Janus, Unions, and the Rest

The Baltimore Teachers' Union

Bonus: The Impact of Teacher Unions

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A Union of Professionals

The Short Version

Agenda

- What is Janus?
- How will it Impact Unions?
- Janus Timeline
- Janus Suggestions
- The Impact of Teacher Unions
- Bonus Slide – Impact on Americans

“Janus”

A New Age for Unions in America

Breaking News

On September 28, 2017, the Supreme Court added Janus v. American Federation of State, County, and Municipal Employees, Council to its merits docket for the October 2017 term.

This case is referred to as "Janus"

"Janus"

- The plaintiff claims "agency fees" (fair share) laws violate the principles of free speech and association.

- The plaintiff claims not all positions taken by unions are supported by all the members and there is no way to not co-mingle service fees from political fees.

Friedrich Recap

What was the primary issue before the Court in Friedrichs:

1. Whether to overrule a 1977 Supreme Court decision, *Abood v. Detroit Board of Education*, and hold that public sector agency shop arrangements are a violation of the First Amendment.

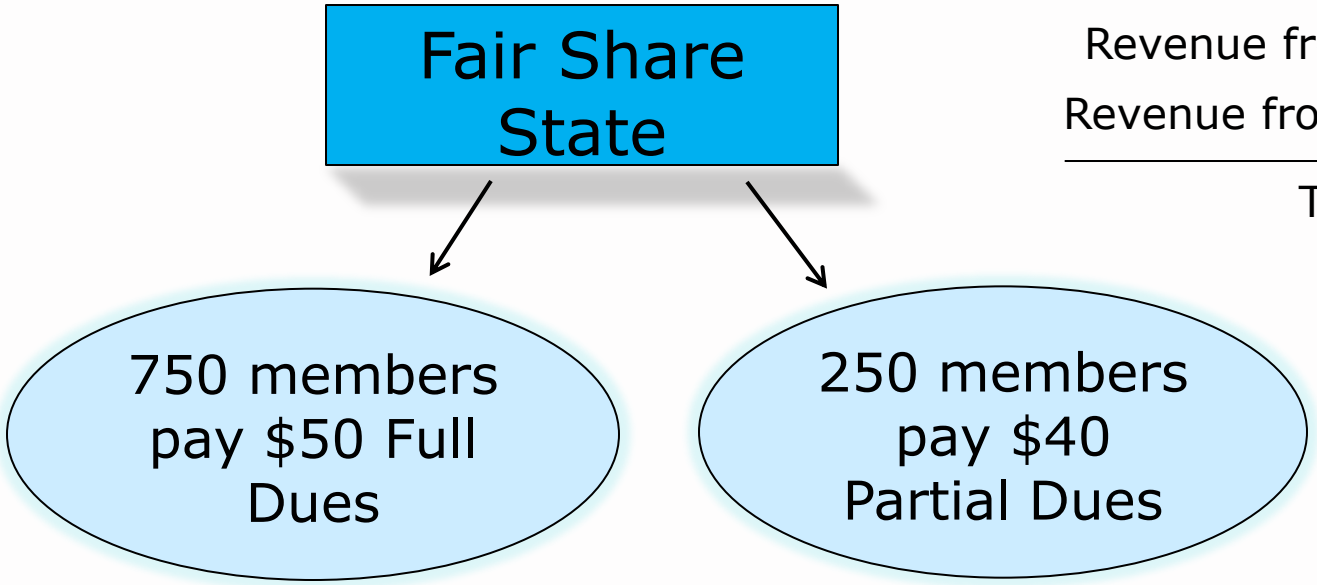
The Goal of the Plaintiffs in *Friedrichs:*

- Was to use the First Amendment as a vehicle for establishing a national "Right to Work" regime in the public sector.

The holding in *Abood:*

- The First Amendment allows public sector unions to charge non-members the costs of collective bargaining and contract administration.
- However, non-members cannot be charged for the costs of the union that are related to ideological or political activities.

Janus vs. Fair Share



Revenue from Full Dues: $37,500

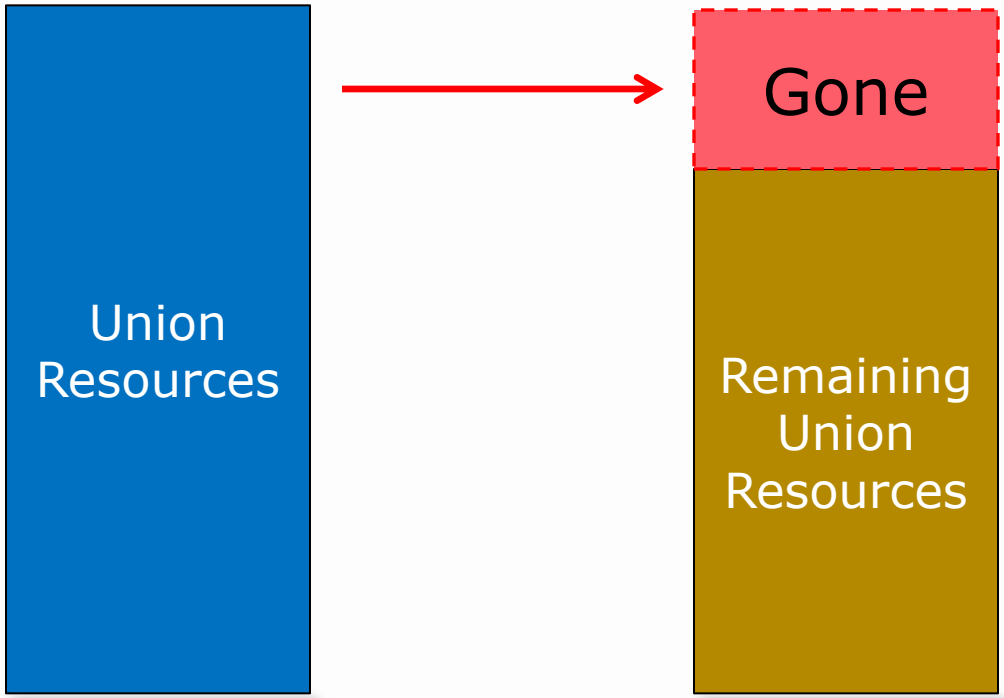
Revenue from Fair Share: $10,000

Total Revenue: $47,500

Example: Union has 1,000 members who 75% are full members

If SCOTUS rules in favor of Janus, all "fair share" unions would immediately see a drop in revenue. For this example, the drop would be 21%. Many other unions would see a much larger cut.

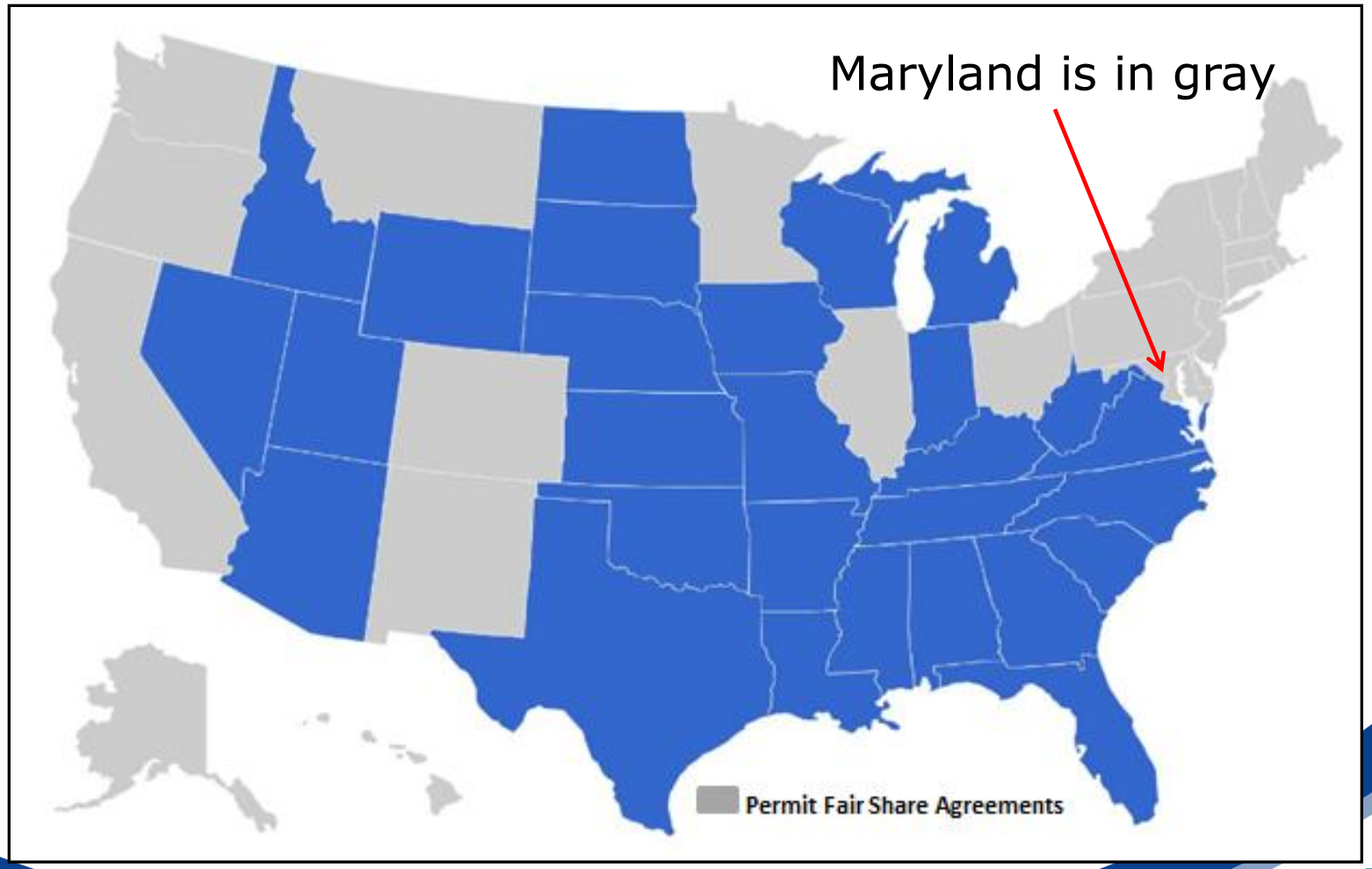
Janus vs. Fair Share



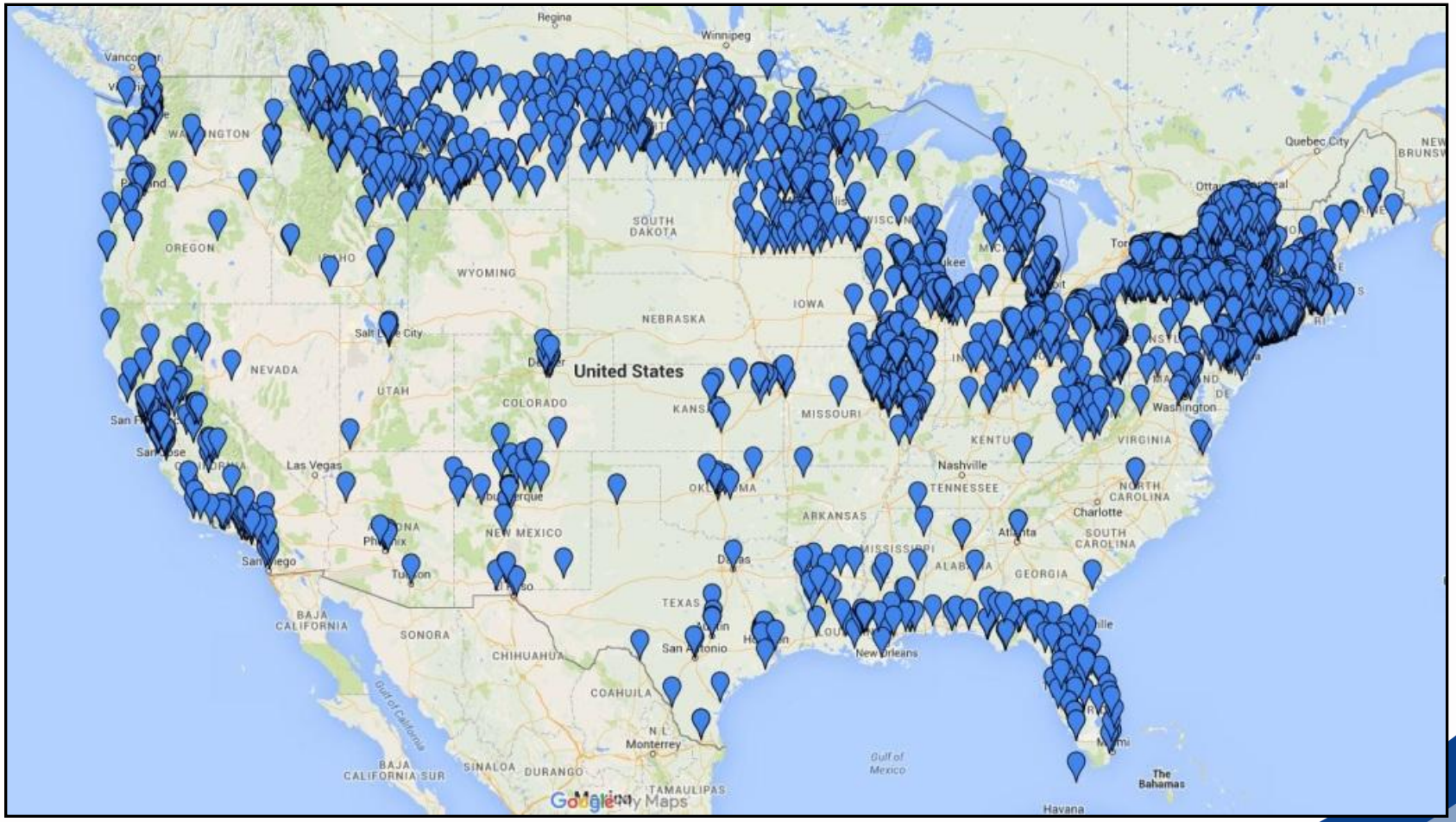
The red box represents an estimated loss in revenue for unions. In some unions the reduction will be less. In others it will be significantly more.

Regardless, all unions will have to do more with less

Fair Share States (in gray)



The Effect of Janus on AFT



You Get the Point!

The Effect of Janus on Partners

- Some unions will be unable to stay afloat. This ruling will make it hard for them to exist.
- The weakening of unions, weakens the ability of unions and their social partners to fight for working people.
- Unions will be forced to spend larger amounts of time and money on membership maintenance instead of other more progressive union activities.
- The progressive moment as a whole, and many specific groups, will lose resources (both $$ and people) which will lessen their impact. Some social partners may, unfortunately, no longer exist.
- The progressive agenda may have to be reduced in reaction to the new rules regarding dues collection.

A few of the goals of Janus!

Estimated Timeline

- ✓ **Cert. Petition Granted on Sept. 28, 2017.**

Next:

- NRTW Opening Brief due November 11, 2017
- AFSCME's Brief in Response due December 13, 2017
- Amicus Briefs due December 20, 2017
- Reply Brief due One Week Before Oral Argument
- Oral Arguments Occurs Prob. In January, 2018
- **Decision Issued Before the End of the Court Term on June 30th, 2018**

Suggested Actions

1. ***Convert fair share papers to full membership!***

2. Conduct an internal review of the Union's membership list—prepare possible proof of membership for an aggressive employer.

3. Consider alternate means to establish proof of membership—For example, send a letter from the union to all members to check membership status, indicating that they are on the rolls as a member and asking them to respond if that is an error.

4. Consider, where state law permits, developing and circulating new membership cards and amending the Union's CBA with maintenance of dues (MOD) language as to when employees can drop out of that obligation to pay dues.

5. Even if state law provides that employees must be allowed to resign membership immediately, the obligation to pay dues may be extended for usually the earlier of one year or the termination of the CBA.

Get involved—Community mobilization and political action to support the case are important. This is a fight to preserve the rights of members to have a choice to belong to a strong union.

- It is a fight for working Americans!

Impact of Teacher Unions

What do the Numbers Say?

Food for thought: If research showed that unionism had a negative effect on students and teachers, don't you think conservatives would constantly fund that research? Why don't they?

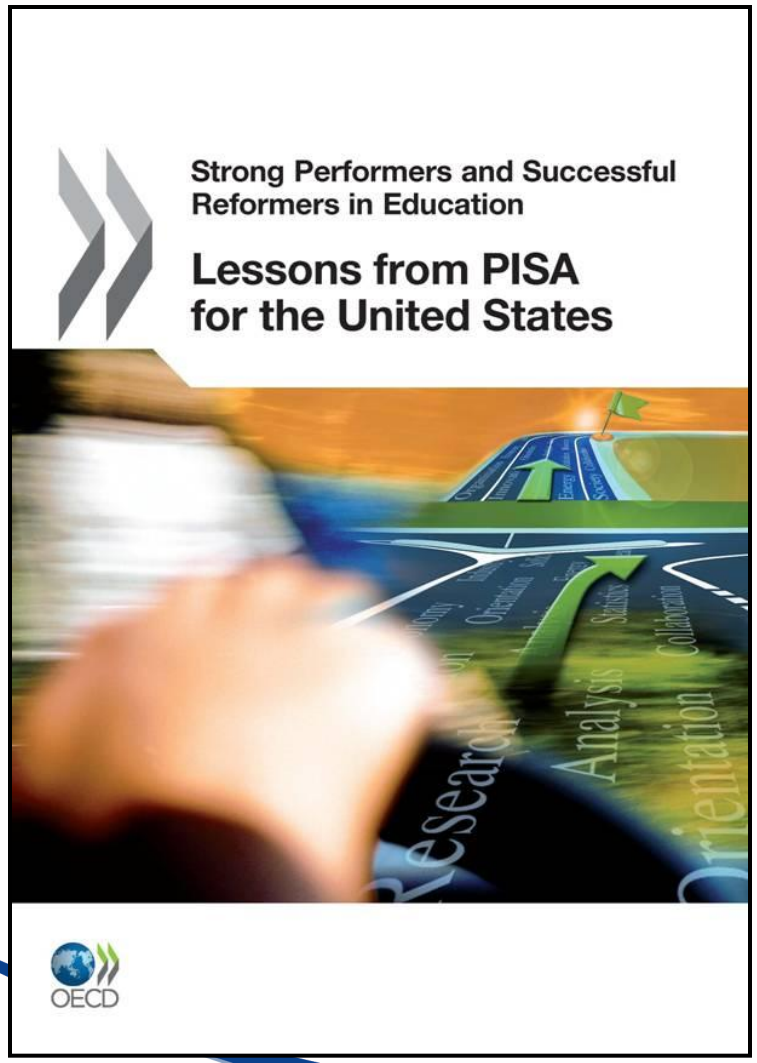
The next few slides are not about all the very important social justice work unions do. They are just to answer some basic questions that must be answered.

In a Nutshell - International

"Critics of American education are sometimes disapproving of the teachers' unions and of how they perceive these unions as interfering with promising school reform programs by giving higher priority to the unions' "bread and butter" issues...**the higher a country is on the world's education league tables, the more likely that country is working constructively with its unions and treating its teachers as trusted professional partners."**

I wonder where this is from? Perhaps a union publication?

In a Nutshell - International



The first printed copy was handed to Arne Duncan in December 2010. It can be found under the heading "teacher unions."

In a Nutshell - USA

TEACHER UNIONS AND STUDENT ACHIEVEMENT

"While only 17 prominent studies have looked at the teacher union-achievement link, the evidence suggests that **unionism raises achievement modestly for most students in public schools**. These favorable patterns on unionism include higher math and verbal standardized test scores, and very possibly, an increased likelihood of high school graduation."

- Robert Carini, University of Indiana (2002)

The Influence of Teacher Unions

Have you ever heard, “A teacher’s working conditions are a child’s learning conditions.”

FINDING ONE: **TEACHER WORKING CONDITIONS ARE IMPORTANT PREDICTORS OF STUDENT PERFORMANCE**

“Researchers analyzed the Teacher Working Conditions Survey results and other critical variables against various measures of student achievement, such as Adequate Yearly Progress status under the federal No Child Left Behind Act, student achievement growth and ABC school designation status. The following section summarizes the findings from the statistical analysis relative to the impact of teacher working conditions on student achievement after controlling for key variables.”

- First Finding from a Report from North Carolina Governor's Office (2005)

Unions Help Kids Learn More

The question of whether unions help kids learn is often debated, but the data speaks for itself.

Every year, Ed Week ranks the states' educational systems based on multiple measures.

- The top 10 states in Ed Week's rankings have an average Union density of: **88%**
- The bottom 10 states have an average Union density of: **59%**

In other words, the higher performing states have about 50% more union density

Unions Help Teachers Earn More

- The ten states with the highest average teacher salary ($71,005) have an average union strength of: **93%**
- The ten states with the lowest average teacher salary ($46,605) have an average union strength of: **55%**

In other words, teachers who work in states with strong teacher unions earn +50% more than teachers in states with weaker unions

So when business types tell teachers to give themselves a $600 raise by dropping the union, they should consider another option—giving themselves a $20K+ raise by strengthening their union.

Unions Help Teachers Live Better Lives

And their families

The Economic Policy Institute found (2011):

- **Right to Work states have less employer-sponsored healthcare.**
- **Right to Work states have less employer-sponsored pension plans.**

Why You Must Support Your Union?

1. Strong teachers' unions help kids learn more
2. Strong teachers' unions help teachers earn more
3. Strong teachers' unions help teachers and their families live better lives

In Case You Were Wondering…

Maryland:

- Average Salary – 8th ($68,114)
- Teacher Union Density - 19th (85%)
- Recent Ed Week Ranking – 5th

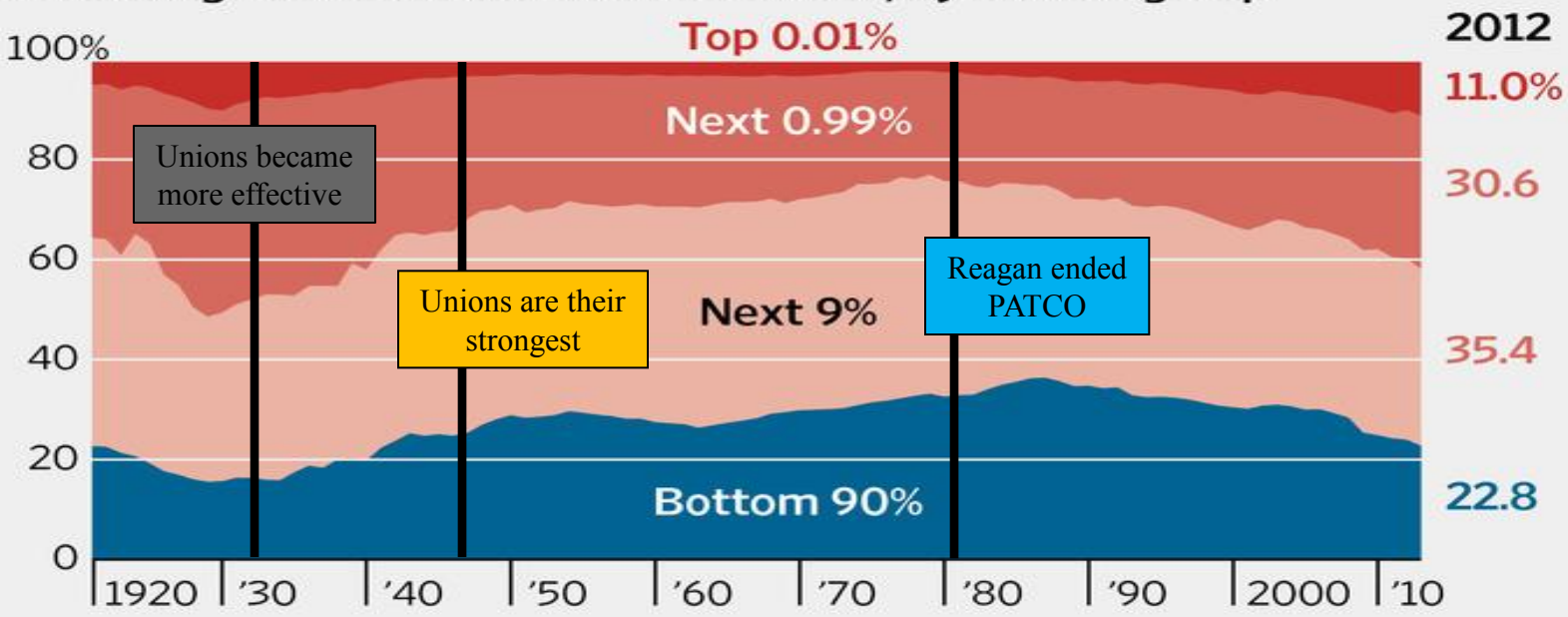
If you look at the recent attempts to change employment laws in Maryland and what has happened in Wisconsin and Michigan, it is clear union opponents will use Janus to further their goals.

Bonus Slides

Wealth Distribution Near Great Depression Levels

Lower- and middle-class Americans have seen their share of total wealth decline 13 percentage points since the mid-1980s. Still, most Americans consider themselves within the middle class.

Percentage of U.S. net household wealth, by income group



Which social class do you belong to?

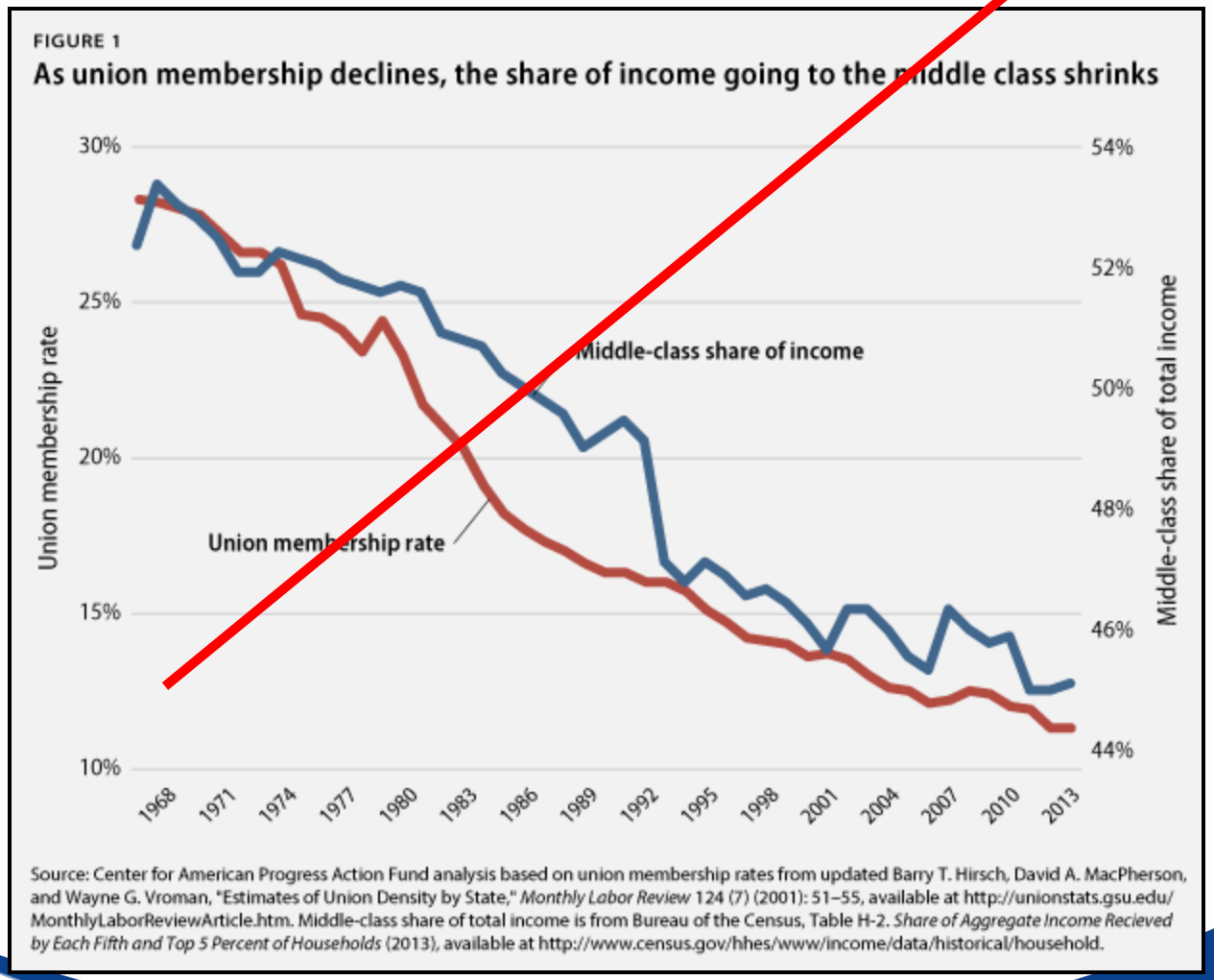
Note: Figures don't total 100% due to rounding, 'don't know' poll responses not charted.

Sources: Gabriel Zucman, London School of Economics (wealth); Pew Research Center (poll)

The Wall Street Journal

A Dangerous Trend

The Top 1%



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This is not “well money,” it is my real name