

JANUS V. AFSCME

The Issue

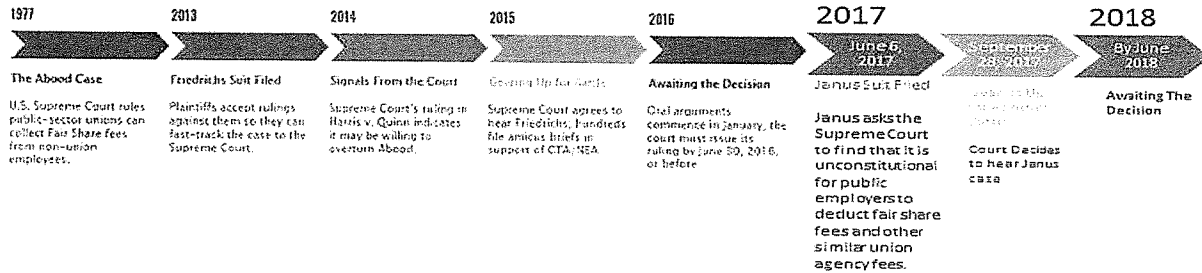
It is no secret that America's economy has swung out of balance. It's getting harder and harder to get by, let alone get ahead, and everyday Americans are working more than ever before. Our work has recreated record wealth for an economic recovery that's been everywhere but ordinary people's wallets. In addition our school and other public services have suffered.

The Supreme Court case Janus V. AFSCME threatens to make things worse. It is a blatant attempt to take away the freedom of working people to join unions and speak up for themselves on the job. It is about the wealthy special interests that want to shift the balance of economic power in their favor, and make it even more difficult for working people to come together, speak up collectively, get ahead and help create an economy that works for everyone, and serve their community in the best way possible.

Our very future is at stake. We must stand strong and stand together against this legal threat to our families, public services and communities!

The United States Supreme Court decided it will hear arguments in Janus v. American Federation of State, County, and Municipal Employees, Council 31 on February 26, 2018 a lawsuit that challenges the authority of public employees unions to collect Fair Share fees. A decision is expected by the end of June.

THE TIMELINE



WHAT IS FAIR SHARE?

Fair Share fees are the cost of union representation and bargaining. No one is forced to join a union, but unions are legally required to represent all workers. Teachers and other public employees who don't want to belong to a union only have to contribute to the costs of representation they receive.

Since all workers enjoy the benefits, job security and other protections the union negotiates, it is only fair that all contribute to the cost of securing those benefits and protections. It's not fair for some to pay more for the benefits all workers enjoy. **The current Fair Share system is a good compromise and common sense.**

In states where Fair Share has been banned, workers are worse off. If the Supreme Court bans Fair Share, it will make it harder for teachers, firefighters, and nurses to stand together to fight for our students and schools, and to negotiate for wages and benefits.

ROBERT REICH

Professor of public policy and former U.S. Secretary of Labor

The decline of union membership has mirrored almost exactly the decline of the middle class. **Strong unions mean a strong middle class, which means a strong economy.**



The FACTS

NO ONE IS REQUIRED TO JOIN A UNION, AND NO ONE IS REQUIRED TO PAY ANY FEES THAT GO TO POLITICS OR POLITICAL CANDIDATES

• but •

BY LAW, UNIONS MUST REPRESENT AND BARGAIN FOR EVERY WORKER, WHETHER THEY JOIN THE UNION OR NOT.

25

Number of states with "right to work" laws (more accurately termed "right to work for less") that deprive workers of bargaining power

\$5,971

Average amount less that workers in right-to-work states make compared to workers in states that allow Fair Share fees

WHY IS THIS CASE IMPORTANT?

Public employee unions are made up of teachers, firefighters, nurses and other working people. Our victories are everyone's victory, contributing to our economy and the quality of life.

Everyone who works should be able to make ends meet, have a say about their future, and have their right to negotiate collectively for better wages and benefits that can sustain their family and community.

Janus V. AFSCME is being pushed by those who seek individual profit and personal gain by damaging protections for hardworking families and their communities. These are the same rules and protections that have formed the foundations for people to work together for better public services- smaller class sizes, quicker response time in emergencies, and better staffing for hospitals- and more vibrant communities.

WHAT'S AT STAKE?

A WELL-ROUNDED EDUCATION WITH ART, MUSIC, PE AND MORE

CLASS SIZES THAT ALLOW FOR ONE-ON-ONE INSTRUCTION

LEARNING INSTEAD OF MORE AND MORE HIGH-STAKES TESTING

SCHOOL SAFETY WITH HEALTHY LEARNING AND WORKING ENVIRONMENTS

A FAIR SALARY THAT INCLUDES RETIREMENT AND HEALTH CARE

The stakes are high for our students, educators and communities. A ruling in favor of Friedrichs could jeopardize a quality education for our children.

Students and schools have already been hit by funding cuts that deprive them of arts and PE programs, up-to-date textbooks, recess, and smaller class sizes. If our unions are weakened, it will be harder for us to fight collectively for what our students need. It will be harder to negotiate good working conditions, wages and benefits.

When we're able to give our children a quality education, make our work more effective and sustain our families, we leave our communities better off than we found them. Everyone benefits from collective bargaining.

In states that have banned Fair Share, the average worker makes \$5,871 less per year, workers are much less likely to have health insurance, and the rate of workplace deaths is 54 percent higher.

Worker rights that unions have fought for and won include:

- 8-hour work day, 40-hour workweek
- weekends off
- all breaks at work, including lunch
- paid vacation, sick leave
- pensions
- and much more

CAROL PEEK
SCHOOL MONITOR
Ventura Education
Support Professionals
Association

My Job is to be on the front lines to make sure our students are safe.

It's important for me to have the right to voice concerns over anything that might impair the safety of my students. Jeopardizing my ability to speak up for them is a risk for everyone. //



Who Is Behind This? Money and Power

Janus is receiving free legal services from the National Right to Work Legal Defense Team and the Liberty Justice Center. These organizations are financially supported by corporate special interests who want to reduce wages for working people to fund tax cuts for the wealthy and large corporations. Weakening unions enables those with purely profit-driven motivations to get their hands on the billions of dollars that are invested annually in public education.

The National Right to Work Legal Defense Foundation (NRTWLDF) is the legal arm of the **National Right to Work Committee (NRTWC)**, a non-profit organization. The NRTWLDF was established in 1968. According to the NRTWC website, "Its mission is to eliminate coercive union power and compulsory unionism abuses through strategic litigation, public information, and education programs."

The NRTWC has deep financial connections with the Koch brothers. Reed Larson, who led the NRTWC groups for over three decades, became an early leader of the **John Birch Society**, which was founded by Fred Koch, father of David and Charles Koch. **Charles and David Koch of Koch Industries** have supported numerous ultra-conservative political candidates and causes. In 2012 **Koch's Freedom Partners** group funneled \$1 million to the NRTWC. **The Charles G. Koch Charitable Foundation** gave \$15,000 grant to the NRTWLDF which also received significant funding from the Koch-connected **Donors Trust and Donors Capital Fund**. At least three former Koch associates work as attorneys for the NRTWLDF. The brothers are associated with the **American Legislative Exchange Council (ALEC)**, which has pushed for privatization of public education and eliminating school employee unions, and modeled legislation to eliminate teacher rights in the classroom, to certify non-credentialed individuals as teachers, and promote private voucher programs.

In addition, the NRTWLDF has received significant funding from many big named donors including the **Walton Family Foundation (of Walmart)** the **John M. Olin foundation** and the **Searle Freedom Trust**.

Groups that receive either direct funding from Koch entities or who are linked to their brothers funding network filed amicus briefs in favor of Janus, the petitioner. They include: **The Pacific Legal Foundation**, **The Buckeye Institute For Public Policy Solutions**, **The Cato Institute**, and **Mackinac Center**.

The Cato Institute and the Mackinac Center, as well as the National Right to Work Legal Defense Fund were a major force behind the 2012 anti-union legislation enacted in Michigan, Indiana and supported Wisconsin Governor Scott Walker "right to work" bills. There are currently 25 "right work" states. Many of them introduced legislation based on ALEC's "Right to Work Act" and "model" bills. Michigan and eighteen of the "Right to Work" States also filed an amicus brief in favor of the petitioner.

Who Is Speaking Up For Working Families?

Hundreds of legal and educational scholars; civil rights organizations, public employee unions; educators and school districts; cities, counties and states; and elected officials and lawmakers have spoken in support for Working Families.

Collective bargaining has proven benefits for public employers. ... [It] is linked to a host of related workplace benefits, including reduced employee turnover, increased job satisfaction, and improved worker productivity. These benefits run to both employers and employees."

—48 Labor and Employment Law Professors

LEGAL
SCHOLARS
& UNIONS

"[We] have gone into the relatively low-paying profession of public education out of love for our country's children. [We believe] that public education is the bedrock of what has made, and what will continue to make, the United States of America a great nation. ... Without the ability to effectively engage in collective bargaining, individual teachers will be left voiceless in protecting their livelihoods, the learning environments of their students, and the future of public education."

— 16 individual teachers

EDUCATORS
& SCHOOL
DISTRICTS

School districts secure more effective collective bargaining relationships with unions that have "the stability to make difficult agreements that may be unpopular but are in the long-term interests of employees, students and the entire community"

— 14 school districts

"Petitioners' attempt to demolish this Court's settled framework for analyzing conditions of public employment [under the First Amendment] would astonish the founding generation and would stamp out the state-by-state variation in public-employment structures that has been the hallmark of this Court's First Amendment jurisprudence for decades."

— United States government

FEDERAL
& STATE
GOVTS

"States have a significant and valid interest in being able to employ the models of collective bargaining that have proved successful for achieving labor peace and avoiding ... strikes," and for improving the efficiency and quality of public services.

— 21 states and the District of Columbia

Who Are Defending Our Rights? *People and Passion*

New York State United Teachers is a statewide union with more than 600,000 members in education, human services and health care. We join together with your local union, the American Federation of Teachers, the National Education Association and the AFL-CIO, to make our voices heard on issues that affect all of us: quality education for our students; safe and healthy schools hospitals and other community environments; defending our professions, fair pay, and retirement with dignity.

"This case is a blatant attempt to take away the freedom of working people to join unions and speak up for themselves on the job," NYSUT President Andrew Pallotta said. "New Yorkers, fortunately, have in their DNA an understanding of the critical role that unions play in growing and protecting the middle class, and providing real economic security for families. NYSUT members see the value of being part of a powerful union — one that gives them a seat at the table and a strong voice in Albany to help them fight for competitive salaries and benefits, protect their retirements and defend their professions.

"Unions have — and always will be — the best vehicle working people have to take a stand against the wealthy and powerful who have rigged the economy in their favor. At NYSUT, we plan to stand strong and stand together against this legal threat to our families, public services and communities."