

# FOR KIDS & COUNTRY

## Teacher Toolkit - All States Your teacher union membership options\*

### FAQs:

1. Why would teachers choose to resign from the union?
2. How does the union spend my dues?
3. Will the union continue to represent me if I resign?
4. Will I lose wages, health care, retirement or other benefits if I resign?
5. What *do* I lose if I resign my union membership?
6. Is it true that teachers who resign from the union are “free riders”?
7. How do I resign and stop unions from deducting dues from my pay?
8. After I resign, what is the first thing I need to do?
9. Am I allowed to be a member of my local association *only* and drop the state and national unions?
10. How can my colleagues and I keep our local association only and collectively bargain with our local School Board without state and national union influence?
11. Am I alone?

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### *Teachers, did you know . . .*

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- Many state and national union leaders make salaries in excess of \$400,000 a year and many also receive housing allowances, cell phones, and other perks.
- Because of the recent Supreme Court decision in *Janus v. ACSME*, you no longer have to pay dues to your union as a condition of employment.
- Your annual union dues are divided among three unions. As a teacher in a unionized district, you are a member of a national union (NEA or AFT)\*, a state union, and a local association at your district level.
- No matter your annual dues amount, the highest portions go to the state and national levels. For example, if you are a California teacher in NEA / CTA, NEA (national union) receives \$192, and CTA receives \$700. Your local association receives only the leftover small percentage, yet it is your local union that collectively bargains for salary and workplace issues and defends you when needed.
- If you resign your membership, by law the union will still collectively bargain for you because the unions insisted on legally obtaining “exclusive representation” rights.
- Through a process called *decertification or disaffiliation*, you and your fellow teachers can “Keep Your Local” association and eliminate state and national union affiliates.

\* NEA = National Education Association; AFT = American Federation of Teachers



Dear Colleague,

As some of you know by now, on June 27, 2018, the Supreme Court ruled in favor of Illinois government employee Mark Janus in *Janus v. AFSCME*. The decision means that NO public school teacher or any other government employee in the U.S. has to pay money to a union as a condition of employment. Since this decision has generated many questions, here are some answers.

## FAQs

### 1. Why would teachers choose to resign from the union?

Some teachers think the union dues are unreasonable, especially when compared to the dues of other unions. Some resent the union's role in enabling and defending underperforming employees. Many find distasteful the union's political activity and use of dues to advance partisan causes, candidates, ideology, and age-inappropriate sex ed curricula. Some have political disagreements with union positions, and some have religious objections to union stances.

### 2. How does the union spend my dues?

Public employee / teachers' unions are private, tax free organizations with minimal obligations to disclose financial information to members or society. However, we know that teachers across America pay exorbitantly high union dues, with an astonishing amount going to high executive compensation (ex. NEA's president's total compensation in 2015 was over \$416,000.)<sup>1</sup>

The lion's share of your dues, however, funds political activities that don't clearly benefit classroom-based educators. In California, for example, CTA collects over \$200 million in dues each year and spends it on its favored causes, candidates and projects, and all state and national teachers' unions do the same. Dues fund partisan social issues, highly questionable sex ed laws and policies, advocacy groups, ballot initiatives, legislation, and political PACs that often have little or nothing to do with education. Even though teachers are politically diverse like all Americans, 99% of all political dues support candidates and issues in the Democratic party. This level of overreach, and the dismissal of the rights of all union members, ultimately influenced the recent Supreme Court decision in *Janus v. AFSCME*.

### 3. Will the union continue to represent me if I resign?

Yes. The state and national unions have been empowered by laws to be the **exclusive representative** to everyone in your workplace. Due to union insistence, employees are not allowed to negotiate their own compensation or handle their own grievances with their employer, nor can they hire another person, union, or entity to represent them.

In exchange for this unusual benefit, your state and national unions are legally obligated to represent all employees in the workplace, including those who choose not to join the union as members. The unions themselves fought for this legal right and privilege but then complain when they are required to represent everyone.

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<sup>1</sup> UnionFacts.com [https://www.unionfacts.com/employees/National\\_Education\\_Association](https://www.unionfacts.com/employees/National_Education_Association)



Your collective bargaining agreement was negotiated by your local association and your employer and will continue to set the terms and conditions of your employment. The union has the obligation to represent you in grievances, contract enforcement, discipline assistance or other proceedings governed by the collective bargaining agreement.

#### **4. Will I lose wages, health care or other benefits if I resign?**

No. All provisions of the collective bargaining agreement between your local association and your employer will continue to govern your employment. The state and national unions have no authority over your contract. Your wages, health benefits, and anything else governed by the collective bargaining agreement will remain unchanged even after you resign from the union.

#### **5. What *do* I lose if I resign my union membership?**

You will not be allowed to hold union office, nor will you have any voting rights. You will lose the union's liability insurance. Should you ever get sued and need legal representation, the union will not pay for it. However, many teachers are discovering that the unions may not defend them when they need it and could actually undermine their cases. You can obtain far superior liability coverage from outside groups for around \$200 a year. (See FAQ 8 for liability insurance options.)

#### **6. Is it true that teachers who resign are “free riders”?**

No. Because state and national unions are the **exclusive representatives** of all teacher union members, and they spend most of teacher monies on a political agenda, the real truth is: it's the state and national unions that are free riding. The union will never voluntarily give up this astonishing perk (exclusive representation) because it allows them to collect dues from over 4.6 million teachers and school employees in NEA and AFT, amounting to hundreds of millions of dollars every year, tax free.

The state and national unions could choose to NOT be the exclusive representative of ALL teachers, but this monopoly is so valuable that they willingly chose to represent all teachers, whether or not they pay dues to the union. Yet NEA and AFT cynically labels teachers who want to resign as “free riders.”

#### **7. How do I resign and stop unions from deducting dues from my pay?**

Union members have the right to resign their union membership. Go to MyJanusRights.org (<https://myjanusrights.org/>) for the form to resign. Complete the “sample letter form” to have a personalized letter emailed to you. Your completed “Janus Rights Letter for Current Union Members” will be in the body of the email. Send this letter by **certified mail** to the address provided.

If either your resignation or dues deduction revocation is not honored within a few weeks or you receive a negative response to your demand letter, call your union first to find out why. If this is not resolved, contact a National Right To Work Legal Defense Foundation staff attorney toll free at 1-800-336-3600, or via email to [legal@nrtw.org](mailto:legal@nrtw.org), or by going online to <https://myjanusrights.org/free-legal-aid-2>.

#### **8. After I resign, what is the first thing I need to do?**

Now that you are not paying approximately \$1,100 per year in union dues, you will want to purchase a policy for liability and legal coverage for approximately \$200 per year. Two excellent organizations have been providing this coverage for years.



**Association of American Educators:** Largest national, non-union, professional educator organization; dues are \$196/year. This includes \$2 million professional liability insurance policy which covers legal protection, employment rights coverage, access to supplementary insurance policies at discounted rates—health, auto, term life insurance, etc. <http://www.aaeteachers.org/insurance.shtml>

**Christian Educators Association International:** A professional association open to Christians who are committed to Judeo-Christian values in public, private, and Christian schools. For \$239 per year, CEAI provides benefits such as a \$2 million liability policy, a job action protection benefit with attorneys, and unlimited educational and legal consultation. <http://www.ceai.org/benefits.htm>.

### **9. Am I allowed to be a member of *only* my local union?**

Yes and No. Many teachers would be happy to support their local association, but they are uncomfortable supporting state and national union affiliates. Sadly, the state and national unions require union members to be members at all levels—local, state, and national, but there *are* ways to break free of state and national union control. (See FAQ 10)

### **10. How can my colleagues and I keep our local association only and collectively bargain with our local School Board without state and national union influence?**

Keeping your local association only is a process called **decertification or disaffiliation**. In a nutshell, decertification / disaffiliation eliminates the state and national unions from your association, allows the local association to bargain collectively with the school district, and ends the payment of high dues and support of union politics.

To keep your local association, 30% of the teachers in your school district sign a petition to decertify the entire web of union control—your national, state, and local union. Then a district-wide vote of 51% is required to vote out the state and national affiliates and vote in your new independent, unaffiliated local association.

Once your district is decertified, you and your local colleagues simply reorganize as an independent local association. With membership dues from each teacher of approximately \$400 per year (instead of \$1,100 or more), your new local association can hire legal counsel, hire a lobbyist if necessary, purchase comprehensive group liability insurance, collectively bargain with your school district and make any other arrangements your local members feel are necessary.

Should you and your colleagues choose to undertake decertification in your school district, come to <https://forkidsandcountry.org/> for connections to help.

### **11. Am I alone?**

No. Your union leaders may try to make you feel isolated, as though you are the only one resigning from the union. This is completely untrue. Thousands of teachers across the country have grown discouraged with union policies and abuses and are choosing to exercise their First Amendment rights to resign from organizations that does not reflect their values. You are definitely not alone.