

# OPEN SHOP GAZETTE

VOLUME 2 | SEPTEMBER, 2014

The following article written by Monica Davey of the *New York Times* appeared in the *Orange County Register* on August 1, 2014.

## ***Wisconsin Supreme Court Upholds Limits on Unions***

“Chicago: The Wisconsin Supreme Court on Thursday upheld a law that significantly limits collective bargaining rights for most public workers, dealing a decisive blow to labor unions in the state and handing Gov. Scott Walker a crucial victory in an election year.

The law, known as Act 10, became the signature legislation of Walker, a Republican who drew national notice when he proposed it after taking office in 2011. The measure brought thousands of union supporters to the Capitol in protest and galvanized efforts to limit unions in Republican-controlled states.

In a 5 – 2 decision, justices rejected arguments that the restrictions on collective bargaining violated freedom of association and equal protection rights, among others.

“No matter the limitations or ‘burdens’ a legislative enactment places on the collective bargaining process, collective bargaining remains a creation of legislative grace and not constitutional obligation,” Justice Michael J. Gableman wrote in a majority opinion.

“The First Amendment cannot be used as a vehicle to expand the parameters of a benefit that it does not itself protect,” he also wrote.

In a written statement, Walker said of the collective bargaining case: “Act 10 has saved Wisconsin taxpayers more than \$3 billion. Today’s ruling is a victory for those hardworking taxpayers.”

Walker, who is talked about as a possible presidential candidate in 2016 even as he is in the midst of a tight

race for re-election, has said that Act 10 is needed to solve an expected deficit in the state budget.

While the state Supreme Court is nominally nonpartisan, some critics say it has often split along predictable conservative-liberal lines with a majority of the justices siding with the conservatives.

Some labor leaders said that Walker’s measure all but eviscerated many public-sector unions, leaving members wondering exactly what bargaining ability they were getting for their dues, which under the law can no longer be automatically withdrawn from their paychecks.

Act 10 limited bargaining rights to pay raises within the rate of inflation. And with higher contributions from workers for their health care and pensions under the law, some union members said they could no longer afford dues.

One Wisconsin union said it had lost as much as 60 percent of its membership.

“We were preparing our locals for this outcome, and in all honesty, we have been moving forward under the assumption that it would be this way,” said Kim Kohlhaas, the president of AFT-Wisconsin.”

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## **Open Shop Council Meeting**

**Robert Fried, Esq.**

Atkinson, Andelson, Loya, Ruud & Romo

**Senate Bill 854**

Friday, October 24, 2014 | 8:00 a.m.—9:30 a.m.

**Omni Rancho Las Palmas Resort**

41-000 Bob Hope Drive | Rancho Mirage, CA 92270

Please plan on attending the Open Shop Council meeting which is being held in conjunction with the AGC Fall Conference at the Omni Rancho Las Palmas Resort in Rancho Mirage on Friday, October 24, 2014.

The Council will host a discussion by Robert Fried, Esq., Atkinson, Andelson, Loya & Romo, covering the requirements of **Senate Bill 854**.

Beginning July 1, 2014, all contractors must register and meet requirements using the online application before bidding on public works contracts in California. The online application also provides agencies that administer public works programs with a searchable database of qualified contractors.

Application and renewal are completed online with a non-refundable fee of \$300. All awarding agencies are required to notify the DIR. This registration has hidden punitive components and will be an open discussion with opportunity for all members to ask questions.

Please confirm your attendance to Bill Hamilton at (909) 885-7519 or email: [hamiltonw@agc-ca.org](mailto:hamiltonw@agc-ca.org).

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