



# The Broadside

February 2018

## **President's Column**

Am I alone in thinking that this first semester seemed to fly by? And yet, here we are beginning the second half of the school year. Although there are quite a few items on the horizon, my column this month will deal with only two: one local and immediate and the other far more reaching...and far more complicated.

I'll begin with our Stipend Committee update. You may recall that at the start of the school year, we announced that our club and stipend structure would be revised. My target end date remains the same – this spring, and I am hopeful we will be able to roll out the new plan by March or April. The committee is still working on the details. Barb Gregory is meeting with administrators from each building to confirm the status of their clubs. I will keep you updated as we progress through this process. I applaud the hard work of the committee members as they try to untangle the stipend puzzle.

My second topic deals with the upcoming Supreme Court case, *Janus v. the American Federation of State, County, and Municipal Employees (AFSCME)*. This case, commonly referred to as simply Janus, is significant in its implications for unions nationwide.

Unlike Con-Con a few months ago where the PEA along with other groups urged voters to vote “no” to a Constitutional Convention, Janus is out of our control. There is no public vote. The decision rests with the Supreme Court. The Court will hear oral arguments beginning February 26. For those unfamiliar with the case, here is some background.

The Janus Case challenges the right of public employee unions to collect agency fees from workers who benefit from union services and contracts but are not union members. You may remember a similar case, *Friedrichs v. California Teachers Association* from 2016. That case ended in a 4-4 deadlock after the death of Justice Scalia. With conservative Justice Neil Gorsuch filling Justice Scalia’s vacancy, the expectation is high that the court will rule against the unions.

So what does this mean for unions and more specifically, the PEA? If unions lose the ability to collect agency fees from non-members, it will diminish a union’s ability to advocate and bargain on behalf of its members.

The fear of our union and others is that members might not appreciate the impact that this court case can have regarding our individual rights and even the future of teaching. Often, people consider only salaries and benefits when voting on a contract. Understandably, people want to see more money in their pockets every payday. Unfortunately, the reality is that the ramifications of this upcoming vote by the Court could cause all of us to lose much more than money.

People looking for a quick and easy addition to their paychecks will withdraw from the union and pocket the agency fees instead of continuing to contribute to the common good. If enough union members decide to become “free riders,” the overall membership may decline significantly. If that occurs and membership falls below 51%, the union must disband. How bad could that be? Look to Wisconsin to see the catastrophic results.

In 2011, Governor Scott Walker and the legislature passed the so-called Act 10 which stripped public employee unions of most of their collective bargaining rights. If teachers lose their right to bargain collectively for salaries, benefits, and working conditions, they are at the mercy of state legislatures. Just one year after passing Act 10, teachers' median benefits were cut by 18.6%, and median salary fell by 2.6%. Salaries and benefits continued to fall over the following four years. By 2016, teacher compensation was \$10,843 lower than at the passage of Act 10. Before Act 10, Wisconsin districts contributed 100% to the Wisconsin Retirement System. After Act 10, the district unilaterally obligated teachers to pay half—which came out of their salaries. According to Kim Kohlhaas, President of AFT-Wisconsin, that amount came to \$5,000 per teacher. Additionally, the district put in place a high-deductible health care plan (without any negotiations) that cost each teacher another \$5,000. As Kohlhaas reports, "In the first two years after Act 10 was enacted, teachers lost \$10,000 in take-home pay." The teacher unions essentially became "professional associations" stripped of all their bargaining rights.

It is clear that opting out of a union can have a tremendous impact. We must join together not only as the PEA, but as members of a larger family of unions in our fight to maintain our bargaining rights.

Throughout the coming weeks, I will be discussing plans and strategies with the Executive Committee to keep our members informed. I will be working with other union presidents and the MCFT to share information with our members about the value of unions and the impact of what could happen if we were to become a right-to-work state.

I will be visiting schools over the course of the next few weeks to address this issue in more detail. I have asked Kevin to attach a summary fact sheet on the Janus case to this month's *Broadside*. Please take a few minutes to read it over. Additional resources can be accessed through both the NYSUT and UFT websites. In fact, much of my Wisconsin information came directly from two recent UFT articles. These two sites would be great places to start if you would like both background and up to the minute information on this topic.

I look forward to speaking with you at your PEA meetings or individually. Do not hesitate to contact me with any questions or concerns. Thank you for all you do for our district's students.

Together, we remain Union Strong.



In solidarity,

Bob Young

## **Point: Wealthy attack freedom to form strong unions**

By Roberta Lynch — *Roberta Lynch is the executive director of AFSCME Council 31, which represents 100,000 active and retired public service workers.*

When working people have the freedom to speak up together through unions, we make progress together that benefits everyone. But today — with a shrinking middle class and a growing gap between the rich and the rest of us — the last thing America needs is an assault on the freedom to form strong unions and speak up for ourselves and our communities.

Unfortunately, attacking the freedom of working people to come together is exactly what the Janus v. AFSCME lawsuit is all about. Although fronted by a lone state employee, the case is bankrolled by the National Right to Work Foundation and the Liberty Justice Center — the litigation wing of the Illinois Policy Institute — part of a network funded by billionaires and corporate CEOs who use their massive fortunes to tilt the playing field in their favor.

Now these forces want the highest court in the land to take away the freedom of average Americans to come together to achieve things our families need, like a living wage, retirement security, affordable health care and the ability to care for loved ones.

Under current law, every union-represented teacher, police officer, caregiver or other public service worker may choose whether or not to join the union — but the union is required to negotiate on behalf of all workers whether they join or not. Since all the workers benefit from the union's gains, it's only fair that everyone chip in toward the cost. That's why 40 years ago a unanimous Supreme Court approved the kind of cost-sharing arrangements known as fair share.

The Janus v. AFSCME case is an effort by powerful corporate interests to outlaw fair share, encouraging workers to contribute nothing toward the cost of union representation. It actually began as a political scheme by Gov. Bruce Rauner, who shortly after taking office issued an executive order and filed a lawsuit trying to ban fair-share fees.

**This case won't change the simple truth that no one is required to join a union and no one is required to pay any fees that go to political candidates. That's already the law of the land. This case is about eroding the freedom of working people to come together, speak up for each other and improve their lives by negotiating to make the rules about benefits, hours and wages more fair.**

In a recent interview with the right-wing Hoover Institution, Governor Rauner dropped the ruse that his assault on unions is about economic policy, saying it has "nothing to do with any of the budget." Instead, he said, it's about "chang[ing] the culture and the power structure in Illinois." That means tipping the scales of our economy and our democracy even further against regular people, while amassing more wealth and power for billionaire CEOs like him.

Union members know we only make progress when we come together, not just for ourselves but to improve the lives of all. We understand that real freedom is about more than making a living; it's also about being able to see the doctor, attend a parent-teacher conference and volunteer in the community. The wealthy corporate special interests behind this case want to undermine that freedom. They want to take away the power in numbers that working people need to win better lives for ourselves, our families and our communities. But no matter how much money the billionaires throw at us, no matter how craven and vicious their attacks, social and economic justice for all are visions we'll never quit working to achieve.

## **Fact Sheet on *Janus v. AFSCME***

**What is *Janus v. AFSCME*?** On November 21, 2016, the National Right to Work Foundation and the Liberty Justice Center filed a brief with the Seventh Circuit Court of Appeals on behalf of Mark Janus and two other Illinois government employees challenging the Illinois law that requires government employees to pay a “Fair Share” or “agency fee” to the union that represents them. The plaintiffs allege that where public employee unions are concerned, all advocacy is “political” in nature and under the First Amendment, citizens cannot be compelled to support any form of political speech. This case ultimately seeks to overturn the Supreme Court’s decision in *Abood v. Detroit Board of Education*.

**What is *Abood*?** *Abood v. Detroit Board of Education* is an important case that the Supreme Court decided unanimously in 1977. ***In Abood, the Court affirmed that it is constitutional for public sector unions to collect Fair Share fees (also sometimes called agency fees) from employees who choose not to join a union, but whom the union is legally required to represent in negotiations with the employer.***

**Who is trying to undermine the collective bargaining rights of working people?** Corporate CEOs and wealthy special interests want to further tilt the economic rules in their favor by making it even harder for workers to come together, speak up and get ahead. They also want to destroy the ability of unions to be active in electoral politics or political advocacy. This case, which deals with public service workers, is just the latest tactic by the same wealthy special interests that have been attacking working people for decades. The best way for working people to get ahead is to band together to win better wages, working conditions and benefits. ***This case is not about worker freedom; it's about weakening the unions workers depend on to advocate for their interests.***

**What are Fair Share fees?** Everyone can choose whether or not to join a union at work and nothing in this case will change that. ***When the majority of people vote to form a union, however, the union is required by law to represent everyone in the bargaining unit, whether that employee is a union member or not.*** As all public employees enjoy the benefits, job security and other protections the union negotiates, ***it is only fair that all employees contribute to the cost of securing those benefits and protections.*** Currently, public employees who don't want to belong to a union only have to contribute to the costs of the representation they receive, including the cost of negotiating and maintaining contractual benefits, protections and rights. No public employee is required to join a union or pay any fees that support political candidates or a union’s political or ideological activities.

**What's at stake if unions lose this case?** If we get a worst-case decision that allows employees to be freeriders, the possibility exists that some members will make a very short-sighted decision to “give themselves a raise” by not paying dues. If enough members choose that path, it is possible that your union will not be able to function effectively as an advocate for members – or possibly not be able to function at all. In that case, the union could be decertified and, if that occurs, your collective bargaining agreement would remain in effect for only a year. ***After that you would not have a contract.*** That would mean no more salary schedule, no requirement of the district to provide or contribute to health insurance, no rules about working conditions, no grievance procedure and so on. In other words, all employees would become at-will employees who are completely subject to managerial discretion on everything concerning their employment. Pretty much like it is now in many Right-to-Work states where there is no collective bargaining. If and when that happens, the “savings” achieved by not paying dues will be seen for what it really is – a very bad bargain. But by that time it will be too late to do anything about it.

## **Treasurer's Column**

To: PEA Members  
From: Amy Wilson, PEA Treasurer  
Date: January 2018  
Re: Dues paid in 2017

During 2017, full time members potentially paid a total of \$746.64 in union dues. From January to June of 2017, full time members paid \$37.22/check (12 pays). From September to December, full time members paid \$37.50/check (8 pays).

If you choose to deduct union dues for your 2017 tax purposes, \$746.64 is the potential amount that can be deducted for full time members. 3/4 dues could be \$559.98, 1/2 dues would be \$373.32. Individual job leaves may alter the above amounts.

**This is for informational purposes only and does not constitute tax advice or verification of individual dues contributions.** If you have questions regarding appropriate deductions, please see your tax advisor.

Thank you,  
Amy Wilson  
PEA Treasurer

## Board-Watchers Report

### **Board Meeting Notes: 1/23/18**

-New initiatives were discussed, including incorporating digital citizenship (similar instruction in all elementary schools), keyboarding skills (reinforce habits/increase automaticity/prep for online assessments)



-Parent concern expressed about the restroom changes at the high school

-Student representative report

-Student staff honors

-RASHP II discussion (new cards, move to online enrollment)

**Budget: Program 1 discussion:** includes Staff Development/Special Education/Counselors/Nurses/Psychologists/School Social Workers (12% of the budget- up 2.9%)

-Students with disabilities is the largest component of this budget... Capital review next...then Program 2 budget... then BOCES

*Budget information can be found: <http://www.penfield.edu/schoolnews.cfm?subpage=2004339>*

-Discussed the tax cap...will be 2.78% at this point...60% supermajority required to pass something higher

-Terms of three board members will expire on 6/30/18. Petitions for interested candidates must be filed by 4/16/2018.

## **Who Is My Building Representative?**

<u>High School</u>  Dave King Eric Wallen Dave Pugsley Mark Vogt	<u>Bay Trail</u>  Matt Vaccarella Chris Grayeski Kristin Keeley	<u>Cobbles</u>  Renee Yandow Wayne Smith
<u>Harris Hill</u>  Jeanne Crowther Randy Hartmann	<u>Indian Landing</u>  Steve Newman Tessa Greeno	<u>Scribner</u>  Sherrill Moon Carol Koncelik

### **Additional Resources**

<http://penfieldea.ny.aft.org/>  
PEA Website

<http://penfieldea.ny.aft.org/documents-3>  
PEA Contract Resources

<https://www.nysut.org/>  
NYSUT Website

<https://www.nysut.org/members>  
NYSUT Member Benefits

## **Membership Has Its Privileges!**

Jan./Feb. '18

For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.

*Your union is steadfast in its fight for better contracts, safer working conditions, fair pay, advocacy, and upholding the labor rights of the dedicated women and men proudly working in the education and health care industries on a daily basis.*

**But your NYSUT membership does so much more!**



**As an Example: With the NYSUT Member Benefits Trust-endorsed MetLife Auto & Home insurance program, NYSUT members receive special group rates on auto insurance, homeowners insurance as well as motorcycle, boat, personal property and other types of insurance -- rates that are NOT available to the general public.**

It also provides you with the opportunity to enjoy the benefits of more than 40 endorsed programs & services offered by NYSUT Member Benefits, including a variety of quality, competitive insurance plans.

That is why we encourage you to always look for the "Endorsed by NYSUT Member Benefits" logo before you or your loved ones make any purchasing decisions.

Visit [memberbenefits.nysut.org](http://memberbenefits.nysut.org) or call 800-626-8101 for specific information about this program.

**Newly endorsed Member Shopping Program available for use!**



We heard the requests of the NYSUT membership and spent months diligently researching new member shopping program options. The NYSUT Member Benefits Corporation is pleased to announce that the Purchasing Power Member Shopping Program is now available for use by eligible NYSUT members.

Purchasing Power is an online shopping option that offers another way to purchase brand-new, brand-name products and pay for them over time through the ease of payroll deduction or ACH withdrawals. Eligible NYSUT members can enjoy access to products such as computers, appliances, jewelry, furniture, televisions, electronics, travel packages and much more.

While Purchasing Power is not a discount program, it can save you money and stress compared to high-interest credit cards or rent-to-own stores. As always, you are encouraged to shop and compare before making any purchasing decisions.

Visit [nysutmbc.purchasingpower.com](http://nysutmbc.purchasingpower.com) or call 800-537-3135 to learn more.