

MIballot2012.org

A CITIZEN'S GUIDE TO **PROP 2**

**THE 'COLLECTIVE BARGAINING'
CONSTITUTIONAL AMENDMENT**

A Ballot Proposal to
Help Government Union Officials
Veto Laws Passed by
Elected Representatives

BY F. VINCENT VERNUCCIO

What is Proposal 2?

Proposal 2, the so-called Protect Our Jobs Amendment (also known as the Protect Working Families Amendment) will appear on the November ballot. It would amend Michigan's Constitution.

Prop 2 would enshrine collective bargaining for both government and private-sector unions.

What would Prop 2 do?

Besides making it nearly impossible for Michigan to ever become a right-to-work state, Prop 2 would allow government unions to overrule at the bargaining table a multitude of laws passed by our elected representatives.

Prop 2 would apply mostly to government unions, since private-sector unions are governed by federal law. The amendment would benefit only the roughly 3 percent of Michigan's residents who are in government unions — and in reality, the main benefit would be to the union officials representing the 3 percent. The cost of their special benefits, however, would be paid for by everyone else.

How does Prop 2 give unions a veto?

The amendment clearly states:

“No existing or future law of the state or its political subdivisions shall abridge, impair or limit” unions' ability to “negotiate in good faith regarding wages, hours, and other terms and conditions of employment. ...”

Aside from a couple exceptions, no state law past, present or future could limit what government union officials could win in labor contracts.

While this may sound innocent enough, it would fundamentally change the power structure in Michigan.

Prop 2 would make government unions a super-legislature, allowing them to overrule laws made by the elected representatives of the people.

From Lansing to the hundreds of towns, cities and counties across the state, elected officials make laws controlling work rules, wages and benefits for government employees. These elected officials are responsible to voters and ideally protect voters' interests when drafting the laws.

Prop 2 would make public employment laws moot because any collective bargaining agreement with government unions would have the power of the constitution and overrule state and local law. The only labor-related legislative power Prop 2 leaves to the voters' elected representatives is making laws concerning strikes and setting minimum collective bargaining standards for government employees.

The consequences are far-reaching. Labor union heads, acting as a super-legislature, would have the ability to repeal at the bargaining table many of the government management reforms that have helped Michigan start to turn the corner after a decade of malaise. Elected representatives would be powerless to stop them.

Unions would have an effective veto, but unlike the governor, they could veto laws enacted years ago, and no legislature could override them with a two-thirds vote.

Can't elected officials restrain government unions at the bargaining table?

Frequently, no.

Government unions and politicians have allied in a vicious circle. The unions give campaign contributions to the politicians. The politicians get elected and then negotiate generous contracts with the unions that supported them. The politicians also expand government, providing the unions with more dues-paying government employees.

The unions then have more money to give to friendly politicians for their next campaign. The politicians get re-elected, and the cycle goes on. Everyone wins — except for the taxpayers, who are stuck footing the bill.

Why are unions fighting so hard for Prop 2?

Union officials, especially government union officials, feel their privileged status being threatened.

The gravy train is closing down. Across the country, elected officials concerned about this vicious circle are passing laws that curb the special interests of government unions. These reforms begin once again to put taxpayers, workers and job creators first.

For labor unions, this is a threat. Their response is radical proposals like Prop 2, which would prevent further reforms and repeal numerous existing ones (see the following pages for examples).

Reviewing just a few major laws that Prop 2 would nullify produces a conservative estimate of **\$1.6 billion** a year in potential savings lost to Michigan taxpayers. The ultimate cost would likely be much higher.

Prop 2 would repeal or curtail a vast number of laws and reforms.

- Government union contracts could overrule almost anything in the 107 sections and subsections of the Public Employment Relations Act.
- Government union contracts could reverse legislation protecting unionized workers from having to go through a burdensome “opt-out” process in order to withhold money from union political causes.
- Government union contracts could repeal pension reforms that have already helped Michigan taxpayers avoid as much as \$4.3 billion in government pension underfunding since 1996.
- Government union contracts could gut the “80/20 law,” which protects taxpayers from subsidizing no more than 80 percent of government-employee health care premiums. Repealing this law alone could cost the state more than \$1 billion annually.
- Government union contracts could overrule the state’s Freedom of Information Act and open-meetings law — including the laws making those government union contracts public.
- Prop 2 would immediately repeal binding arbitration laws, which mandate that public safety officers, who are forbidden to strike, rely on arbitrators to determine final contracts when negotiations are at an impasse.

For education, the repeals would be even more far-reaching.

- Government union contracts could rewrite “Last-In/First-Out” legislative reforms protecting talented new teachers from being laid off simply because they lack seniority.
- Tenure reform laws, such as the ability to remove poorly performing teachers, could be repealed.
- Government union agreements could end teacher evaluations and a district’s freedom to participate in school choice.
- Public school spending reforms like privatization of noninstructional services could vanish.
- Prop 2 would allow unions to once again negotiate the government into becoming the bill collector for school employee union dues — including money for labor politics. ■

Prop 2 would repeal reforms that have helped Michigan start on the road to recovery.

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Here's the
100-word summary
of Prop 2 that
will appear on the
ballot

A PROPOSAL TO AMEND THE STATE CONSTITUTION REGARDING COLLECTIVE BARGAINING

This proposal would:

- Grant public and private employees the constitutional right to organize and bargain collectively through labor unions.
- Invalidate existing or future state or local laws that limit the ability to join unions and bargain collectively, and to negotiate and enforce collective bargaining agreements, including employees' financial support of their labor unions. Laws may be enacted to prohibit public employees from striking.
- Override state laws that regulate hours and conditions of employment to the extent that those laws conflict with collective bargaining agreements.
- Define "employer" as a person or entity employing one or more employees.

Should this proposal be approved?

YES ____

NO ____

ABOUT THE AUTHOR



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His analysis and commentary has been published in a wide variety of major newspapers, magazines and blogs, such as Investor's Business Daily, The Washington Times, National Review, Forbes and The Daily Caller. He has frequently appeared on Fox and Friends and Varney and Company.

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