

FRIEDRICHS V. CTA AND THE CASE FOR FAIR SHARE

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 created record wealth for an economic recovery that's been everywhere but ordinary peoples' wallets. In addition, our schools and other public services have suffered.

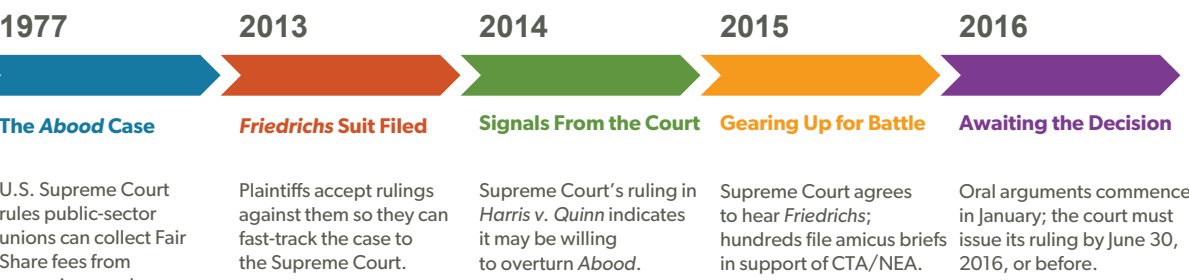
Now there is a Supreme Court case that threatens to make things worse. *Friedrichs v. CTA* is about wealthy special interests that want to shift the balance of economic power in their favor, and make it even more difficult for working people to come together, speak up collectively, get ahead and help create an economy that works for everyone, and serve their communities in the best way possible.

Our very future is at stake. Educators, in particular, must fight to ensure that our schools remain strong and our students get the quality public education they deserve.



On Jan. 11, 2016, the United States Supreme Court will hear oral arguments in *Friedrichs v. CTA*, a lawsuit that challenges the authority of CTA and other public employee unions to collect Fair Share fees.

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

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 for all.

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

Friedrichs v. CTA 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 foundation for people to work together for better public services — smaller class sizes, quicker response times 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

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

CLASS SIZES THAT ALLOW FOR ONE-ON-ONE INSTRUCTION

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.

LEARNING INSTEAD OF MORE AND MORE HIGH-STAKES TESTING

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.

SCHOOL SAFETY WITH HEALTHY LEARNING AND WORKING ENVIRONMENTS

In **states that have banned Fair Share**, the average worker makes \$5,971 less per year, workers are much less likely to have health insurance, and the rate of workplace deaths is 54 percent higher.

A FAIR SALARY THAT INCLUDES RETIREMENT AND HEALTH CARE

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 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 filed amicus briefs in support of CTA and NEA. Here are some excerpts:

Overturning Abood "would undermine one of the most successful vehicles for providing economic and professional opportunities for American workers, and, in particular, for women, people of color, and lesbian, gay, bisexual, and transgender workers... Unions have provided a critical path to the middle class for generations of working people, including the nurses, first responders, teachers, and others who comprise the membership of public sector unions."

— National Women's Law Center, the Leadership Conference on Civil and Human Rights, the Human Rights Campaign, and 70 additional organizations committed to civil rights

"[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

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

"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

"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

AARON HALL
THIRD-GRADE TEACHER
United Educators of San Francisco

Making sure that everyone has access to the American Dream and a fair shot at the middle class is essential to this country's future. ... The U.S. Supreme Court should reject this attempt by wealthy special interests in the *Friedrichs* case to make it even harder for working people to come together, speak up for one another, and get ahead. It is a basic concept of fairness that even a third-grader can understand.

CIVIL RIGHTS ORGS

EDUCATORS & SCHOOL DISTRICTS

FEDERAL & STATE GOVTS

LEGAL SCHOLARS & UNIONS

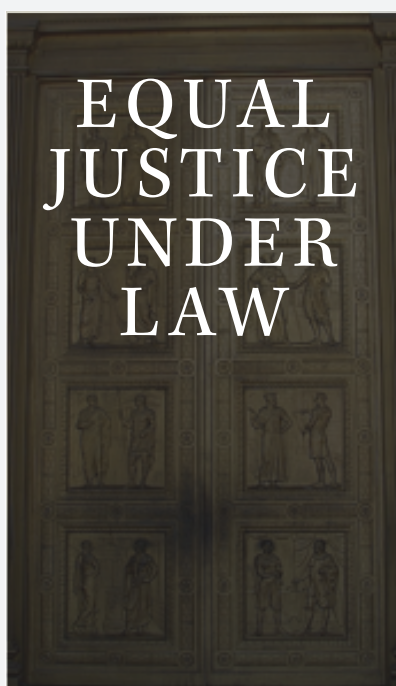
WHO IS BEHIND THIS?

Money and Power

This case is backed 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. Who are the morose interests against Fair Share?

The **Center for Individual Rights (CIR)** is a Washington-based public interest law firm whose mission is "the defense of individual liberties against the increasingly aggressive and unchecked authority of federal and state governments." CIR has sought to ban affirmative action legislation, including California's Proposition 209. Its funders include:

- **Charles and David Koch of Koch Industries.** The brothers, whose personal wealth is estimated to be \$42.3 billion each, have supported numerous ultra-conservative political candidates and causes; in 2012 they spent millions in an unsuccessful attempt to defeat California's Prop. 30, the tax initiative to increase education funding, and another initiative (defeated) to deny workers the right to contribute to political causes. They have announced they intend to spend \$900 million on the 2016 elections. The brothers are associated with the American Legislative Exchange Council, which has pushed for privatization of public education and eliminating school employee unions, and modeled legislation to eliminate teacher rights in the classroom, certify non-credentialed individuals as teachers, and promote private voucher programs.
- **Koch-linked groups** known to have made grants to CIR, according to the Center for Media and Democracy, include **DonorsTrust**, **Donors Capital Fund**, and the **Claude R. Lambe Charitable Foundation**. Groups that receive either direct funding from Koch entities or are linked to the brothers' funding network filed amicus briefs in favor of the *Friedrichs* plaintiffs. They include the **Cato Institute**, **National Right to Work Legal Defense Fund**, and the **Mackinac Center**, a major force behind the 2012 anti-union legislation enacted in Michigan.
- **Lynde and Harry Bradley Foundation.** One of the largest and most influential ultra-conservative foundations in the United States, it supports privatizing education and was instrumental in the legislative attack on labor in Wisconsin.
- **John M. Olin Foundation.** Now closed, it provided funding to develop anti-environmental, pro-business legal advocacy organizations.
- **F.M. Kirby Foundation.** It dispenses grants in areas of education, health and medicine, civic and public affairs, and other areas.
- **Sarah Scaife Foundation.** It has given millions to anti-worker, conservative think tanks and funded several initiatives in California to eliminate worker rights.
- **Carthage Foundation.** It gives to conservative organizations such as the Federation for American Immigration Reform, which was designated an anti-immigrant hate group by the Southern Poverty Law Center.
- **Christian Educators Association International (Friedrichs plaintiff)** provides support for initiatives that undermine LGBT rights in schools and efforts to make schools safe for students and educators.



WHO ARE DEFENDING OUR RIGHTS?

People and Passion

CTA, NEA and other unions represent teachers, nurses, firefighters and other public service workers who are passionate about what we do. We join together 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; fair pay; and retirement with dignity.

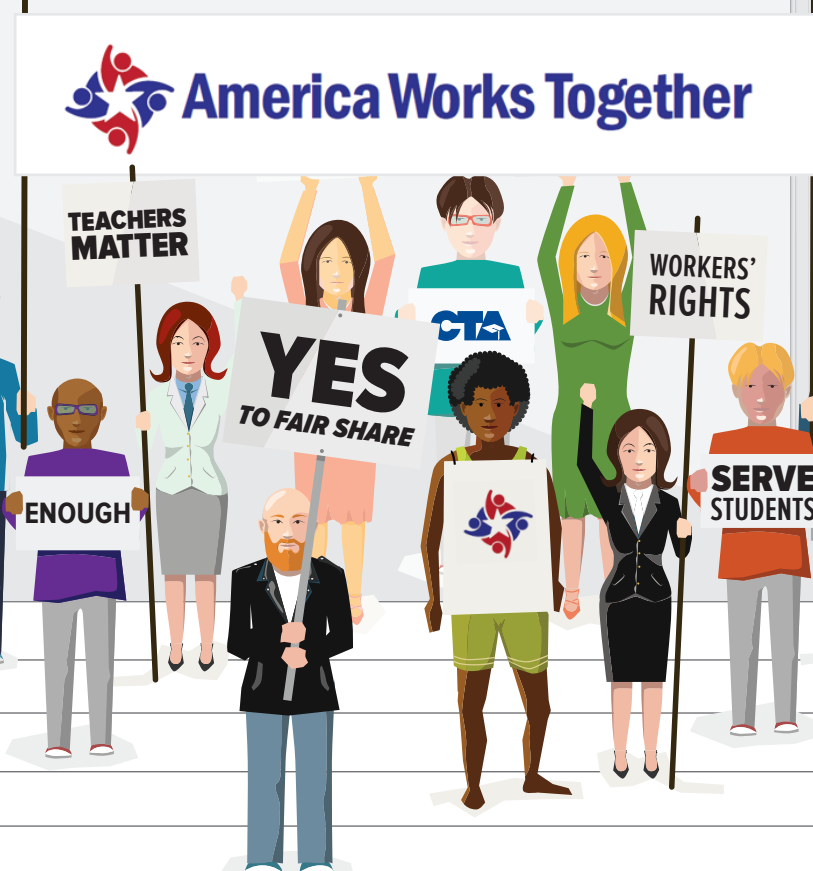
The rights of working people have come under attack many times before, at the ballot box and in the courts. We have prevailed because we have come together, stood strong and spoken with a powerful, unified voice.

We are fighting back again. With 325,000 members, **CTA is one of the strongest and most successful advocates for students and educators in the country.** NEA, at 3 million members the nation's largest professional employee organization, is committed to advancing the cause of public education.

With you and our partners, we are a potent force to defend our rights and protect the future of our families and communities.

LACY BARNES
COMMUNITY COLLEGE INSTRUCTOR
California Federation of Teachers

This case means a lot to me as both an educator and a union member, because I want working people everywhere to have the same opportunity I've enjoyed to improve their communities through fulfilling, rewarding public service jobs.



CTA and NEA are part of the broad-based **America Works Together** coalition which is raising public awareness and providing updated and accurate information about *Friedrichs* and Fair Share.



See cta.org/friedrichs for the latest information about the *Friedrichs* case, including key points, summaries of CTA and others' respondents briefs, summaries of amicus briefs and media coverage.

For an interactive PDF of this report, as well as a printable poster of these pages, see cta.org/friedrichs.

Find out more at americaworkstogether.us and [@AmWorksTogether](https://twitter.com/AmWorksTogether). Keep up with the conversation at [#WorkTogether](https://twitter.com/WorkTogether).