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Judge Rules State Collective Bargaining Restrictions Unconstitutional

DANE COUNTY – Earlier today, the Dane County Circuit Court ruled that a Wisconsin statute that took away the collective bargaining freedoms of tens of thousands of public service workers throughout the state—from educators and conservation wardens to sanitation workers and nurses—is unconstitutional.

Dane County Circuit Court Judge Jacob Frost sided with public service workers in his ruling, holding that their freedom to negotiate with employers on subjects beyond base wages and to be represented by a union without burdensome annual recertification elections must be restored. Judge Frost ruled the 2011 law violated the equal protection guarantee in the state Constitution by unfairly limiting the rights of nearly all public service workers to collectively bargain while still allowing a small subset of specific workers within the public service to retain those same rights.

The plaintiffs acknowledge that while this decision is a major win for Wisconsin's working families, it is likely that the case will remain in the courts for some time before a final victory is reached and pledge to continue fighting until the freedoms of all workers in Wisconsin are respected and protected.

Plaintiffs include Ben Gruber, Matthew Ziebarth, the Abbotsford Education Association (WEAC/NEA), AFSCME Local 47, AFSCME Local 1215, Beaver Dam Education Association (WEAC/NEA), SEIU Wisconsin, Teaching Assistants Association (TAA/AFT) Local 3220 and Teamsters Local 695.

The lawsuit was filed because of the dire situation that exists in Wisconsin's public service institutions since workers' freedoms were unconstitutionally taken away. The state's education workforce is in crisis as 40 percent of teachers leave the profession in the first six years because of low wages and unequal pay systems; the conservation warden program is fraught with unfair and disparate treatment of workers; and there is a 32 percent staff vacancy rate for corrections officers.

Plaintiffs in the lawsuit celebrated the ruling.

Ben Gruber, a conservation warden, President of AFSCME Local 1215 and plaintiff in the lawsuit, said, "Today's decision is personal for me and my coworkers. As a conservation warden, having full collective bargaining rights means we will again have a voice on the job to improve our workplace and make sure that Wisconsin is a safe place for everyone. We realize there may still be a fight ahead of us in the courts, but make no mistake, we're ready to keep fighting until we all have a seat at the table again."

Betsy Ramsdale, a Teacher in the Beaver Dam Unified School District and Union Leader, said the decision was a long time coming. "We're confident that, in the end, the rights of all Wisconsin public sector employees will be restored," she said. "Educators' working conditions are students' learning conditions, and everyone benefits when we have a say in the workplace."

Rocco DeMark, a Building Service Worker at Racine Unified School District and Worksite Leader for SEIU Wisconsin expressed his excitement over the ruling: "After 14 years of battling for our collective bargaining rights, we are thrilled to take this step forward. This victory brings us immense joy. Our fight has been long, but we are excited to continue building a Wisconsin where we can all thrive."

AFT Wisconsin President Kim Kohlhaas said, "Unions allow workers to make a difference in the lives of people; Act 10 stripped workers of the ability to speak up and be heard. I'm thrilled that this law has been ruled unconstitutional, and if it is upheld in further court cases, employees will have the opportunity to create and join unions and advocate for what will help improve public education, higher education and the lives of our citizens, through the essential work public employees do in state agencies. Workers must have the right to partner with their employer and negotiate fair wages, benefits and working conditions."

The plaintiffs in the lawsuit were represented by Law Forward and Bredhoff & Kaiser.

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