



A Union of Professionals

1274 Newsline



North Suburban Teachers Union – Local 1274, CFL, IFT/AFT, AFL-CIO

February 2016

Local Teacher Speaks Out on Friedrichs Case

On Monday, January 11th, a diverse group of workers from across the country rallied outside the U.S. Supreme Court before justices heard the first oral arguments in *Friedrichs v. California Teachers Association*, a case that could have a negative impact on public employee unions.

Niles North High School teacher Pankaj Sharma was among those who stood on the steps to explain why strong unions are vitally important to education. A history and government teacher and member of the NSTU, Sharma has been outspoken about how unions benefit schools and communities by giving a voice to those who work in them – both union and non-union.

The Friedrichs case asks the Court to decide whether public sector unions may continue to charge non-members a fee equal to the cost of representing them to their employer. Since no one is required to join a union – though unions are required by law to represent everyone in the workplace – this “fair share” fee ensures that all employees contribute to the cost of securing the benefits, security, and job protections the union negotiates and everyone enjoys.

During about 80 minutes of oral arguments, plaintiffs' attorneys asserted that their case is about protecting First Amendment rights. They falsely claim that public sector workers are “forced” to join the union and to support its political positions. Some Justices appeared to accept that flawed argument, while others raised serious questions about the negative impact of overturning decades of legal precedent.

The suit is backed by the Center for Individual Rights, a right-wing group funded by the Koch Brothers, and supported by Governor Bruce Rauner, who has filed an amicus brief with the Supreme Court in the case, a move Illinois Attorney General Lisa Madigan has called unlawful. (For more information on the forces behind this case, see Steve Grossman's column on page 3.)

The American Federation of Teachers also filed an amicus brief in the case, arguing that unions fight for much more than members' best interests. A decision is expected by June. ■



Above, Pankaj Sharma speaking outside the Supreme Court on January 11th. Union supporters outnumbered opponents by 3 to 1 at the rally. For the text of Sharma's speech, see page 2.

For background on the Friedrichs case, see the November issue of this newsletter at www.nstu.org.

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Why the Friedrichs Case Matters

By Pankaj Sharma

As both a teacher and union member, I am fortunate to be at the nexus of two of the most important forces for economic justice in American history. Nothing has elevated more children into the middle class than public education, and nothing has elevated more workers into the middle class than labor unions.

Being a member of union has helped me earn a middle class lifestyle for my family where I can earn a good salary and have fair benefits, including a pension, things far too few American workers have access to anymore.

However, unions don't just help the lives of their members; they also improve the quality of the institutions that employ them by giving workers dignity and a voice in decision making. Simply put, unions help create a better workplace, and a better workplace for teachers is a better school for students.

But I am here today because I am worried that this case could impact my ability to advocate for what's best for my students, my school, and my profession.

The people bringing this case are making bold, baseless claims. The reality is that no teacher can ever be forced to join a union. And no one can be forced to pay for a union's political action that they disagree with. That's already illegal.

Whether or not a teacher chooses to join a union, they benefit from the negotiations and work of the union. That's why every teacher, union members and non-members alike, pays for those negotiations. We all benefit, so we all

cover the cost. Those who claim otherwise are trying to misinform the public about how unions are run in an attempt limit working people's ability to be heard.

Now as a history teacher it is my duty (and pleasure) to end this speech with a historical connection.

In August of 1963 at the March on Washington, people gathered in this very city to join together to demand justice and equality. While this auspicious day in American history is most often remembered for Martin Luther King's

"I Have a Dream" speech, many people forget that the March on Washington was for JOBS and freedom. It was a march about social equality but also economic equality. And since economic equality was one of the stated goals of the march, among the nine speakers that day were two of the most famous and successful union organizers this country has ever known: A. Philip Randolph, of the Brotherhood of Sleeping Car Porters, and Walter Reuther, of the United Auto Workers. These powerful union leaders saw that unions existed not only for collective bargaining and increasing wages, but also to empower people to fight for equality and to improve their communities.

There is still a need for us to see the link between unions and the fight for social and economic justice. That is why we are here today. That is why we serve the students, parents, and communities that we do, and that is why we believe in our ability to join together through our unions to serve others and fight for what has always been best about this country: real opportunity for social mobility, a good public education for all, and a thriving middle class. ■

ELECTION NOTICE

The Local election will be held on Tuesday, May 10th for:

- ♦ Local offices of President, Vice President, Treasurer
- ♦ Delegates to the AFT Convention, July 17-21, Minneapolis, MN
- ♦ Delegates to the IFT Convention, October 14-17, St. Louis, MO

To be eligible to run for office a person must be a member in good standing for at least 6 months prior to the election and must submit a petition, signed by at least 15 other members, to the union office no later than Monday, April 11th at 4:00 PM.

[From the President](#)

Waging War on Unions

The case of *Friedrichs v California Teachers Association* represents the greatest threat to the rights of public sector workers in decades. This case is not just an attack against public employee unions, it is an attack against YOU: your rights in the workplace, your voice on issues related to your profession, your access to effective representation in the event of a workplace injustice, and your ability to earn a fair contract.

Yet the plaintiffs who brought this case claim that it is about protecting their rights of free speech. Why, then, do I say that this is an attack on workers? By looking at the manner in which this case was brought to the court and the background of the people who have supported – and recruited – the plaintiffs, we can see the real motives behind the case.

Friedrichs threatens to overturn the forty-year old precedent, set by the case of *Abood v Detroit Board of Education*, stating that all workers covered under a collective bargaining agreement – even those who have chosen not to join the union – must pay their fair share of dues. The Court, in a 9-0 decision, reasoned that since the union has a legal responsibility to equally represent all workers, including non-members, and since all workers benefit equally from that union representation, it is appropriate for non-members to pay a fair share for that service.

But this is a much different time, and a much different court, than that of *Abood*. The conservative majority on this Court has shown a pattern of hostility towards workers' rights. In 2013 a little case out of Illinois, *Harris v Quinn*, the Court ruled on the side of home health care workers who sought to avoid paying union dues on the basis that they were not technically state employees. The case did not fall under the *Abood* precedent, yet in writing the majority opinion, Justice Samuel Alito took the remarkable step of announcing that the majority stood ready to overturn *Abood*, literally inviting someone to bring forward a case.

A group called the Center for Individual Rights (CIR) seized upon that invitation. Let's be clear: these people have absolutely no interest in the free speech rights

of workers. They are a right-wing organization that has backed many cases attacking workers' rights and are funded by a who's who from the far-right including the ubiquitous Koch brothers.

The manner in which they have brought this case to the Supreme Court is extraordinary. In their haste take up the Supremes' offer to overturn *Abood*, the plaintiffs have sped their way through the district and appellate courts without even presenting a case, essentially inviting the lower courts to rule against them, thus allowing their case to get before the Supreme Court.

In addition to the CIR, there are many other rightwing, anti-worker groups and individuals eagerly awaiting the *Friedrichs* ruling. One of those characters is Illinois Governor Bruce Rauner, who as you well know is waging his own all-out assault on workers. In fact, Rauner filed an amicus brief with the Court on behalf of the plaintiffs in *Friedrichs*. But Rauner takes his enmity towards workers a step further, asserting that public employees should not have a right to collective bargaining, routinely referring to it as a "corrupt bargain."

Another group in Illinois siding with *Friedrichs* is the Illinois Policy Institute (IPI), an anti-worker "think tank." In fact, the IPI, along with similar groups across the nation, are ready to mount a campaign in the aftermath of a *Friedrichs* ruling on the side of the plaintiffs, encouraging workers to quit their unions.



Governor Rauner filed an amicus brief in support of *Friedrichs*.

The purpose of this anti-union hostility is clear: unions represent the most effective voice – perhaps the only voice – advocating for the rights of workers. Weakening unions silences that voice, leaving the one-percenters with free reign over the levers of political power.

The good news is this: their attack on workers can only succeed if we let them. If we stay together and maintain our solidarity, even an adverse ruling in *Friedrichs* will not weaken us. So when the IPI calls to encourage you to quit your union, what will you say?



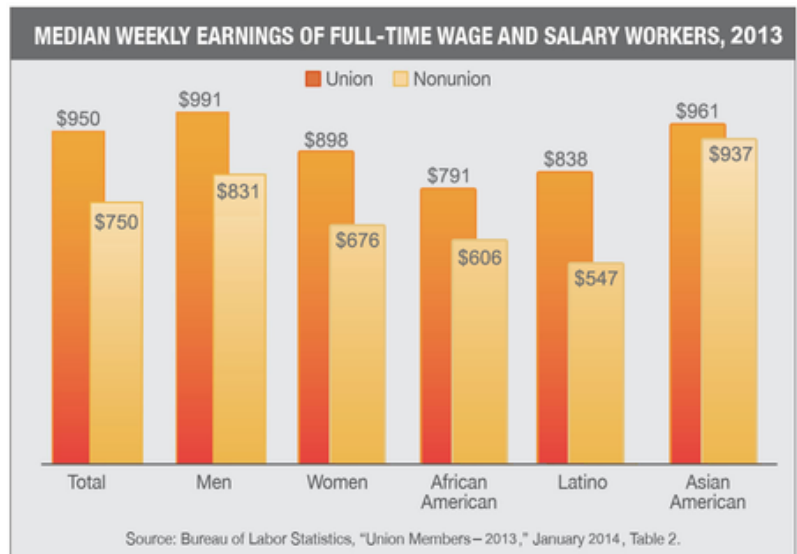
Justice Alito invited the plaintiffs to bring a case.

A stylized, handwritten signature in black ink, likely belonging to the author of the newsletter.



The Union Difference

- ♦ On average, **union members earn 27% more** than their non-union counterparts.
- ♦ Unionized workers receive **26% more vacation time and 14% more total paid leave** than non-union workers.
- ♦ Union members are **60% more likely** to have employer-provided pensions.
- ♦ Many union contracts are **multi-year agreements** that guarantee annual **pay increases** and include a pay schedule that rewards employees for academic advancement and years of experience. These contracts also provide members with health insurance benefits, sick pay, and professional development opportunities, as well as **defined grievance procedures** to eliminate the possibility of arbitrary or undeserved dismissal.
- ♦ Non-union employees are "at-will" workers, with no job protections; they can be fired at any time for any reason without due process. With most union contracts, workers cannot be fired without "just cause."



Illinois Primary on March 15, 2016

For IFT endorsements, go to:
www.ift-aft.org/news/latest-news



2016 WILLIAM A. LEE MEMORIAL SCHOLARSHIP AWARDS

The Chicago Federation of Labor is offering 5 academic-based and 5 random-drawing scholarships of \$2,000 each to students graduating from a Chicago or suburban high school. Students or their parents must belong to a union affiliated with the Chicago Federation of Labor and may apply in only one of the two categories. The deadline for submitting applications is Tuesday, March 1, 2016.

For the applications and instructions, go to:
<http://www.chicagolabor.org/union-resources/scholarship-information>

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