

Dear Colleagues,

First, many of you have asked about merit. Applications for merit will be solicited shortly and you should have plenty of time to produce the required narrative, as the date for receipt is anticipated to be Feb. 29. When they arrive via your college or department, please look over the instructions carefully, because while many similarities exist to the system used in the previous contract, some differences in options exist. The number and names of categories to which you apply have changed as has the length (to shorten) and format of the application (an abstract will be requested).

Second, and perhaps more importantly long term:

You have probably heard about the Supreme Court case, *Friedrichs v. California Teachers Association*, which is an attempt to eliminate “fair share” agency fees for public sector unions. These are fees are paid by nonmembers of a union, who *are* members of a *bargaining unit* and are represented by that union in negotiations, grievances, and other actions. The argument brought by the plaintiffs is that requiring public workers to provide financial support for unions violates their rights to free speech under the First Amendment. Over five million workers and thousands of contracts from 23 states would be affected by the decision. The concept is that unions present points of view that may be opposed by some members.

A decision for the plaintiffs would overturn a 1977 decision that affirmed the right of unions to charge nonmembers for non-political activities, such as contract negotiation. Some of the Justices argued that even collective bargaining is political, in the case of public sector unions. Arguments against the proposed change include the claim that non-members would “free ride” on the union efforts such as collective bargaining and grievance protections, and also that the employer (in this case, the state of California) prefers to bargain with a union that represents (and is funded by) all of the workers in the bargaining unit.

The national office of the AAUP filed an amicus brief supporting the right of unions to collect agency fees. According to AAUP general counsel Professor Rita Lieberwitz, current fair share arrangements do not violate nonmembers’ First Amendment rights because individuals can opt out of paying any fees that would support political activities. Any perceived costs to free speech are balanced by support of collective bargaining costs equitably among employees, and state governments benefit from stable workplace relationships. The alternative to collective bargaining is individual contract negotiation. She and other commentators emphasize the contribution of strong unions to a healthy middle class and a stable and strong democracy.

How would this affect us? The abolition of fair share fees would diminish the resources of the CSU-AAUP, a large part of which are expended in defense of

our contract and the rights of the entire bargaining unit (not just those who have signed up as union members). Eliminating fair-share fees need not change much if faculty as a whole continue to support our union.

What can we do? The best response to this threat is to maintain and increase AAUP membership at our campus. Some of you have financially supported collective bargaining since you arrived, even though you never joined. A few have benefited for years without contributing. We can make any political movement from outside our faculty irrelevant by remaining as One Faculty, all contributing and all participating in membership and faculty governance. This is the time to converse among your colleagues about how we function better as a group; consider what you (and all of us) will lose if CSU AAUP declines in influence to protect our working conditions and salary structure. Encourage nonmembers to fill out a membership form (attached) and send it to us (by internal mail to CSU-AAUP), give it to any union officer (see the list on our website: <http://csu-aaup.com/executive.html>) or call our part-time office administrator, Ms. Debra Golubski for pick-up or with questions. And remember, for any questions about your position or policies here at CSU, you can always contact your CSU-AAUP.

Sources:

<http://www.aaup.org/brief/friedrichs-v-california-teachers-association-no-14-915-2015>

<http://academeblog.org/2016/01/11/thinking-about-the-friedrichs-oral-arguments-at-the-supreme-court/>

<http://www.nytimes.com/2016/01/12/opinion/strong-unions-strong-democracy.html>

<http://www.nytimes.com/2016/01/12/us/politics/at-supreme-court-public-unions-face-possible-major-setback.html>