

GUEST COLUMN

Mitch Henck: So Much for a Right to Work

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Wisconsin's right-to-work law is supposed to protect employees from being forced to join unions or being forced to pay union dues and fees. At least that is what we thought.

Veteran sheet metal worker Bob Slamka of Madison recently applied for work by responding to two ads on Indeed.com for jobs at Total Mechanical out of Pewaukee and General Heating and Air Conditioning in Madison.

General Heating and Air Conditioning was looking for a residential sheet metal installer. The ad was clear that General is a union shop, and the individual is expected to join the union if not already a member. Total Mechanical was looking for a residential HVAC service technician. The ad says if not already a member of a Sheet Metal Workers Union, the individual will be required to join.

Slamka filed a complaint with state. The sections of the ads requiring union membership have since been pulled. Neither company returned my calls, seeking comment.

Slamka feels blocked from either job for another reason. He was blacklisted from Local 18 out of Waukesha after getting into a dispute with union leadership over whether a union election was conducted fairly as well as some other labor issues. The problem is that Total Mechanical and General Heating are signatory contractors with Local 18. The union puts out the ads, and in effect hires the workers.

Because Slamka is locked out of Local 18, he is locked out of the jobs. Says Slamka, "Here we are two-and-a-half years beyond my expulsion for whistle blowing, and I am counting on the law that I fought against to save me from my own union. Somehow, I feel betrayed by both sides and wonder if there will ever be justice. I fear I am not alone."

"Fighting" Bob Slamka is supposed to be protected by Wisconsin's right-to-work law, but no protection yet. Slamka filed a complaint with the Wisconsin Employment Relations Commission. WERC staff attorney Peter Davis says a hearing on the matter is likely to occur in 30 to 60 days.

I asked Department of Justice acting communications director Rebecca Ballweg why these types of ads requiring union membership are allowed to post on a popular jobs website such as Indeed.com. She said the matter was under review.

So what if a job applicant takes a job through an ad saying union membership is required and says he or she doesn't want to be in the union? If that applicant is refused that job, then what happens?

If the union or employers denies that the applicant was not hired due to union pressure, then WERC attorney Davis says a hearing would be held, and he would decide who is telling the truth. It is unclear whether the applicant would be placed in the job or what the penalty would be against the employer.

So, Wisconsin is supposed to be a right-to-work state, but is it reality? It isn't working that way for Slamka, and who knows how many others.

Mitch Henck is a Madison, Wisconsin based commentator, broadcaster and standup comic. Watch Mitch's video, "Two Minutes with Mitch," weekdays at www.madisontalks.com. Listen to his podcasts on MadisonTalks.com, and Wednesdays at 6 p.m. on Facebook Live.

Contact Mitch at: mhenck61@gmail.com