

House Panel Explores New Teacher Strike Sanctions

School employee unions could be decertified if they call a strike and teachers could lose their licenses if they join the strike under legislation being considered by the House Education Committee.

Though a 2008 strike in Wayne-Westland Community Schools was cited as a driving force for the changes (HB 4465 and HB 4466), discussions indicated a greater concern was recent rumblings by the Michigan Education Association about a possible strike over recent cuts and emergency financial manager legislation.

Supporters said the measures were needed as a deterrent to strikes, while opponents said the measures were an over-reaction to the possibility of a strike and would infringe on the due process rights of teachers accused of participating in one.

Under the substitutes being considered for the bills, teachers found by the superintendent of public instruction to have participated in a strike would lose their license for at least two years and could have it revoked.

If the Employment Relations Commission found a union called the strike, the union would be decertified for at least five years and the employees would have to form a new local under a different coordinating body.

"We need to have some meat put back into the law," said Rep. Bill Rogers (R-Howell), sponsor of HB 4465.

The current law is not being enforced because districts say it costs too much to seek sanctions against striking teachers, he said. Under current law, districts superintendents have to file a complaint with the Employment Relations Commission for any sanctions to occur. Under the legislation, the state superintendent of public instruction could act upon learning of a strike under any circumstances.

And the penalty is appropriate, said Rep. Paul Scott (R-Grand Blanc), chair of the committee and sponsor of HB 4466. "I think you should be decertified for at least two years if that's the type of illegal activity you're going to engage in," he said.

"I think a lot of teachers would like this because it would give them a tool to buck the union," said Rep. Tom McMillin (R-Rochester Hills).

Greg Baracy, superintendent of Wayne-Westland, said the strike, though it lasted only four days, disrupted his district for several months.

"Our students were used as pawns, as well as our parents, during this illegal strike," Mr. Baracy said. "These are adult issues and they should be handled at the bargaining table."

And he said there were no penalties for the teachers in the end because the courts did not order any sanctions and the union covered any pay they lost for the four days.

He said more teachers would have thought twice about joining the walkout if they faced losing their license to teach.

"We look at this really as a deterrent to employee groups going on strikes or work stoppages," said Don Wotruba with the Michigan Association of School Boards. "I don't think we'd ever like to see the process implemented."

But Mr. Baracy said it would be "manageable" if a substantial portion of the district's teachers were suspended or removed because of a strike, particularly if those firings or suspensions could be made over time.

And the expedited hearings would violate teachers' due process rights, said Ellen Hoekstra, representing the AFT-Michigan. The two days allowed in the bill for a hearing, down from the current 60 days, would not allow accused teachers time to find representation and discuss the case.

The bills also would allow all of the hearings for a district to be consolidated into one proceeding, which Ms. Hoekstra said would not be fair to a teacher who might truly have been ill during the strike and not intending to walk the picket line.

Paul Kersey, director of labor policy for the Mackinac Center for Public Policy, said the teachers are the wrong target for the legislation. "The role of employees is fairly limited in strikes," he said. "The penalty for the teachers should be no more severe and probably less severe than the penalties against union leaders who probably coerced them to strike."

But Mr. Kersey argued the appropriate penalty for a strike is loss of collective bargaining in the district. "Collective bargaining is a privilege, not a right," he said. "An illegal strike is the ultimate abuse of that privilege."

He urged stripping the strikers of collective bargaining for at least three years.

He said decertifying the unions would not be an effective tactic because it would simply mean passing districts back and forth between the few unions that represent teachers.

Rep. Paul Scott said striking teachers should face decertification.

