

To: Marty

From: Susan

Re: End of session summary report

"Truth in Contracting" legislation, SB 447 (and its Assembly twin, AB 792): Originally drafted as an amendment to the state budget, SB 447 was an omnibus bill aimed at reducing the state's costly and inefficient contracting out practices. An amended version of SB 447 made it through a standing Senate committee and the Joint Finance Committee, but died in the Senate because Senate leadership declined to schedule the bill for a vote. AB 792, which was introduced late in the legislative process, also made it through committee and was not voted on by the full Assembly in time before session expired.

Automatic, voluntary dues deduction for retiree members: Our efforts to make this idea become law took an excruciating path in 2009-2010. We succeeded in inserting this bill the budget last spring, only to see it removed by the Assembly during a long, late night, closed door budget caucus. We modified it and fine-tuned it to meet concerns raised by the state Department of Employee Trust Funds (ETF) and reintroduced the bill as Senate Bill 390. AFSCME worked with senators on SB 390, who sought another amendment in an effort to continue to address privacy and technical concerns. The bill was reported out of the Senate Labor Committee on March 10 on a partisan vote (3-2). Senate leadership declined to schedule SB 390 for a vote by the full Senate.

Meanwhile, an identical Assembly companion bill, AB 916, was introduced and moved through the Assembly with lightning speed. AB 916 was approved on a voice vote by the full Assembly on April 20. AB 916 was immediately sent to the Senate, where the bill died when session ended April 22.

Presumption of eligibility for disability for certain public employees: This legislation (Senate Bill 429 and its Assembly companion, AB 644) made it through both the Assembly and Senate, and is on its way to the Governor's desk. The Governor is expected to sign the bill into law in the coming weeks.

Limiting judges' ability to interfere with an arbitrator's decision: AB 609 was approved by the Assembly Labor Committee on a party line vote, and was not scheduled for a vote by the full Assembly. The senate twin, SB 436, did not receive a public hearing. Both bills are dead for the 2009-2010 session.

Right to know if an inmate has an infectious disease: Senate Bill 547 was given a unanimous recommendation by the Senate Public Health Committee on April 7, however, the bill was not scheduled for a vote by Senate leaders before the session expired. An identical companion bill, AB 762, remains in the Assembly Criminal Justice Committee. Both measures will need to be reintroduced in 2011.

Banning the sale or lease of the Milwaukee Water Works: The Assembly Energy and Utilities Committee voted March 30 to recommend passage of this legislation (AB 475). The bill did not get scheduled for a vote by the full Assembly in time. A Senate bill that addresses the Milwaukee Water Works (but which is not identical to AB 475) was the subject of a public hearing on March 23. That bill, SB 398, does not ban the sale or lease of the water utility, but creates another step in the process before a sale or lease

arrangement could occur. SB 398 remains in the Senate Utilities Committee. AFSCME strongly supported AB 475, and gave only lukewarm support to SB 398.

AB 634, the protective status bargaining bill: This legislation ran into a brick wall otherwise known as the Wisconsin Counties Association (WCA) shortly after the bill was introduced in December 2009. The WCA argued that passage of this bill would result in an unaffordable increase in counties' ability to pay for the cost of covering this benefit. This argument got traction with a number of legislators who are keenly aware of how state budget cuts have hamstrung county governments and county services.

The WCA played upon the utter lack of awareness among (some) legislators of how the bargaining process works, arguing that both state and county workers who would be eligible would almost automatically qualify for protective occupation participant (POP) status benefits under AB 634.

Some legislators were told or believed that this bill sought to make all or many state and county staff eligible for the benefit, rather than only those who worked inside secure institutional settings. The WCA testified at the January hearing that POP status currently is a permissive subject of bargaining, which is false (it is a prohibited subject of bargaining). The WCA also noted that even in counties where corrections workers already have POP status, the costs of extending POP benefits to certain state employees would result in higher costs to counties (the juvenile corrections daily rate, to be specific).

Despite our efforts, AFSCME, and our labor allies, who banded together to get AB 634 introduced, didn't stand a chance in getting AB 634 through the legislature given the misinformation and strong lobbying effort by the WCA. We will have regroup and rethink our plan for the next legislative session.

Milwaukee County parks, recreation and culture: In January, AB 504 was reported out of the Assembly Labor Committee on a partisan vote (6-4) and was referred to the Joint Committee on Finance for further action. AB 504 remains in the Joint Finance Committee. AB 504, which would have authorized Milwaukee County to impose a half percent sales tax and dedicate the revenue toward parks, recreation and cultural activities. AB 504 got caught in a thicket in the Capitol, both with legislators, especially in the Senate, who were reluctant to authorize a sales tax increase in an election year, and with backers of the "regional transit authority" (RTA) legislation, who also eyed a sales tax increase to pay for transit services. (Several RTA bills also failed to pass the legislature, although the full Assembly voted 51-46 on a bill to create an RTA in the Fox Valley and authorize a 0.5% sales tax increase. That bill died in the Senate).

County highway funding shortfalls: AB 635, introduced in December by Milwaukee area state Representative Jeff Stone (R-Greendale) and Sen. Jeff Plale (D-Milwaukee), would have established a process in which Milwaukee County could request \$1.2 million to meet the county's street and highway maintenance shortfall, died when the session ended. No action was taken on the bill. There has been recognition among some lawmakers about the deficit that Milwaukee and many other counties are facing, although nothing has been done. The across the board cuts made in the 2009-2011 state budget bill left some county highway departments facing deficits of 10% or more. This, combined with two successive bad winters, roads which are crumbling, an increase in salt prices and the diminishing

revenue in the state Transportation Fund, is a problem the Legislature and the next Governor cannot long ignore.

Volunteer fire fighters, EMTs, first responders gain protections under new law: Legislation that would require employers to allow workers who serve as volunteers to be late or absent from work if the lateness or absence is due to the employee responding to an emergency that begins before the worker is required to report to work. Senate Bill 308 and Assembly Bill 464 passed both houses of the Legislature, and are now referred to as 2009 Wisconsin Act 140.

County nursing homes: a bill that would allow groups of counties to collaborate to provide nursing home care to residents from multiple counties has passed both houses and is on its way to be signed into law by the Governor. SB 684 and AB 944 (companion bills) were strongly supported by AFSCME, which represents workers at the Clearview Long Term Care and Rehabilitation Center in Dodge County and the Lakeview Health Center in LaCrosse County. These two counties are on the cutting edge of using a creative method to help nursing homes stay in business; serve residents who need long term care and keep nursing home staff employed. AFSCME worked with the WCA to get the bill passed.

Unsafe, reckless gun deer hunting practices: A bill that would have allowed hunters to carry and transport uncased weapons, and leave deer untagged and unattended for up to an hour, did not get a vote in committee and is dead for the 2009-2010 legislative session. Senate Bill 222, sponsored by the Senate Majority Leader, made it through the Senate but came to a halt in the Assembly. This was due in large part to efforts by AFSCME-represented DNR conservation wardens who joined forces with other, reasonable conservation and law enforcement groups to stop the bill. SB 222 would have overturned long-standing safe hunting practices, encouraged poachers, created a public safety nightmare during the hunting season, and interfered with law enforcement efforts by public sector workers.

Protecting correctional staff from breach of personal data: Legislation that would have implemented a system to deal with data breach incidents in correctional settings was introduced late in April as Senate Bill 702. The bill was referred to the Senate Judiciary Committee but died when session ended April 22.

Helping teen offenders – raising the age of juvenile jurisdiction: AB 732, which would raise the age of juvenile jurisdiction from 16 to 17, died in committee when the session ended. A public hearing was held on April 1. AFSCME strongly supports raising the age of juvenile jurisdiction, but not without adequate funding. The raise the age legislation may be doomed until the state finds a new way to pay for teens who are incarcerated in the state's three juvenile schools. This is a complex issue that begs for a comprehensive solution. AFSCME will continue to advocate for a better approach to addressing the needs of juvenile offenders.

In a related development, recently, the Governor appointed a body to deal with juvenile corrections funding and services. The Juvenile Corrections Review Committee has met twice and is charged with developing a set of recommendations by May 31. AFSCME is closely monitoring the work of this committee, whose purpose is to "formulate a committee recommendation for the Governor regarding the best correctional environment for delinquent youth which will enable them to learn, grow and change their behavior for successful community integration."

Increasing the minimum wage: Early in 2009, legislators in both houses introduced measures to raise Wisconsin's minimum wage from \$6.50 to \$7.60. SB 1 was amended and approved by the state Senate and was sent to the Assembly Labor Committee. AB 41 was introduced and referred to the Labor committee in February of 2009. On March 24, 2010, the Assembly Labor Committee held a public hearing on both SB 1 and AB 41, but no further action was taken, so both bills are dead for 2009-2010.

Worker Wage Protection: SB 2 was approved by the Senate in February of 2009, and was sent to the Assembly. There was no Assembly companion bill. SB 2 as amended by the Senate would increase to \$10,950 the amount of unpaid wages and benefits that a worker is given priority to collect before the banks can collect. Assembly Republicans sought to cap the amount at \$5,000. SB 2 was strongly opposed by banking and business lobbyists, who mounted a strong grassroots lobbying campaign to kill the bill. Despite efforts to find a compromise, SB 2 died on April 22.

Preventing employers from forcing workers to attend political or religious meetings: Senate Bill 585, strongly backed by labor, was introduced late in the session, made it through both houses of the Legislature, and has been sent to the Governor to be signed into law. The bill prohibits an employer from discriminating against a worker who declines to attend an employer-sponsored political or religious meeting.

Modernizing Wisconsin's Voter Registration laws: AB 895, also known as the Voter Protection Act, is a comprehensive election reform measure that would have allowed for electronic voter registration and other reforms. The bill was approved by the Assembly Elections and Campaign Reform Committee as well as the Joint Finance Committee, was scheduled for a vote in the full Assembly, but was withdrawn. Clerks around Wisconsin objected to the far-reaching measure, arguing that more time and money will be needed to adapt existing infrastructure to comply with the law. This bill, supported by AFSCME, will be introduced again in 2011.

Strengthening Wisconsin's thrower's law: Under current law, a person who throws a bodily substance on a public safety worker and who intends to cause harm to that worker is subject to a Class I felony. AB 775 removes the element of intent to cause harm. AB 775 was approved by the Assembly April 20 on a voice vote, and was sent to the Senate. It was sent to the Senate Judiciary Committee, where it died when session expired.

Unemployment benefits: A bill crafted by the state Unemployment Insurance Advisory Council was approved by the Assembly and Senate, and is on its way to the Governor's desk. AB 884, and its Senate companion, SB 649, represent months of effort on a host of changes to the state unemployment law.

Workers compensation reforms: Legislation to implement a series of long-fought reforms by the Workers Compensation Advisory Council went through both houses of the Legislature and was signed into law by Governor Doyle on April 21 as 2009 Wisconsin Act 106.

Prohibiting unfair labor practices: SB 523 has been through both houses of the Legislature and is expected to be signed into law by the Governor soon. This legislation prohibits the University from

using UW resources to discourage the exercise of newly acquired collective bargaining rights by UW faculty, staff and research assistants.

Banning mandatory overtime – SB 108 would prohibit a health care facility from requiring direct care workers to work more than 40 hours per week without the employee's consent. Health care facility was broadly defined under the bill, covering most state health care institutions, including health services units in correctional facilities. The committee approved several amendments to the bill, but due to the hefty price tag, the bill but died when session expired.

Finally, here is a list of gains made by labor in the 2009-2010 session which had been approved in the budget or earlier in 2009.

1. Teaching of labor history in public schools – Act 99
2. Contraceptive equity act – part of Act 28 (the biennial budget bill)
3. Teacher preparation time a mandatory subject of bargaining – Act 34
4. Equal pay enforcement act – Act 20
5. WRS benefits for educational support personnel – part of Act 28
6. Collective bargaining rights for UW faculty and staff – part of Act 28
7. Collective bargaining rights for UW research assistants – part of Act 28
8. A quality home care commission created for home care workers – part of Act 28
9. Collective bargaining rights for family child care providers – part of Act 28
10. Repeal of the QEO- qualified economic offer – part of Act 28
11. Reforms on the prevailing wage law – part of Act 28
12. Domestic partner benefits – part of Act 28
13. Reform of Wisconsin's "John Doe" law – Act 24
14. Protecting Milwaukee County income maintenance workers – Act 15
15. Labor contract protections during contract hiatus – Act 21

This summary has focused on only some of the key bills of interest to AFSCME Council 24 members. There are other bills which AFSCME lobbied on or monitored which I haven't included here. If you or any Board member have questions or want me to check on the outcome of any bill not listed here, please let me know.