

A Few Minutes with the Boss

By: Joe Andalina

Illinois and United States: Supreme Courts rule on benefit cuts

Illinois:

Yes, the state high court has ruled in favor of the state worker. By a 6 – 1 margin, the court allowed a complaint about cuts to state retiree health care to go forward. It was remanded to a lower court and retirees can proceed with their challenge.

The court's opinion suggests that the Illinois Constitution doesn't allow pension benefit cuts, no matter how broke the state is. This is just a broader statement taken from the health care issue, which was the only subject of the case and not pensions.

Therefore, it would appear that not only is the state prohibited from cutting health care for retirees, but it could be a barometer for our pensions, too. The court concluded "that the promise was aimed at protecting the right to receive the promised retirement benefits, not the adequacy of the funding to pay for them."

Sounds like a win and a severe blow to Quinn, both Madigans, and a reluctant partner to their scheme, Senate President John Cullerton.

Quinn is still optimistic that the reason he was put on this earth (to fix the Illinois pension) will still come to pass. Lisa Madigan's office states that the court's opinion "has no direct impact on pension reform litigation arguments." Sure, Lisa, but the spin stops with the courts. State Representative E. Nekritz, the negotiator of the law, says that "health care didn't address the specific argument behind the new pension law." More woeful spin.

Sore losers, or do they have a point? Well, we shall soon see, but truth is I'd rather be on this side of the court at this time than theirs. Stay tuned.

Federal:

In what many have deemed the most important labor case to come before the court in a while, the US Supreme Court has rejected to hold "fair share" unconstitutional. The National Right to Work Legal Defense Foundation brought this issue up along with the case of an Illinois homecare worker who fought fair share as she was the sole caretaker of her son and didn't think she should be forced to pay fair share dues, as her son was her only "patient." The US Supreme Court held that applying "fair share" rules to personal assistants was indeed unconstitutional.

But the Right to Work Foundation asked the court in this case, *Harrison vs Quinn* to use *Harris* to overturn a 40-year old case *Abood v Detroit Bd. Of Ed.* or fair share for **all** public employees. Their desire was obviously designed to turn Illinois into a right-to-work state.

But *Abood* involves full-fledged public employees and the Court's ruling ended specifically with *Harris* and does not overturn *Abood*, which leaves fair share in place. That's a good thing.

Looks like a win-win for labor.

Vita é Bella.