

## **PROPOSAL 2012-02 BACKGROUND**

Under consideration at the October 8, 2012 Board Meeting is a resolution opposing Proposal 2012-02, (the "Protect Our Jobs" proposal) an amendment to the Michigan Constitution on the November general election ballot. The initiative would add a section to the state constitution guaranteeing a right to "organize together to form, join, or assist labor organizations, and to bargain collectively with a public or private employer." It would also prohibit any existing or future law that may impair, restrict, or limit negotiation and enforcement of collective bargaining agreements, other than the prohibition of strikes by public employees.

The proposal seems quite innocuous; after all, we support our employee's right to organize and bargain, and we have outstanding relationships with our unions, tirelessly built through mutual respect and trust over long periods of time. In addition, ads supporting the Protect Our Jobs amendment state it "...doesn't add any rights workers don't already have." A closer look at the amendment reveals, however, that its impacts, if passed, would be quite profound, potentially very harmful to school districts such as Vicksburg, and likely to result in years of litigation and millions of dollars of public money to define what it really means. In fact, the Attorney General has called Proposal 2, a "Trojan Horse-style" repeal and revision of constitutional provisions and statutes, which would "abrogate or otherwise limit" 18 provisions of the Michigan Constitution and sections of more than 170 Michigan laws.

Background information includes the following:

- MASA [Policy Brief, 9/6/12](#)
- Citizen's Research Council Analysis of Statewide Ballot Issues: Proposal 2012-02  
[www.crcmich.org](http://www.crcmich.org) <<http://tinyurl.com/96w54s5>>
- MEA Memorandum to UniServ Directors, 4/17/12

The MASA Brief is a short bullet-point document listing probably impact of the amendment.

The CRC Memorandum provides background and analysis. Of particular note is the listing on page 6 of the constitutional provisions that may be altered by the amendment, and the questions raised regarding the resulting status of the Public Employee Relations Act (PERA).

The MEA Memorandum illustrates the Union's own analysis of the magnitude of the changes it suggests would result from passage.

I urge the Board to go on record in opposition to Proposal 2012-02 because it is detrimental to good governance and the ability to prudently manage the schools due to the following likely negative effects of its passage:

1. Will make it harder for schools to fire ineffective teachers.
2. The Mackinac Center has stated that Proposal 2 would cost taxpayers a combined \$1.6 billion in lost savings. "The biggest chunk of that, about \$1 billion, would be lost if government union employees were able to escape paying at least 20 percent toward the cost of their own health care premiums," said James Hohman, assistant director of the fiscal policy at the Mackinac Center. "Another \$300 million in savings would disappear if unions were allowed to deny school

districts the ability to contract out for support services.”

3. The Michigan Attorney General stated, “if the proposal is adopted it may, in part, do the following: *first*, prohibit governmental units from adopting laws fixing compensation, terms, and conditions of employment; *second*, eviscerate such unit’s control over budgets for public employment; *third*, produce inconsistencies amongst unit’s budgets, public employee’s salaries, and services; and *fourth*, abrogate constitutional provisions and scores of state laws approved in accord with the mandates voiced by Michigan’s citizens.”
4. Unravel changes that make tenure protections harder to achieve and easier to lose by linking tenure to teacher effectiveness.
5. Hamper the ability of the Legislature and local governments to make rules that govern pay, hours and working conditions.
6. Undo a new law that ends the use of seniority in layoff and recall decisions.
7. Impact work done this past year to craft a statewide teacher evaluation model – one that is linked closely to student performance.
8. Make all terms and conditions of employment “mandatory subjects of bargaining,” including those items currently labeled as “prohibited subjects of bargaining.”
9. Negate the law requiring public employees to contribute to the cost of their own health care.
10. Negate the law requiring public employees pay to be frozen during the period after their collective bargaining agreement expires and before a new contract has been ratified.
11. Negate the law that allows school administrators to make layoff and recall decisions based on merit instead of seniority.
12. Negate the law that allows school employers to decide on the starting day of the school year.
13. Negate the law allowing the governor to appoint an emergency manager to reform failing school districts.
14. Negate the law that enables school officials to observe and evaluate teachers.
15. Negate the law that enables school officials to decide how to discipline poor performing employees.
16. Negate the law that enables school employers to be the policyholder of their group health insurance plans.
17. Negate the law prohibiting public school employers from contributing to the administration of labor unions.

18. Negate the law that prohibits labor unions from requiring their members to contribute to political action committees.
19. Negate the law that allows public school employers to decide which teachers should teach which subjects and classes.
20. Negate the law that requires public schools to notify parents when their child is assigned to be taught by an ineffective teacher.
21. Would void any existing or future law of the State of Michigan that abridges, impairs, or limits collective bargaining rights.
22. Make it difficult for cities and counties in a financial crisis to balance their books.
23. Would apply almost exclusively to public sector unions because private sector unions are governed by federal law.
24. Repeal the law that fines school employees when they illegally strike.
25. Undo the reforms that require government employees to contribute more to their health care and retirement benefits.
26. Represents unprecedented changes to governmental branches' prerogative to perform their constitutional function, establish their goals and objectives, determine budgets, compensation, retirement, medical or other benefits, and control terms and conditions of public employment.

For all of the foregoing reasons, I believe that it is crucial that the Board of Education of the Vicksburg Community Schools go on record in opposition to Proposal 2012-02.