says. Their natural anti-inflammatory effects can help relieve allergies. An Italian study supports the theory. Researchers looked at the diets of more than 4,000 children over the course of 12 months and found that kids who ate lots of cooked vegetables, tomatoes, and citrus fruits were less likely to experience wheezing, shortness of breath, and other symptoms of allergic rhinitis. Children who ate more bread and margarine, on the other hand, were more likely to wheeze.

HEALTHY WORKPLACE - WI

IS A STATEWIDE, GRASSROOTS NETWORK, SOLELY DEDICATED TO ADDRESSING THE ISSUES OF BULLYING IN THE WORKPLACE THROUGH PUBLIC EDUCATION AND LEGISLATION.

VISIT THEIR WEBSITE AT:

<http://www.healthyworkplace-wi.org/>

Upcoming Holidays:

May 5 – Cinco de Mayo

May 13 – Mothers Day

May 19 – Armed Forces Day

May 28 – Memorial Day Observed

June 14 – Flag Day

June 17 – Father's Day

June 20 – First Day of Summer

July 4 – Independence Day



Make the Summertime Blues, Green with Natural Mosquito Repellant.

Lemon Eucalyptus - an effective, natural mosquito repellent. Oil of Lemon Eucalyptus is a plant-based substance shown to be as effective as low concentrations of DEET in repelling mosquitoes. The natural product is derived from eucalyptus leaves and twigs, however it is synthesized for commercial production. It has a pleasant fragrance and sprays containing lemon eucalyptus are far less likely to irritate the skin than DEET repellents.

In two recent studies, oil of lemon eucalyptus (also known as p-menthane 3,8-diol or PMD) was found to offer protection similar to low concentrations of DEET when tested against mosquitoes found in the USA. It has not yet been tested against mosquitoes which spread Malaria or other diseases found internationally, so repellents containing Picaridin or DEET are recommended for use in those regions. It should not be used on children under 3 years of age.

Tests show no adverse effects other than eye irritation - when applying these products you should be careful not to get any of the substance in your eyes. It is advisable not to use it on the hands of children who might rub their eyes or faces.

In general, a repellent with 30% Lemon Eucalyptus oil will provide protection about equal to repellents containing 10%-15% DEET. One comparison test produced the following results:

For short-term protection from mosquito species found in the USA, oil of lemon eucalyptus sprays and lotions are an effective alternative to repellents containing approximately 6.65% to 15% DEET.



- VEDA -

WHO CAN PARTICIPATE?

ANYONE CAN SIGN UP TO BE IN OUR VEDA PROGRAM. FAMILY (INCLUDING CHILDREN, NO AGE LIMIT). FRIENDS, AND NEIGHBORS. LAW, INC. IS CONTINUALLY ACCEPTING MEMBERS IN THE TRUST ACCOUNT.

HOWEVER, IF YOU ARE NOT A MEMBER OF LAW, INC. THERE IS AN AFFILIATE FEE OF \$24 PER PERSON DUE JANUARY 1ST OF EVERY YEAR, ALONG WITH THE MONTHLY \$10 FEE.

WANTED

JOIN THE RANKS OF OTHER FELLOW LAW, INC. MEMBERS BY RECOMMENDING US TO A PROSPECTIVE LOCAL. IF THE NEW LOCAL BECOMES A MEMBER OF THE LAW FAMILY, YOU WILL RECEIVE A

\$100 REWARD

