MEA
Michigan Education Association

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Friday, March 18, 2011

Dear MEA member,

To put it bluntly, we are under assault in Lansing.

Dozens of bills being considered on a daily basis at the Capitol are outright attacks on our students, our members, our communities and our future.

And we must take action accordingly.

Here is just a sample of the legislative attacks currently underway:

- Gov. Snyder's proposed budget would **slash at least $470 per pupil** from every school district in the state – and **upwards of $1,000 per pupil in some districts**, when you take into account other K-12 funding cuts. His budget would also raid the School Aid Fund to pay for community colleges and higher education (which also take steep funding cuts). **These cuts will sacrifice the educational future of more than a million Michigan students.** Class sizes will skyrocket given drastic layoffs, important student programs will be eliminated, and you, as school employees, will continue to be called on to make concessions – **on top of the more than $1 billion you've given up over the past few years.**

- As part of his budget plan, Gov. Snyder also wants to eliminate the Earned Income Tax Credit and do away with pension tax exemptions, effectively **raising taxes on the working poor and on retirees** – all to pay for a massive business tax cut he's proposing for his corporate CEO cronies.

- Gov. Snyder has signed into law **emergency manager legislation that will destroy the collective bargaining rights of our members** and the local control of democratically elected bodies in school districts, cities and other local government entities that are in "financial crisis" (crises that are being caused by the aforementioned budget cuts).

- House Bill 4152 is pending in the Senate – this bill would **freeze step increases and district health care costs when a contract expires**, forcing you to give up salary and pay any insurance increases out of your pocket. **And it bans any retroactive contract settlements that would address that financial loss later on, once you've settled your contract.**

- HB 4306 would mandate that school districts request bids to **outsource all transportation, custodial and food service work**, threatening the livelihoods of tens of thousands of dedicated education support professionals.

- Bills are also being considered to require all school employees to **pay at least 20 percent of their health insurance premiums and slash your salary by 5 percent** – regardless of what concessions you've already taken locally.

Waiting in the wings are even more attacks on your jobs, your rights, your schools and your students – but I think you get the picture. **To stop these assaults, we must stand up!**

The MEA Board has directed our state and local associations to ratchet up our actions around this crisis. **Your local president has been asked to call a general membership meeting before April 15, at which you'll be asked to take a vote giving authority to MEA to initiate crisis activities up to and including job action.** This is a very serious request that reflects the severity of the situation in which we find ourselves.

MEA will not stand silent while Michigan's public schools and middle class are under attack. These votes are the path by which MEA will stand 155,000 strong in defense of our jobs, our rights and the futures of our students and communities. **Should lawmakers fail to end these attacks on the people of Michigan, we will not shy away from taking action to stop them.**

Let me be clear on what this vote means: it authorizes MEA to engage in significant activities – up to and including a work stoppage – that will increase the pressure on our legislators. And it provides us with your backing to engage in larger scale, public activities in response to these attacks on our rights and our future. *Enclosed, you'll find a question and answer document regarding this vote.*

This is an unprecedented action appropriate for unprecedented times. Between now and the end of this school year, we must stand up in support of our schools and our middle class – without which, Michigan cannot have a bright future. We all may have to sacrifice to stand up for what we know is right. I am advising all MEA members to make appropriate plans to ensure you and your family's financial security, including delaying major expenses and saving funds to cover your household expenses for as much as two months.

Thank you for your solidarity as we advocate for our members and our students in these extraordinary times. I am confident that history will look back at 2011 as a turning point for Michigan – and **I am steadfast in my belief that public school employees and Michigan's Middle Class will be on the winning side of this fight.**

Sincerely,

Iris K. Salters

Iris K. Salters
MEA President

JOB ACTION AUTHORIZATION

Q & A FOR LOCAL MEMBERSHIP MEETINGS

1. What does my vote supporting this resolution mean?

By supporting the proposed resolution, you are agreeing that you will join your colleagues in crisis activities authorized by the MEA, which include a wide range of options from after work activities in your own community to a possible statewide work stoppage.

2. How long will this authorization last?

The authorization will only last through the end of the current school year.

3. What actions is this authorizing? Are we talking about a statewide work stoppage?

The proposed resolution is not specific, allowing MEA to monitor the situation and decide what will be most effective. The proposed actions could be limited to local demonstrations outside of work hours or a statewide march on the Capitol on a non-working day. In order for MEA to know the level of support for significant action in response to the legislative assaults on school employees, it is important to know how many members are willing to take the action decided by MEA – up to and including a work stoppage. The MEA officers are very much aware of the potential ramifications of a work stoppage and will only call one if the Legislative action warrants that action.

4. Will I have to go to Lansing to protest the Legislature's actions?

That will depend upon a review by MEA of the most effective action(s) for MEA members to take. The proposed resolution is flexible enough for MEA to decide the best way to stop the legislative assaults on school employees and students.

5. Will I lose pay if I do not report for work?

That will depend upon individual circumstances. If you have the right to take personal business leave or other appropriate paid leave, you may not lose pay. However, you should only vote for this proposed resolution if you believe the legislative assaults are so severe that you are willing to risk the loss of pay, and possibly, the loss of your employment.

6. Can I be fired if we go out on strike?

Since strikes in the public sector are illegal in Michigan, there is the possibility that you could be fired for engaging in a strike. That is why it is critical before MEA makes any decision regarding authorization of a work stoppage, for us to know if you and your colleagues are willing to take that action. It would be a significant action that sends a

message to the Legislature and the public about the impact these attacks will have on your working conditions and your students' learning conditions. You should only vote to support the proposed resolution if you believe the potential actions of the Legislature are significant enough to warrant that response.

It is simply not possible to replace all or most school employees in the state. A public school employee has the right to an individual hearing at which it must be proved that the employee engaged in an illegal strike. The employee has the right to appeal that determination through the Michigan courts. It is, to say the least, a time-consuming and expensive process for school districts.

7. Are there any different potential consequences to withholding services if your unit is working with a contract or if your unit is working without a contract?

In 1974, the Michigan Supreme Court decided that a school district could not sue a labor union for damages relating to a work stoppage that had occurred when there was no contract in effect. Because there was no contract in effect, the Court did not decide whether a breach of contract suit could be brought if an unlawful strike occurred while a contract was in effect. Thus, there is no established law in Michigan either authorizing or barring a breach of contract claim and the possibility of civil lawsuits cannot be ruled out.

8. Am I protected if I call in sick during a work stoppage?

The appropriate use of sick leave is governed by your local contract. Under most circumstances, you will still be subject to discipline up to and including discharge if your school employer determines that you are not using sick leave appropriately and are engaging in an unlawful strike. You would have the right to challenge docking of your pay through the grievance procedure of your contract. Any action to fine school employees for allegedly engaging in a strike would require hearings before the Michigan Employment Relations Commission.

9. Will MEA represent me if I am fired for supporting an authorized statewide work stoppage?

MEA will defend any member who is disciplined or discharged for supporting an authorized job action. Because there is strength in numbers, a unified action provides the greatest protection to you.

10. Won't these actions hurt our students?

While there may be some inconvenience for your students, you will need to weigh that against the impact of the Legislature's actions on students' right to a quality education. Your working conditions are those students' learning conditions. In voting on this proposed resolution you will need to decide for yourself whether these actions will help or hurt your students in the long run.

As MEA becomes aware of other frequently asked questions from members, those questions and answers will be available in the Members Only section of www.mea.org.