



Teachers:
You Don't Have
to Pay for Union
Political
Spending

Dear Michigan Public School Teacher:

You work hard, pay your dues, and conscientiously participate in your union's governance. But are you taking advantage of *all* your employment rights and options? Did you know that you don't have to pay for your union's political, social, and ideological agendas if you disagree with them?

Knowing all of your options is essential to making informed decisions about the activities you finance with your union dues—activities which you may not support. This brochure will help you understand all of your rights, your responsibilities, and your workplace options as a teacher, as a union member, *and* as a professional.

The Public School Teacher's Bill of Rights

You have important constitutional rights in a unionized or "agency shop" workplace, referred to here as *Hudson* rights, after the 1986 U. S. Supreme Court decision *Chicago Teachers Local 1 v. Hudson*. They are the law of the land, regardless of what appears in your bargaining agreement, your union constitution and bylaws, or what you might otherwise be told. As a public school teacher, you have the right to

- **Join or not join your workplace union.** Membership in a school employees' union is optional; you can never legally be forced to join.

- **Resign your union membership.** Some school employee unions, such as the Michigan Education Association, attempt to restrict member resignations using elaborate procedures or "window periods." These practices may be illegal (see the end of this brochure for a list of organizations to contact for advice should you encounter such obstacles).

- **Stop paying for the union's non-representation activities.** Teachers who don't join the union or who resign their membership are only obligated to pay for the union's representation duties, such as bargaining, contract

administration, and grievance processing. All other non-bargaining activities, including political, social, and ideological functions, are not legally chargeable to nonunion teachers who object to funding them.

- **Receive a full explanation of all union fees charged to you.** Public-sector unions must provide nonmembers with an explanation of any fees charged and an independent accountant's verification of the fees.

- **Challenge your union's fee assessments.** Nonunion teachers have the right to challenge the union's fee calculations before an impartial decision maker, to receive an explanation of the challenge procedure, and to have the disputed fees held in escrow until the challenge is resolved.

- **Object to funding your union on religious grounds.** Teachers with religious beliefs preventing them from associating with a union are protected by Title VII of the Civil Rights Act. Religious objectors may have the right to redirect their entire union fee to a nonunion, nonreligious charity.

Answers to Commonly Asked Questions about Union Membership

How do I exercise my Hudson rights and avoid paying for the union's non-workplace activities?

If you are a union member, you must first resign your membership and state your objection in writing (please see the sample resignation letter at the end of this brochure). Once you have resigned, the union must supply you with information that explains your new, reduced fee and how it was calculated. You must then inform the union whether you want to pay full dues or the reduced fee.

Don't I have to belong to a union to be protected by the Michigan Public Employment Relations Act?

No. All public employees, including teachers, are fully protected by Michigan's Public Employment Relations Act (PERA) regardless of union membership status.

What are the advantages and disadvantages to resigning my union membership?

As a nonunion bargaining unit member, you are not subject to union discipline or fines, you can limit your financial obligation to the union, and you are legally entitled to the same representation services as union members. (Unions may, however, fine former members for their pre-resignation conduct. To avoid union fines and penalties, you must resign prior to engaging in any conduct that violates the union's constitution or bylaws.) Likewise, you are entitled to all of the benefits the collective bargaining agreement affords you. You may, however, be denied member rights including the ability to attend union meetings, to ratify or reject collective bargaining agreements, to vote in union elections, and to receive union "members only" benefits.

Without union representation, can't my employer get away with all kinds of discrimination?

No. In addition to PERA, Michigan teachers are covered under several other federal and state statutes, including the Equal Pay Act, Age Discrimination Employment Act, the Michigan Teacher Tenure Act, and the Elliott-Larsen Civil Rights Act. These laws prohibit workplace age discrimination, racial discrimination, pregnancy discrimination, and sexual harassment. They also ensure that employees have full access to their personnel files.

As a nonunion member, will I lose my professional liability protection?

You may lose coverage under union-owned liability policies, but in almost every school district teachers are covered under the district's umbrella liability policy. Check with your school administration first and then, if necessary, consult your local insurance carriers or professional educator organizations such as the Association of American Educators (1-800-704-7799) for low-cost alternatives.

As a nonunion member, can I use payroll deductions to pay my union service fees?

Yes, nonmember teachers may authorize payroll deductions to pay for their compulsory union fees.

Objecting nonmembers who authorize a payroll deduction should be careful to authorize only the deduction of the “reduced” service fee.

Do I have to follow the procedures outlined in the collective bargaining agreement to challenge a reduced fee calculation?

No. Your constitutional and statutory employment rights invalidate collective bargaining clauses and union procedures that do not comply with the law. The U. S. Supreme Court’s decisions in *Chicago Teachers Local 1 v. Hudson* and *ALPA v. Miller* guarantee your constitutional right to have your objections honored in the forum of your choice and by an *impartial* decision maker rather than one chosen by the union.

What can I do if my union resignation is met with threats, intimidation, and blackballing tactics?

Exercising your constitutional right to object to the union agenda does not mean you forfeit benefits such as health care, pension, step increases, etc. Threats and discrimination in the workplace based upon your union affiliation or lack thereof are illegal—assistance is available from the Michigan Employment Relations Commission (MERC).

How to Resign Your Union Membership

The following four steps explain how you can reduce your union fees by becoming a nonunion employee, or what is sometimes called an “agency fee payer”:

1. Draft a resignation letter like the one shown at right (handwritten letters are acceptable).
2. Make three copies of your signed letter, and mail the original by certified mail (with signature requested) to your union.
3. Mail one copy of your letter to your school district’s superintendent.
4. Keep the other copy of your letter for your records.

-Sample Resignation Letter-

(Today's Date here)

(Union President's Name)

(Union Address)

Dear Sir or Madam:

This is to inform you that I resign my union membership, effective immediately upon receipt by the union or its agent. I also revoke any authorization for payroll deduction of membership dues and authorize only the deduction of those fees legally chargeable to objecting nonmembers under the First Amendment to the U. S. Constitution.

Furthermore, I object to the use of my dues money for any purposes other than those related to collective bargaining, contract administration, and grievance processing in my immediate bargaining unit, per the U. S. Supreme Court's decision in *Abood v. Detroit Board of Education*. Any fees unrelated to these financial core activities should be immediately deducted from my dues according to the procedures outlined by the U. S. Supreme Court in *Chicago Teachers Local 1 v. Hudson* and any other relevant cases.

I would like a full accounting of the reduced fee verified by an independent auditor and a reasonably prompt opportunity to challenge the fee calculation before an impartial decision-maker. I also insist that any disputed fees be placed in escrow pending a final determination of the appropriateness of any asserted charges.

Please provide me with an accounting as soon as possible. Until an accounting is provided to me, please escrow all of my dues that are not subject to an immediate rebate. Additionally, if there will be any delay in obtaining a full accounting, please advise me as to when this information will be forthcoming.

Sincerely,

(Name)

(Address)

(School's Name)

cc: Superintendent

Note: Religious objectors should not use this letter to resign their union memberships. Contact one of the organizations listed below for more information on how to file a religious objection, or for more information on any of the issues discussed in this brochure.

Mackinac Center for Public Policy

140 West Main Street
P.O. Box 568
Midland, Michigan 48640
Phone: (989) 631-0900
Fax: (989) 631-0964
Email: mcpp@mackinac.org
Internet: <http://www.mackinac.org>

National Right to Work Legal Foundation

8001 Braddock Road
Springfield, Virginia 22160
Phone: (703) 321-8510
Toll Free: 1-800-336-3600
Internet: <http://www.nrtw.org>

Michigan Employment Relations Commission

State of Michigan
Plaza Building
14th Floor, 1200 Sixth Ave.
Detroit, MI 48226
Phone: (313) 256-3540
Fax: (313) 256-3090

Landmark Legal Foundation

457-B Carlisle Drive
Herndon, Virginia 20170
Phone: (703) 689-2370
Fax: (703) 689-2373
Email: markrlevin@aol.com
Internet: <http://www.llf.org>

Center for Individual Rights

1233 20th Street, NW, Suite 300
Washington, DC 20036
Phone: 202-833-8400
Fax: 202-833-8410
Email: cir@mail.wdn.com
Internet: <http://www.cir-usa.org>



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