

Labor Extension Bulletin

A Publication of the University of Massachusetts Labor Extension Program
UMASS AMHERST ■ UMASS BOSTON ■ UMASS DARTMOUTH ■ UMASS LOWELL

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The Supreme Court and the Challenge to Public Sector Unions: Surviving the Friedrichs Decision

As attacks on workers' rights are becoming more and more frequent, the most recent threat from the Supreme Court may be the worst yet. By June 2016, the Supreme Court will likely rule on the case of *Friedrichs v. California Teachers Association*.¹ The case puts on the table a long-standing precedent set by *Aboud v. Detroit Bd. of Education* in 1977, which upheld the constitutionality of public sector unions collecting fees from non-members to cover the costs of collective bargaining.² The ability to compel non-members to pay "fair share" fees to cover the costs associated with negotiating and enforcing collective bargaining agreements is what prevents free-riders from receiving the benefits of the contract and of union representation while contributing nothing to the costs associated with that representation.

This is not the first time in recent years the Court has taken up this question. In 2014, this issue was raised in the case of *Harris v Quinn*,³ when some state-funded home health aides in Illinois sued Governor Pat Quinn, claiming that the requirement to pay "fair share" fees violated the rights to free speech and free association for aides who were not union members. While the Court in this case upheld the constitutionality of public sector agency fees in general, the decision carved out an exception by creating a new category of "partial employees" who can opt out of the union and not pay fees. Justice Alito argued that these "partial employees," like home health care workers, are employees of the "customers" for whom they care rather than of the state, despite being paid by the state through Medicare. This decision did not, however, free unions from the legal and financial responsibility of representing all workers in the recognized bargaining unit, including those who choose to opt out.

The immediate consequence of the Court's decision in *Harris v. Quinn* is that home health aides in Illinois are no longer required to financially contribute to the union that represents them. This decision has had ripple effects for the thousands of other state-funded care workers who have organized into unions over the last three decades. *Friedrichs v. California Teachers Association* provides the Court with another opportunity to over-turn the *Aboud* decision completely, eliminating "fair share" requirements altogether—an opportunity that Justice Alito has been eagerly awaiting.

What is to be done?

While a decision in favor of the plaintiffs in *Friedrichs v. CTA* would surely be a big blow to public sector unions, it need not be the death



blow that the right-wing Center For Individual Rights (the organization behind the Friedrichs case) is hoping for. It is worth remembering that it was not until the 1960s that public sector workers had any union rights at all, and that many of our public sector sisters and brothers working in southern states still do not have collective bargaining rights. But that didn't—and hasn't—stopped public sector workers from organizing.

Here are just a few inspiring stories from around the country of how public sector workers are building their union's voice despite "right to work" statutes in their states:

- **WISCONSIN:** The teachers unions in Madison and Milwaukee, Wisconsin, have adopted aggressive plans to retain and expand their membership despite Governor Scott Walker's legislation that restricts their ability to collect dues and to bargain, including plans to organize with community members to improve public education.
- **TEXAS:** AFSCME and CWA locals representing public employees in Texas have successfully organized to keep public facilities open and to change the face of party politics.
- **TENNESSEE:** University of Tennessee's United Campus Workers is fighting back against Governor Haslam's secret plans to privatize public sector jobs.

Continued inside

¹ *Friedrichs v. California Teachers Association*, Supreme Court Docket 13-57095 (2015).

² *Aboud v. Detroit Bd. of Education*, 431 U.S. 209 (1977),

³ *Harris v Quinn*, 134 SCt 2618 (2014).

Around THE STATE

Undocumented: How Immigration Became Illegal

Tuesday, October 6, 4 – 5:30pm

Location: O'Leary 222, UMass Lowell, 61 Wilder St., Lowell, MA

Cost: Free

Contact: Susan Winning, susan_winning@uml.edu or 978-934-3127
Historian, author, and activist Aviva Chomsky will speak on how systemic prejudice against Mexicans and many other migrant workers has been woven into U.S. immigration policies that deny them the same rights that have long been granted to European immigrants.
Open to all.

UMD Arnold M. Dubin Labor Education 40th Anniversary Banquet **Thursday, October 22, 6:00pm reception followed by dinner and awards**

Location: Venus de Milo, 75 Grand Army Hwy, Swansea

Cost: \$40 a ticket, \$400 for table of ten, please call about ad prices

Contact: Kim Wilson at kwilson@umassd.edu or 508-910-7106

This annual event honoring Massachusetts, national, and especially local labor leaders will be presented to celebrate our 40th year! Join us to honor Steven Tolman, president of the Mass AFL-CIO; our state rep and labor champion Tony Cabral; and transit justice organizer extraordinaire, Siggie Meilus.

Becoming a Union Building Steward

Wednesdays, November 4th and November 18th, 6 – 9pm

Location: Office of MVCLC & UTL, 169 Merrimack Street, 4th floor, Lowell, Massachusetts

Cost: \$25 for sessions, material and refreshments, \$20 for 3 or more from same union

This two session participatory workshop will address legal rights of stewards, how to win grievances and enforce the contract, and how to get members involved building the union.

UMB Labor Studies Revival!

Thursday, November 5, 6-8pm

Location: NE Carpenters Training Center, 750 Dorchester Ave., Dorchester MA

Cost: Free

Contact: laborresourcecenter@umb.edu or 617-287-7426

This celebration of the reopening of our Labor Studies Program features Tefere Gebre, Exec VP of the AFL-CIO, and Jim Green, LRC founder and historian. Come to hear them speak, then stay for the food, drink, and good company.

UMD New Labor Education Center Office and Library Open House

Thursday, November 12, 7pm

Location: UMD Labor Education Center offices at 257 Union St., New Bedford

Cost: Free

Contact: Kim Wilson at kwilson@umassd.edu or 508-910-7106

We would like to invite you to join our welcoming open house. Come see our new facilities and enjoy light snacks as you mingle with new and old friends in the labor movement and in local social change organizations. Our new initiatives to connect students to labor will be addressed as well as our continuing direct training and support of worker organizations.

NSLC Women's Committee Annual Solidarity Breakfast

Saturday, December 5, 2015

Location: 10 Church Street, Lynn

Cost: Free

Contact: Rebecca Hornstein, northshorelaborcouncil@gmail.com or 781-595-2538

Join union and community women to enjoy a hearty breakfast and to hear stories from women fighting for economic and social justice.

The Resource Corner

Many unions in Wisconsin and other states with "Right to Work" and other anti-union laws have turned these attacks into organizing opportunities to build and strengthen their union.

Don Taylor, of the University of Wisconsin School for Workers, shared some Wisconsin strategies:

Build New Community Labor Coalitions: AFSCME and a LGBT group partnered to win domestic partner benefits from the city council, then worked to pass a Just Cause standard city ordinance.

Build on Existing Local Coalitions: Local coalitions that formed to fight Governor Walker's repressive Act 10 legislation, such as the North Woods Labor Solidarity, continues to work closely with AFSCME and the teachers' union in northern Wisconsin.

Lobby local government: Public employees took action to get portions of the expired collective bargaining agreements re-instated as personnel policies or even municipal ordinances.

Remember that Well Organized Minorities Can Have a Big Impact: Take advantage of the fact that the absence of payroll dues deductions blind management to the actual size of the union's membership.

For an indepth article about the changes one teachers union made to survive and thrive despite "right to work":

www.rethinkingschools.org/archive/29_02/29-2_peterson.shtml

Labor Notes article on how Wisconsin teachers have turned the law's obstacles into organizing opportunities. – See more at:

www.labornotes.org/2015/02/stewards-corner-use-recertification-build-your-union#sthash.

Surviving the Fredrichs Decision

Continued from front page

The lesson to learn from each of these stories is that it is crucial to engage public sector union members in taking action to fight for what they care about: their rights, their jobs, and the quality of services they provide to the public. We all learn the power of solidarity best through collective action. Check out the "Resource Corner" (above) for more information on these and other organizing efforts.

Program Notes

■ UMASS AMHERST

Summer work focused on the two programs for union women—the *WILD (Women's Institute for Leadership Development)* weekend program, and the Northeast Summer School, held this year at Penn State University. There we developed and taught courses on leadership skills and developing the leadership of others. The UMass Amherst Labor Center has also continued its collaboration with the Pioneer Valley Workers' Center, offering trainings and organizational support. On October 22 we will be co-sponsoring a conference on labor in the Massachusetts food system to be held at UMass Amherst. Please see our website for additional details and to register. The conference will also include the release of a two-year study conducted in partnership with the Workers' Center on conditions in the restaurant industry in western Massachusetts.

■ UMASS BOSTON

The Labor Resource Center is in REVIVAL mode—we'll be celebrating the reopening of our Labor Studies BA on Thursday November 5th. Come join us! (See the Around the State section for more details.) Our other very exciting news is that we will soon be hiring a full-time faculty director for the center and the Labor Studies Program. Susan Moir will not be leaving us; she'll stay to continue to lead the center's Future of Work Research program. Check out our upcoming academic offerings elsewhere in this newsletter. Our Labor Extension program continues to work with many unions and unionized workers, bringing economic and social justice workshops to union members from MA to PA, and working with public sector unions to deepen internal organizing campaigns.

■ UMASS DARTMOUTH

The UMass Dartmouth Labor Education Center is on the move. We are now located in downtown New Bedford, where we have two offices and a labor library and resource room. We invite you to our open house on Nov. 12 at 257 Union St., New Bedford. Kim Wilson, labor educator for nearly twenty years, has become the new director. We will miss Jose Soler, who retired Aug. 31. He had brought us to our 40th Anniversary year and our celebratory banquet will be held on October 22. We are very excited to be returning to more direct work with students while offering ongoing non-credit classes and working to build labor and community coalitions in SE Mass. We have been working with the Greater SE Massachusetts Labor Council to build a grassroots Women's Committee of rank and file union women and women in social change organizations. On October 3 we held our first public event, a leadership breakfast featuring strong women labor leaders who inspired participants to work for social and economic change.

■ UMASS LOWELL

Late spring, we worked on the NSLC educational conference, helping with program planning and teaching a workshop. We chaired committees and taught at both the WILD Summer Institute and the NE women's summer school. This fall and winter, UML Labor Education Program is increasing our engagement with students at the university, while we continue our commitment to and work with unions, labor councils, and community groups in our region. We are very excited about our move into the Sociology Department, which has created more opportunity for collaboration, on events (see *Around the State* for Avi Chomsky event) and service learning projects beyond the *Introduction to Labor Studies* course. Director Susan Winning is the chair of the labor studies minor advisory group for this academic year, and has set a priority for increasing the students involved in the minor. And we continue to work closely with the New Lynn Coalition, and hope to build more educational discussion into regular meetings.



Academic Offerings

UMass Amherst

UMass Amherst offers a unique multi-disciplinary program leading toward an MS degree in labor studies. We offer a two-year residential master's program as well as a limited-residency format for trade union officers, staff, and activists. To learn more about our program, please visit our website at: <http://www.umass.edu/lrrc/>.

UMass Boston

Attention Unions: Need an intern? Our students do field placements where they work with a union for 10 hour per week. If you are interested in hosting (and supervising) an intern, please contact Annetta (anneta.argyres@umb.edu).

Spring Semester 2016 Labor Leadership Certificate Courses:

- Labor and Working Class History
- Bargaining Strategies (Thursday 5-8:15 pm)
- Workers of the World Unite!

If you are interested in taking any of these courses or in enrolling in our certificate program, contact Wally (wally.soper@umb.edu).

UMass Dartmouth

At UMass Dartmouth, we are reaching deeper to work with students through creating credit internships and offering career opportunities for students in the labor movement. We are also continuing to participate in classes as guest speakers and we are now working to create service learning projects connecting students to organized labor and low income workers.

UMass Lowell

UML offers an interdisciplinary undergraduate minor in labor studies. We are still seeking union partners for service learning projects and internships for the minor.

Spring semester 2016 undergraduate class: *Introduction to Labor Studies*, the core course of labor studies minor, co-taught by UML Labor Education Director Susan Winning

Labor Books and DVD resources: UML is building a resource library of books and DVDs on labor issues and promoting it with faculty within the university to expand students' awareness of labor and unions.



UMass Amherst

Labor Extension Program

Labor Center, Thompson Hall

200 Hicks Way

Amherst, MA 01003-9277

A105196

In the Past 6 months...

The UMass Labor Extension Program has provided trainings on these topics...

- **Advanced Skills in Public Speaking**
Women's Institute for Leadership Development (WILD)
- **Bargaining for all!**
Women's Institute for Leadership Development (WILD)
- **Building Fighting Unions through Leadership Development**
NSLC Education Conference
- **Building Regional Power**
Massachusetts AFL-CIO
- **Common Sense Economics Training**
Pioneer Valley Central Labor Council's Education Conference
- **Engaging Our Members to Fight Back and Fight Forward**
Lynn Teachers Union AFT
- **Engaging Our Members to Build a Stronger Union**
Salem Teachers Union AFT
- **Know your Rights at Work**
Commonwealth Works Program

To Contact the UMass Labor Extension Program:

■ UMass Amherst Labor Extension Program

Labor Center, Thompson Hall, 200 Hicks Way

Amherst, MA 01003-9277

www.umass.edu/lrrc

Clare Hammonds: 413-545-6166 Fax: 413-545-0110

email: chammonds@soc.umass.edu

■ UMass Boston Labor Extension Program

CPCS Labor Resource Center, 100 Morrissey Blvd.

Boston, MA 02125-3393

www.umb.edu/lrc

Annetta Argyres: 617-287-7229

email: anneta.argyres@umb.edu

■ UMass Dartmouth Labor Extension Program

Arnold M. Dubin Labor Education Center, 257 Union Street

New Bedford, MA 02740

www.umassd.edu/labored

Kimberly Wilson: 508-910-7106 Fax: 508-910-7120

email: kwilson@umassd.edu

■ UMass Lowell Labor Extension Program

Department of Sociology, Dugan Hall 205Q, 883 Broadway

Lowell, MA 01854

www.uml.edu/LaborEducation

Susan Winning: 978-934-3127

Fax: 978-934-4033

email: susan_winning@uml.edu

Contact the UMass Labor Extension Program at <http://umasslep.org>

- **Leadership Skills**
UALE Women's Summer School for Union Women
Women's Institute for Leadership Development (WILD)
- **Organizing for Racial Justice**
UALE Women's Summer School for Union Women
- **Political Economy of Race**
1199 SEIU
- **Popular Education Train-the-Trainer**
Massachusetts Teachers Union (MTA)
Women's Institute for Leadership Development (WILD)
- **Strategic Planning**
New England Joint Board NEJB Unite Here
New Lynn Coalition
- **Financial Practices and Union Elections Training**
UMass Boston Labor Union Administration class
- **Women, Labor and the Global Economy**
UALE Women's Summer School for Union Women
- **UMass Dartmouth SE Mass. Open Enrollment Series**
Engaging New Members and Building Leadership among Youth
Labor History—Then and Now
Latinos and the Labor Movement—Organizing for Justice
Public Speaking to Organize
The Attack on the Public Sector—and the Fight Back