



1274 NEWSLINE



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

The Janus Case and What it Means for Unions

The U.S. Supreme Court heard the oral argument on February 26 of *Janus v. AFSCME Council 31*, and the Court will most likely rule for *Janus*. This case was initiated by Rauner as part of his ongoing contract dispute with American Federation of State, County and Municipal Employees (AFSCME) and is part of a broader effort by right-wing activists to weaken unions. A *Janus* win will be a significant blow to public sector unions and one of our biggest challenges in the immediate future. We must all unite in our stand against those who seek to weaken us.

At stake is the right of our unions to collect “fair share fees”. Forty years ago in *Abood v. Detroit Board of Education*, the Supreme Court ruled that public employees cannot be forced to join a union, and that non-union employees must pay fair share fees to fund collective bargaining and contract administration. Federal law requires unions to represent all workers, including those who haven’t joined the union. If *Abood* is overturned by *Janus*, this will create what economists call the “free-rider” problem; workers paying no union dues will have the same contract benefits and protections as fellow workers paying union dues. Free-riders mistreated by their employer will also be entitled to union representation, no matter the cost to the union and without paying a cent of union dues.

Mark Janus, a child-support specialist with the Illinois Department of Healthcare and Family Services, did not initiate this lawsuit. Rauner filed the initial lawsuit against fair share fees in 2015, and when a federal court decided he did not have standing to bring the case, he needed a union member willing to become the plaintiff. Mark Janus is simply the AFSCME member recruited by Rauner and two conservative legal foundations, the Liberty Justice Center and the National Right to Work Legal Defense Foundation. Research by the Economic Policy Institute (EPI) -- a pro-worker think tank -- found that these legal foundations are financed by the same core group of conservative donors and activists, including the Koch Brothers, the Walton Family Foundation, and the Lynde and Harry Bradley Foundation.



Union workers gathered at the Working People's Day of Action at Daley Plaza on February 24th.

These two foundations, along with the Center for Individual Rights (CIR), are responsible for a coordinated series of major lawsuits in the past few years against fair share fees. CIR succeeded in getting *Friedrichs v. California Teachers Association* to the Supreme Court. After the January 2016 oral argument, it was widely predicted to overturn *Abood*, but Justice Scalia's death a month later resulted in a 4 - 4 decision. This left the door open for *Janus v. AFSCME Council 31*, and the confirmation of Neil Gorsuch left *Abood* as vulnerable as ever. Based on the *Janus* oral argument on February 26, this case will be the one to overturn *Abood*.

The elimination of fair share fees threatens to erode our union membership, weaken the financial stability of our unions, and reduce our political power. This has already happened in Michigan, Indiana, and Wisconsin when state laws outlawed fair share fees. A study by the EPI found wages lowered in those states by 2.6 percent and the unionization rate by 2.1 percent. We must be vigilant in educating our members and creating a culture of pride and unity that discourages free-riders who will take from our unions without giving anything in return.

Working People's Day of Action

Thousands of people, including over 50 of our own 1274 members, marched at Daley Plaza on February 24th to challenge a system that favors corporations and the wealthy. These rallies were held all over the country in anticipation of the oral argument for the *Janus* case two days later. *Janus* threatens to strip Americans of our freedom to come together in strong unions and have our voices heard in our workplaces. This has particular relevance to Illinois union members, whose anti-worker Governor is the person responsible for *Janus*.



Local 1274 Members showed up in force at the Working People's Day of Action.

From our President: Our Solidarity is the Antidote to Janus

The case of *Janus v. AFSCME* (page1) represents a major attack on public sector workers, threatening to immediately roll back hard earned rights that were literally decades in the making. The backers of *Janus* - including Illinois Governor Bruce Rauner, who originally brought the case against his state's own employees - have one simple goal in mind: to weaken public sector unions by dividing and defunding them, thus paving the way for the erosion of workplace rights and benefits that many of us take for granted but will be sorely missed and difficult to reclaim if lost. The good news is this: we can thwart their efforts to destroy us - regardless of the outcome of the *Janus* case - if we ALL do one simple thing: stick together and stand with our union.

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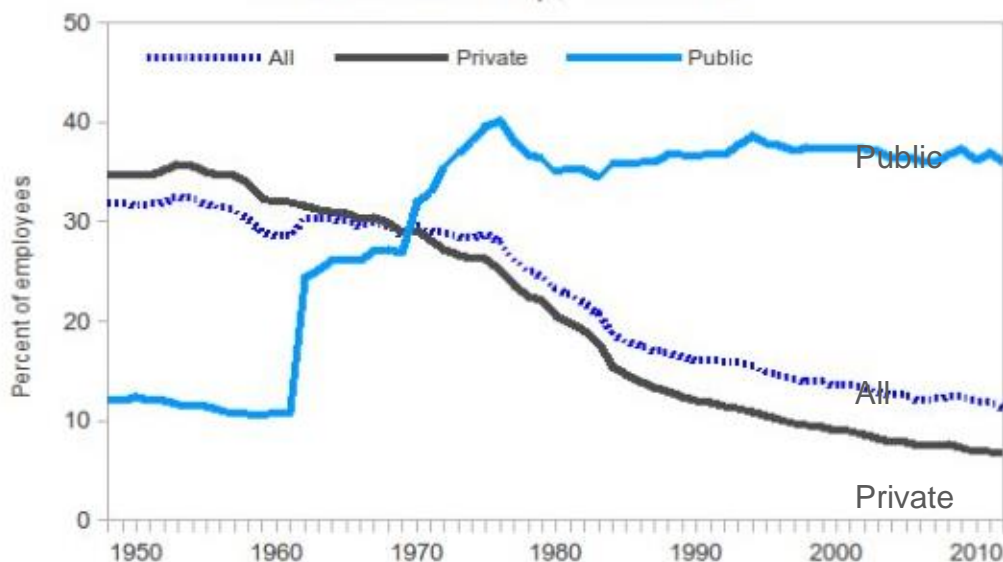
The argument being offered by the plaintiffs in this case is not much different than those made in the *Abood* case - and shot down by a unanimous 9-0 Court ruling 41 years ago. *Janus* claims that since he does not always agree with public positions taken by his union, he should not have to pay dues. In *Abood*, the Court ruled that since the union has a legal duty to fairly represent ALL workers under a contract, regardless of whether those workers have joined the union - a choice that workers, by law, can freely make - the union has a right to collect its “fair share” of dues, sufficient to cover the costs of negotiating and enforcing a contract. However, the *Abood* ruling also allows non-members to opt-out of paying for the costs of political work engaged in by unions, resulting in the payment of reduced “fair share” dues. In fact, unions may not use member dues for political activity; that work must be funded by voluntary contributions (e.g. our NSTU COPE fund).

The new angle being played in this case, by the anti-union forces that have worked for years behind the scenes to bring a case like *Janus* to the Court, is to claim that EVERYTHING a public sector union does in service to its members represents a kind of political activity, and that if a worker disagrees with even one position taken by the union, they have a right to withhold all dues. Though that might seem to us a specious argument, it is one that is likely to win the day given the current makeup of the Supreme Court with a 5-4 conservative majority, four of whom that have already voted to overturn *Abood* in a previous case.

I could go on to detail the myriad flaws in the plaintiffs' argument but what would be the point? It is now in the hands of the Court, to be decided no later than June 30. And in many ways, the legal debate of the case is beside the point. Who in the world believes that the National Right-to-Work Foundation, or the Koch Brothers, or Bruce Rauner, gives a damn about Mark Janus's right of free speech? That contention is merely a pretense to advance their real aim - to undermine the power of unions and the rights of workers they represent. They are hoping that workers will opt out of their unions to save themselves from paying dues. The result would be to defund unions, reducing their effectiveness in advocating for those same workers. It would also divide unions, pitting members who stay loyal against those who drop out.

To understand the motives behind those bringing this case one need only take a quick look at the graph below:

Union membership, 1948-2012



Source: Labor Research Association and Bureau of Labor Statistics

As union density among private sector workers has shrunk from a high of about 35% to today's low of 6.5%, public sector unions have stepped in to fill that void, now representing 35% of all public workers and about half of all union workers combined. That explains why we in the public sector have a target on our backs.

The forces behind the Janus case represent the monied and corporate interests that have long resented workers having a voice in the workplace and at the bargaining table and would love to return to the bad old days when management set all of the wages, hours and working conditions. But the attack on unions goes beyond what happens at the bargaining table. In the wake of the Citizens United case from 2010 that took the ceiling off of the limits on what corporations can contribute to political campaigns, those entities now have a free reign of influence on the political process. Individual citizens and workers cannot possibly match corporate contributions. Nor can unions, but our collective power can at least be used to hold corporate interests in check. It is that ability that the backers of Janus are seeking to undermine, so that they can have an unfettered influence on our political discourse.

The strategy of those behind the Janus case does not end with the pending Court ruling. Should they win, they are armed and ready to unleash a campaign to encourage workers to quit their union. They plan to

phone bank, go door-to-door, and launch a social media campaign asking workers "what has the union ever done for you?" while informing them that they can keep their due while maintaining all contractual benefits if they quit.

Yet as I said at the outset, all of their efforts to destroy us will be for naught if we stand together. Maintaining that solidarity will require the effort of ALL - not just the few in leadership. We must remind ourselves and each other that without a union we have no voice, without a union we have no contract, without a union we may all become at-will employees; we cannot afford to take what we have for granted.

So if you hear a coworker question what we get from

our union, remind them of any of the many benefits of your contract: from paid sick leave and vacation time, to health insurance; from clearly defined work time and duties, to wages that are well above nonunion workers; from protection from discipline without just cause and due process, to retirement security. And when the National Right to Work Foundation, or some shadowy group that they fund, comes calling after the Janus ruling, urging you to quit your union, tell them where they can go.

In solidarity,



Union Elections are on May 8th

Local 1274 Officers:

President, Vice President, and Treasurer

Delegates to the AFT 2018 Convention:

Pittsburgh, PA on July 13-16

Council Officers:

Look for postings from your school council

New! Professional Development Courses Offered Through Local 1274

Take a course...

In a new and exciting service to our members, teachers and support staff can now take high-quality professional development courses through the Local 1274. These courses are developed by the AFT and **taught by our own Local 1274 members** as part of the AFT Professional Learning Program. Designed by educators and rooted in evidence-based research, these graduate-level courses provide up to **30 semester hours of credit and 45 hours of professional development hours**.

The first two courses are in June and are free to members (there is a \$30 charge for materials):

Managing Behavior in School Communities

MBSC provides educators and other school personnel with effective strategies for managing unwanted behavior across a variety of learning environments. MBSC will provide teachers and support staff with the information, tools and skills they may need to prevent or eliminate challenging or anti-social behaviors and/or to manage much of this behavior when it occurs.

Taught by Colleen Gogerty

(D219 Teacher)

June 18 through 22

9:00 a.m. to 3:30 p.m. @ NSTU Office

Managing Student Behavior for Support Staff

This course is designed for paraprofessionals and school-related personnel who have contact with and/or are responsible for overseeing the behavior and safety of large numbers of students outside the classroom setting, whether that setting is the cafeteria, school bus, office, playground or school corridors. The course will teach school-related personnel and paraprofessionals about how to manage large groups of students as well as difficult and disruptive students.

Taught by Cathy Peach

(District 39 Support Staff)

June 25 through 29

12:00 p.m. to 4:00 p.m. @ NSTU Office



Lead a course...

All AFT Professional Development courses offered by Local 1274 are taught by our own teachers and support staff. Members receive a competitive hourly rate for teaching and must attend training at the annual AFT Professional Development Summer Educator Academy. If you are interested in attending this summer's academy, contact Steve Grossman.

2018 Summer Educator Academy

July 19 through 27

Linthicum Heights, Maryland

Last summer, three Local 1274 members traveled to Maryland for this eight-day extensive training program. One of them was Colleen Gogerty, who will be teaching **Managing Behavior in School Communities** in June. Colleen says that taking the course helped her focus on modifying behavior in the context of the school community instead of exclusively in her own classroom. Colleen found it interesting that, "What a kindergarten teacher would do to encourage positive behavior is really what a high school teacher should be doing as well. It modifies across, but there is a lot of common ground."

Other courses include...

Beginning Reading Instruction, English Language Learners 101, Foundations of Effective Teaching I: Organizing the Classroom Environment for Teaching and Learning, Strategies for Student Success, Thinking Mathematics K-2

1274 Newsline

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