

Judge temporarily delays imposition of draconian contract on Illinois state workers

By George Gallanis
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Last Tuesday, an Illinois circuit court judge agreed to the request of the American Federation of State, County and Municipal Employees (AFSCME) union to place a temporary restraining order on the implementation of a new labor agreement on state workers by Republican Governor Bruce Rauner.

The current labor contract for 38,000 state employees expired on June 30, 2015, six months after Rauner, a private equity investor, came to office. Since January 2016, Rauner has refused to continue negotiations with the union. In mid-November, the governor began unilaterally implementing his contract, which includes a four-year wage freeze, doubling of health insurance premiums, increased outsourcing and privatization, and other concessions.

AFSCME filed its request in court after the Illinois Labor Relations Board (ILRB) declared that negotiations between the state and union had reached an impasse—the legal trigger allowing Rauner to impose his last “offer” or for AFSCME to call a strike. Union lawyers contended that Rauner had illegally begun to implement sections of the contract before the ILRB had formally declared an impasse.

Ruling in favor of the union, the southern Illinois judge in St. Clair County who issued the temporary restraining order (TRO) found that Rauner began “implementing new terms and conditions of employment without notice to and the agreement of the union.”

The TRO is being touted as a great victory by AFSCME District 31, which has not called an Illinois state workers strike in its 45-year history. “Although temporary, this order sends a message to Governor Rauner that he is not above the law. Instead of sparking further conflict in the courts and at state worksites, Governor Rauner should return to bargaining and work

with us to find common ground,” said AFSCME Council 31 Executive Director Roberta Lynch.

The judge’s decision is a highly political action. There is widespread consensus within the political establishment at every level and within both big business parties that state workers and other public employees should bear the burden of the economic crisis and decades of tax cuts and other pro-business measures that undermined state revenues. From the Obama administration down, both the Democrats and Republicans are attacking public employee pensions, health benefits and work conditions, and privatizing public services in order to funnel even more money into the hands of bankers, wealthy bondholders and for-profit companies.

There are tactical differences, however, over how this can best be accomplished, revolving around the question of whether it is more effective to carry out these anti-working class attacks with or without the assistance of the trade union apparatus.

AFSCME’s legal maneuvers have two purposes. First is to give rank-and-file workers the false impression that the organization is fighting for their interests. Second is to gain more time to persuade Rauner to work with the union to impose the bulk of his agenda.

In 2010, the anti-working class measures unilaterally imposed by Republican governor Scott Walker in nearby Wisconsin provoked mass protests, which threatened to spread to Illinois, New York and other states. The unions and state Democrats, which sabotaged and suppressed the protests, argued at the time that austerity measures could be more effectively imposed through the collaboration of the unions.

AFSCME officials hope the TRO will give them more time to appeal the declared impasse by the ILRB

in order to force Rauner back to the negotiating table by legal means. AFSCME has repeatedly made clear it is willing to implement a majority of the concessions demanded by the Rauner administration.

Rauner's latest contract proposal intensifies the attack on state workers. It includes a four-year wage freeze, which amounts to a cut in real pay because of inflation. It also proposes an increase in the workweek from 37.5 to 40 hours, with overtime pay going into effect only after 40 hours of work. Another provision would double the cost of premiums for health and dental insurance.

In September, an administrative law judge of the Illinois Labor Relations Board declared the Rauner administration and AFSCME were not at an impasse regarding the issues of wages and health care. Making it clear the union was willing to concede on wages, AFSCME Council 31 director Lynch declared, "We are pleased that today's recommendation underlines what AFSCME has been saying all along ... there is no impasse on key issues, and the parties should get back to the bargaining table to resolve them."

She further stated, "Ever since Governor Rauner's representatives broke off negotiations with our union back in January and walked away from the bargaining table, AFSCME has repeatedly made clear we want to reach a fair agreement and we are prepared to do the hard work of compromise to make that possible."

The ILRB judge ruled that an impasse on subcontracting did exist. The latest contract insists that the state has the right to contract out "any work it deems necessary." AFSCME proposed to develop a "labor-management team" to see if state employees can underbid private contractors. In other words, AFSCME is arguing that outsourcing is not necessary because it can impose on its members whatever cost-cutting measures are necessary to meet the asking price of the state.

Workers face an escalating attack whether AFSCME succeeds and negotiations resume, or whether the impasse declared by Rauner's handpicked ILRB holds. In the unlikely scenario that AFSCME calls its first-ever strike, the union bureaucracy would do everything to isolate and suffocate it.

No trust can be placed in AFSCME, which is tied by a million threads to the Democratic Party establishment that is imposing austerity on workers. If a real fight is

to be waged workers must take the conduct of this struggle in their own hands by forming independent rank-and-file committees, detached from and in opposition to AFSCME, the AFL-CIO, the Republican and Democratic parties and the capitalist system they all defend. State workers should appeal for the broadest mobilization of the working class to oppose the bipartisan austerity plan and defend and fight for the social rights of all public and private sector workers.

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