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Unions Try a Ballot Offensive

By STEVEN GREENHOUSE

DETROIT — Tired of battling legislative efforts to roll back union rights in state after state, organized labor is trying a new strategy: going on the offense. The first target is Michigan, the cradle of the United Automobile Workers and a bastion of union power.

Michigan's unions are asking voters to approve a referendum on the ballot this November, known as Proposal 2, that would lock a series of labor protections into the state Constitution, including the right of public sector unions to bargain collectively and a prohibition against the legislature's enacting a "right to work" law.

The ballot campaign represents an attempt by unions and their Democratic allies to slow or stop the wave of Republican-backed measures adopted in Wisconsin, Indiana, Ohio, Tennessee and other states in the last two years to curb collective bargaining and weaken unions, especially those representing government workers.

"Besides the presidential race, Proposal 2 is probably going to be the most significant thing on the ballot nationally," said F. Vincent Vernuccio, director of labor policy at the Mackinac Center, a conservative research center based in Midland, Mich. "Michigan is surrounded by Wisconsin, Indiana, Illinois and Ohio — states that have taken wildly different views of private and public sector unions. The nation is on a teeter right now on union matters, and Michigan will give momentum to one side or the other depending on how this plays out."

Business groups and Michigan's Republican governor, Rick Snyder, say that if the referendum to enshrine labor rights in the Constitution is approved, it will cast a major cloud over the state's business climate — broadcasting to the world that organized labor, whenever it deems fit, can use its muscle to go to the voters to trump the legislature and governor.

"Michigan's union bosses are field-testing a new weapon," said Rich Studley, president of the Michigan Chamber of Commerce. "If this weapon is successful in banning legislation, we'll see it deployed in the 21 other states that allow initiatives and referendums."

Further flexing their muscles, unions are sponsoring two other proposals on the Michigan ballot. One would repeal a law that allows emergency managers appointed to oversee financially distressed communities to void union contracts. Another would amend the Constitution to guarantee home health aides the right to unionize.

Both sides are flooding the airwaves with ads about Proposal



Stephen McGee for The New York Times

Proposal 2, on the November ballot in Michigan, would place labor protections in the state Constitution. Ivy Bailey, a teacher at Spain Elementary-Middle School in Detroit, said, "People fought for the right for us to bargain."

2, with each side accusing the other of using misleading scare tactics.

In one union-backed commercial, for example, a firefighter is wearing an elaborate fireproof apparatus over his head. "This air pack I'm wearing gives me 30 minutes to look inside your burning house and find you," he says. "Having the most modern dependable equipment when the clock is ticking, that counts. If it comes from collective bargaining, the politicians can't cut it without our say-so."

Opponents are broadcasting an ad that begins with a child leaving for school. "When we send them off in the morning, we should be certain they're safe in school," the voice-over says. "If Proposal 2 passes, it would eliminate safety rules for school bus drivers. Worse, Proposal 2 could prohibit schools from removing employees with criminal records. That's dangerous for kids and terrifying for parents."

Although most of the campaign's financial disclosures are not due until after the election, political experts estimate that more than \$30 million will be spent in the fight, with national business and labor groups contributing substantial financing.

At the moment, the proposal's chances of passing are difficult to predict. Proponents had a significant lead at first, but that has eroded as business-backed groups have escalated their attacks. A Detroit News poll released Oct. 12 found that 43.2 percent of the 600 people surveyed supported the proposal, and 41.8 percent opposed it. The difference was within the poll's margin of error.

Union leaders say Proposal 2 has a simple aim: to protect col-

lective bargaining against further assault.

“Collective bargaining is a fundamental right; collective bargaining lifts all boats,” said David Hecker, president of the Michigan branch of the American Federation of Teachers. “There’s no question that in Michigan, every worker, union or not, is better off today because of what the U.A.W. has achieved historically. People can afford to send their kids to college. They have a cottage up north.”



Stephen McGee for The New York Times

Governor Snyder is fighting hard to defeat Proposal 2 and preserve the emergency manager law, which was updated during his tenure.

He said the emergency manager law is vital to help communities that have lost population bring their cost structures into line, avert bankruptcy and return quickly to local control.

But many union officials oppose the law because it empowers emergency managers to scrap union contracts. “We see it as a power grab against democratically run communities,” said Albert Garrett, the top Michigan official of the American Federation of State, County and Municipal Employees.

As for Proposal 2, Mr. Snyder said he urged labor leaders not to place it on the ballot for the same reason he successfully urged Republican legislators not to introduce right-to-work legislation — the issues are highly divisive.

“They call it the collective bargaining proposal, but I call it the back-in-time proposal,” Mr. Snyder said in an interview. “This would literally wipe out up to 170 laws that are on the books, some dating from the 1960s. The cost of litigation that would come out of this is huge.”

He said he feared that Proposal 2 would trump two laws he deemed particularly important, one making it easier to fire ineffective teachers and another requiring all government employees to pay at least 20 percent of the cost of their health care plans. Under Proposal 2, those provisions would be superseded in communities or school districts that agree to union contracts that contain conflicting provisions.

“It would significantly raise the cost structure of local government,” Mr. Snyder said.

Labor leaders say public sector unions have bargained innovatively to hold down health costs, asserting that the current restrictions might inhibit future innovation. They further argue that if a democratically elected school board agrees to let union

members pay 17 percent rather than 20 percent of their health care coverage, state lawmakers should not get in the way.

Governor Snyder’s allies complain that Proposal 2 would undercut his efforts, which include cutting corporate taxes, to make Michigan friendlier to business.



Stephen McGee for The New York Times

“We’re dying a death by a thousand cuts,” said John Armelagos, a nurse in Ann Arbor.

would be a huge step backward.”

Chamber of Commerce officials warn that if the proposal passes, businesses in southwest Michigan that are weighing expansion might decide to expand just across the border in Indiana, which passed a right-to-work law early this year.

Right-to-work laws prohibit union contracts at private sector workplaces from requiring employees to pay any dues or other fees to the union, a move that often saps unions’ strength and treasuries. In states without such laws, workers at unionized workplaces generally have to pay such dues or fees.

John Armelagos, a nurse in Ann Arbor, acknowledged that Michigan’s Republican-dominated legislature had not enacted a broad law curbing many unions’ ability to bargain. That contrasts with Wisconsin and Ohio, where the legislatures enacted wide-ranging antibargaining laws, although Ohio voters repealed that law in a union-backed referendum last November.

“In Michigan, we’re dying a death by a thousand cuts,” Mr. Armelagos said, pointing to laws that limit bargaining on such issues as how to evaluate teachers or staff levels for fire trucks in some communities. “Conservative politicians are passing law after law that restricts our collective bargaining rights.”

To rally public support, proponents have sought to turn Proposal 2 into a referendum on whether collective bargaining is good or bad for America.

Ivy Bailey, an elementary-school teacher in Detroit, said collective bargaining helped lift her father, a longtime assembly plant worker at General Motors, into the middle class and send two daughters to college.

“People fought for the right for us to bargain,” she said. “If we could trust the boss to do the right thing, we wouldn’t need collective bargaining.”

“Proposal 2 is a very scary thing to me,” said Ralph Beebe, president of Highland Engineering, a military equipment manufacturer. “Michigan is going in the right direction, and I think it