

# WISCONSIN

OVERALL RANK: 18TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER —————> WEAKER

OVERALL		18		
1. RESOURCES AND MEMBERSHIP		13		
2. INVOLVEMENT IN POLITICS	8			
3. SCOPE OF BARGAINING				41
4. STATE POLICIES			24	
5. PERCEIVED INFLUENCE		17		

Note: As of this writing, collective bargaining nationwide was experiencing a high degree of unpredictability and, in some cases, volatility. Nowhere was that more apparent in 2012 than in Wisconsin, where major transformations to collective bargaining laws portend significant changes in the resources and strength of its public employee unions. As such, we present Wisconsin rankings, and those of all the states, as a snapshot at the time of publication. (See main report for additional discussion.)

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 13TH

Wisconsin's teacher unions currently have abundant resources and high membership totals, and their members enjoy a larger public investment in K-12 education than

in many other states. A full 98.3 percent of Wisconsin teachers belong to unions, the 3rd-highest rate of 51 jurisdictions. Further, the Badger State's NEA and AFT state affiliates bring in \$520 annually per teacher (21st of 51). In Wisconsin, K-12 education expenditures account for 18.0 percent of state spending (31st). Total funds for education (a combination of local, state, and federal dollars) amount to \$11,783 per pupil (23rd), with 56.9 percent going toward teacher salaries and benefits (10th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 8TH

Wisconsin's teacher unions have been active donors over the past decade.<sup>3</sup> Not only did their contributions amount to 1.0 percent of donations to candidates for state office (16th), but those donations equaled

a whopping 22.7 percent of all donations to candidates from the ten highest-giving sectors in the state (2nd), indicating that the unions were real heavyweights in Wisconsin politics. They also gave 1.9 percent of the donations received by state political parties (16th). Finally, 17.2 percent of all Wisconsin delegates to the Democratic and Republican national conventions identified as teacher union members (15th).<sup>4</sup>

### *AREA 3: SCOPE OF BARGAINING 41ST*

Wisconsin is one of thirty-two states that require collective bargaining. Although 2011's Act 10 severely limited the scope of bargaining to cost-of-living wage increases, the Wisconsin court struck down the law in September 2012 (see sidebar); Governor Scott Walker vowed to appeal the outcome. (Unfortunately, the court's decision came too close to our publication date for us to take it into account when calculating our metric.) Further, teacher unions may collect agency fees from non-members and automatically deduct dues from members' paychecks. (As passed, Act 10 also prohibited automatic payroll deductions, but the court ruled that specific provision unconstitutional in March 2012. The state appealed, and as of September 2012, the Seventh Circuit Court of Appeals was hearing the matter.) Wisconsin does not permit teacher strikes.

### *AREA 4: STATE POLICIES TIED FOR 24TH*

While Wisconsin's teacher employment policies generally align with traditional teacher union interests, its charter laws are less aligned. The state does not require student achievement data to factor into teacher evaluations or tenure decisions,

does not articulate consequences for unsatisfactory evaluations, and does not support statewide performance pay. Further, seniority is the sole consideration in teacher layoffs. Charter law, on the other hand, allows new, conversion, and virtual schools and multiple authorizers. While charter teachers must be certified, their schools are automatically exempt from many other state laws. Schools authorized by entities other than local districts receive additional exemptions, and regardless of where they are located, they are not bound by district regulations and collective bargaining agreements.

### *AREA 5: PERCEIVED INFLUENCE 17TH*

While Wisconsin stakeholders generally perceive teacher unions to be strong, recent challenges to both state bargaining laws and the historically pro-labor environment have weakened their foundations. On the one hand, survey respondents rank teacher unions as the entity with the greatest influence on education policies. (Education advocacy groups, the school boards association, and the association of school administrators also rank high, but not as high.) They also note that state education leaders always align with teacher union positions. On the other hand, they report that policies proposed by the governor and enacted in the latest legislative session were *not at all in line* with teacher union priorities, showing the widening gap between the union's reach on *education* policies specifically, as opposed to *state* policies in general. Further, respondents do not believe unions are effective in warding off education proposals with which they disagree and in protecting dollars for education—unsurprising in a state where teacher unions, like those in Arizona and Indiana, have seen their power significantly curtailed.

OVERALL  
18TH

Wisconsin teacher unions currently have substantial resources from their members and have been an active force in Wisconsin state politics. But recent legislation, which sharply erodes their collective bargaining rights, likely heralds an era of diminished strength for public unions in general, and teacher unions in particular in the Badger State.

WEATHERING THE STORM

The nation witnessed firsthand the legislative blow dealt to public unions in the Badger State—and then their failure to recall the governor who landed that blow. In March 2011, Governor Scott Walker and his legislative allies limited the scope of public-sector bargaining to cost-of-living wage increases only. Act 10 also stopped local teacher unions from automatically collecting dues from their members and required that they hold a yearly vote in which the majority of all eligible employees must agree to recertify the union as their official bargaining agent. But public-safety unions such as those for police and firefighters were exempt, which ultimately proved to be the law's undoing.<sup>5</sup> The Wisconsin Education Association Council (WEAC) filed a lawsuit against the ban on payroll deductions and the recertification requirement, asserting that it violated workers' equal-protection rights and their First Amendment right to organize. In March 2012, a federal judge agreed that teachers were being unfairly singled out—noting that the unions receiving exemptions were those that had endorsed Walker in 2010—and removed both provisions from the law.<sup>6</sup> The ruling came just in time: twenty-eight local teacher unions were about to lose their bargaining status because they fell short of the required approval from the majority of bargaining-unit members.<sup>7,8</sup> In spite of the court's decision, however, in the fifteen months since Act 10 passed, the AFT-Wisconsin lost 6,000 of its 17,000 members; the NEA-affiliated WEAC refused to comment on its losses.<sup>9</sup>

Organized labor also sued to stop Act 10's bargaining limitations, asserting that it unfairly singled out unionized public-sector workers and violated the "home rule" charter of the Wisconsin constitution that bans the state from imposing pension contribution rates on Milwaukee city workers. That suit was successful as well; as of September 2012, no part of the Act remained in effect, and unions hurried back to the negotiating table to bargain new contracts.<sup>10</sup>

In addition, organized labor backed the 2012 attempt to unseat Walker, with AFT-Wisconsin's president Bryan Kennedy warning that failure to oust him "spells doom."<sup>11</sup> When the recall failed, he forced a smile: "We are disappointed, but not defeated."<sup>12</sup> In some respects, he was correct. Not only did the courts overturn Act 10, but the unions defended the traditional pension system and stopped further expansion of private school vouchers.<sup>13,14</sup> They also revealed themselves to be open to teacher-quality reforms: AFT-Wisconsin helped education leaders develop a new evaluation system under which half of a teacher's score is based on student growth and test scores.<sup>15</sup> The WEAC then supported using those evaluations as a basis for merit pay.<sup>16</sup> Of course, the unions' motivations may not be entirely altruistic—with substantial losses in membership and bargaining power and the rulings to overturn Act 10 currently under appeal, it is more likely they are seeing the writing on the (classroom) wall.

# WISCONSIN RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 18TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  13*	Membership	By rank, what percentage of public-school teachers in the state are union members?	3rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	21st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	31st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	23rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	10th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  8*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	16th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	16th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	2nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	15th
<b>AREA 3: SCOPE OF BARGAINING</b>  41	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	46th <sup>c</sup>
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Automatic payroll deductions prohibited <sup>c</sup>
Right to strike	What is the legal status of teacher strikes?	Prohibited	
<b>AREA 4: STATE POLICIES</b>  24*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	47th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	29th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>24</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Full automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>17</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Always
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Wisconsin has the 3rd-highest percentage of teachers who are union members. Otherwise, we report a status: Wisconsin has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See notes in Area 3 and sidebar, above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Wisconsin are shown in the table, *Wisconsin Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Wisconsin is ranked 13th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Wisconsin is an exception because the sum of the donations from local affiliates is comparable to the total from the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> "Wisc. Governor Officially Cuts Collective Bargaining," *NBC News*, March 11, 2011, [http://www.msnbc.msn.com/id/41996994/ns/politics-more\\_politics/t/wis-governor-officially-cuts-collective-bargaining/#.UBFms2FDzlc](http://www.msnbc.msn.com/id/41996994/ns/politics-more_politics/t/wis-governor-officially-cuts-collective-bargaining/#.UBFms2FDzlc).

<sup>6</sup> Clay Barbour and Mary Spicuzza, "Federal Court Strikes Down Parts Of Collective Bargaining Law," *Wisconsin State Journal*, March 31, 2012, [http://host.madison.com/wsj/news/local/govt-and-politics/federal-court-strikes-down-parts-of-collective-bargaining-law/article\\_562c581e-7a9f-11e1-9aea-0019bb2963f4.html](http://host.madison.com/wsj/news/local/govt-and-politics/federal-court-strikes-down-parts-of-collective-bargaining-law/article_562c581e-7a9f-11e1-9aea-0019bb2963f4.html); Brendan Fischer, "Federal Court Strikes Down Key Provisions Of Walker's Act 10 As Unconstitutional," *PRWatch*, March 30, 2012, <http://www.prwatch.org/news/2012/03/11404/federal-court-strikes-down-key-provisions-walkers-act-10-unconstitutional>.

<sup>7</sup> Tom Tolan and Erin Richards, "Majority Of Education Unions Vote To Recertify," *Milwaukee Journal Sentinel*, December 8, 2011, <http://www.jsonline.com/news/education/education-unions-vote-to-recertify-sd3caui-135285458.html>.

<sup>8</sup> Matthew DeFour, "Nearly All State Teachers Unions Without Pact Seek Recertification," *Wisconsin State Journal*, October 13, 2011, [http://host.madison.com/wsj/news/local/education/local\\_schools/article\\_14750bca-f51e-11e0-b9d0-001cc4c002e0.html](http://host.madison.com/wsj/news/local/education/local_schools/article_14750bca-f51e-11e0-b9d0-001cc4c002e0.html). Teachers in 148 districts voted to recertify their unions, twelve opted not to vote, and only one district had a majority of its teachers vote against recertification. For the other twenty-seven unions about to lose their bargaining status, a majority of the teachers who chose to vote wanted to recertify as a union, but to keep bargaining status the vote required approval from a majority of all eligible employees whether they voted or not.

<sup>9</sup> Douglas Belkin and Kris Maher, "Wisconsin Unions See Ranks Drop Ahead of Recall Vote," *Wall Street Journal*, May 30, 2012, <http://online.wsj.com/article/SB10001424052702304821304577436462413999718.html>

<sup>10</sup> Judge Colas ruled that the law violated the rights of freedom of speech and freedom of assembly, essentially creating a separate class of workers with different rules based only on their decision to join the union. See Mark Guarino, "Court Decision Produces Twist in Wisconsin Union Fight," *Christian Science Monitor*, September 24, 2012, <http://www.csmonitor.com/USA/Politics/2012/0924/Court-decision-produces-twist-in-Wisconsin-union-fight>.

<sup>11</sup> Belkin and Maher.

<sup>12</sup> "We Are Disappointed, But Not Defeated,' Says AFT-Wisconsin President," AFT-Wisconsin, June 6, 2012, <http://www.aft-wisconsin.org/>.

<sup>13</sup> "Moving Education Forward: Bold Reforms," Wisconsin Education Association Council, February 2011, <http://www.weac.org/Libraries/PDF/WEACBoldReformsPlatform.sflb.aspx> (on WEAC "Take Action" page, accessed August 14, 2012, [http://www.weac.org/Issues\\_Advocacy.aspx](http://www.weac.org/Issues_Advocacy.aspx)).

<sup>14</sup> "News Headlines," Wisconsin Education Association Council, accessed July 19, 2012, [http://www.weac.org/News\\_and\\_Publications.aspx](http://www.weac.org/News_and_Publications.aspx).

<sup>15</sup> Erin Richards, "Student Results Would Account For Half Of Teacher Evaluations," November 7, 2011, <http://www.jsonline.com/news/education/133412398.html>.

<sup>16</sup> Tony Galli, "Largest Teacher Union Backs Merit Pay," *WKOW Madison*, February 8, 2011, <http://www.wkow.com/Global/story.asp?S=13993642>.