

Not if, but when: Living in a world without Fair Share...

The California Teachers Association Responds



July 2014



Not if, but when:
Living in a world without
Fair Share...

Demographics of California

- Over 6 million students...
 - ✓ In 1000 school districts
 - ✓ In 10,000 schools
 - ✓ In 58 County Offices of Education
 - ✓ Including 1,000 charter schools
- Implementing a new funding model this year: Local Control Funding Formula.
- Implementing the Common Core.
- Diversity - Over 200 languages are known to be spoken and read in California, with Spanish used as the state's "alternative" language.



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Total members:

- 325,000 (295,000 active members, 30,000 retirees)

Agency Fee payers in California:

- 29,011
 - ✓ 9,700 part time faculty
 - ✓ 5,300 in large urbans
- How many will take advantage of Fair Share status?

Strategic Plan Focus Area: Organizing Culture

Total CTA employees:

- 162 UniServ Staff (plus 35 non-UniServ staff)
- 179 Associate Staff
- 66 non-bargaining unit members

Member service delivery is organized around four regions.



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A QUICK HISTORY of Fair Share

1961: Education Employee Representation and Fair Share Arrangements in California George Brown Act

- Required public employer to ‘meet and confer with employee representatives of employee organizations upon request’ and to ‘consider as fully as it deems reasonable such presentations as are made.’
- Process commonly referred to as ‘meet and confer.’
- Did not adopt collective bargaining and contained no authority for binding agreements.

1965: Winton Act - Removed school employees from Brown Act

- Established a proportional representation of employees on a negotiating council.
- Meet and confer system like Brown Act without collective bargaining or binding agreements.



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A QUICK HISTORY of Fair Share

1975: Education Employment Relations Act (EERA) - SB 160 (Rodda)

- Signed by Governor Brown.
- Established collective bargaining for school employees.
- Originally provided organizational security must be agreed upon by both parties and allowed employer to require a vote on that provision separate from the rest of the agreement.



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A QUICK HISTORY of Fair Share

2000: SB 1960 (Burton)

- Signed by Governor Davis.
- Amended EERA to permit union to require employees 'in a unit for which an exclusive representative has been selected' either to join the recognized employee organization or to pay the organization a Fair Share service fee as a condition of employment.
 - 'The amount of the fee shall not exceed the dues that are payable by members and shall cover the cost of negotiation, contract administration, and other activities of the employee organization that are germane to its functions as the exclusive representative.'

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Past Initiative Attempts to Eliminate Payroll Deduction in California Have Failed...



All three 'Paycheck Deception' measures were rejected by voters.

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Initiative Attempts to Eliminate Payroll Deduction in California:

Proposition 226 (1998) - FAILED TO PASS

- Results: Yes- 46.8%, No- 53.2%
- Proponent Spending: \$6,422,661
- Opponent Spending: \$22,116,874
- CTA Spending to Defeat (includes in-kind): \$6,475,331



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Initiative Attempts to Eliminate Payroll Deduction in California:

Proposition 75 (2005) - FAILED TO PASS

- Results: Yes- 46.5%, No - 53.5%
- Proponent Spending: \$5,843,989
- Opponent Spending: \$44,204,222
- CTA Spending to Defeat (includes in-kind): Total \$32,244,940
(\$12,012,416 directly to 'No on 75' and \$20,131,524 through the Alliance for a Better California)

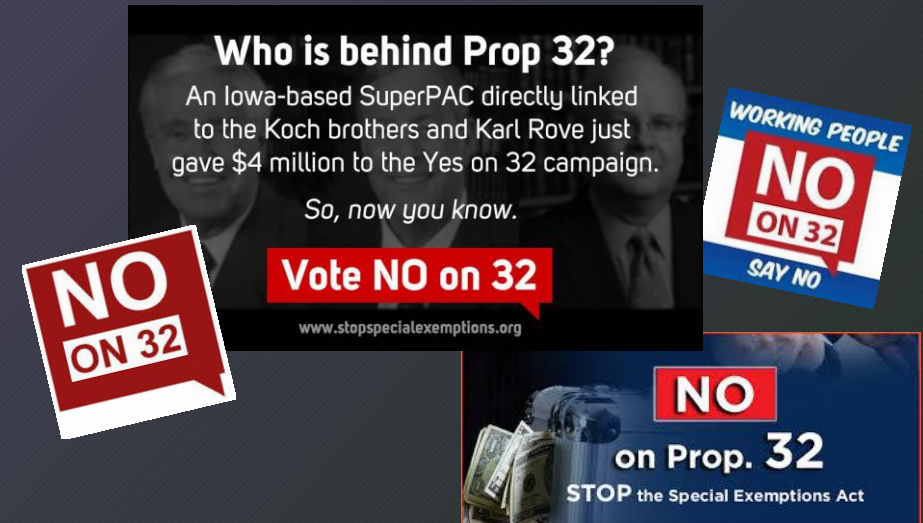


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Initiative Attempts to Eliminate Payroll Deduction in California:

Proposition 32 (2012) - FAILED TO PASS

- Results: Yes- 43.4%, No- 56.6%
- Proponent Spending: \$47,843,576
- Opponent Spending: \$65,252,872
- CTA Spending to Defeat (includes in-kind): \$21,299,442





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For CTA - Consequences of Losing Fair Share:

- Loss of revenue.
- Fewer resources.
- Membership loss beyond agency fee revenue.
- Reduced staffing.
- Pressure on CTA pension and benefit systems.
- Potential financial crisis in locals not positioned to survive loss of revenue.

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Harris v. Quinn: Sign of Things to Come?

The New York Times

... not the deathblow to public-sector unions that many feared it would be ... but as long as the court's conservative bloc is intact, their security and viability remain at risk.

The Washington Post

Make no mistake: This case is one part of a larger assault on collective bargaining ... a signal that the court may be gearing up to ... deal a fatal blow to all public-sector unions.

**THE WALL STREET
JOURNAL**

The Court did not have to overturn Abood. But that doesn't mean the precedent will survive a future case because Justice Alito eviscerated much of its logic.

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Harris v. Quinn: Death knell for Fair Share?

- In a 5-4 decision, the conservative majority struck down SEIU's Fair Share arrangement for Illinois home care workers, ruling that it would not extend public sector Fair Share law to “partial” public employees.
- The Court did *not* rule public sector Fair Share fees unconstitutional.
- But, the conservative majority *did* express hostility to, and skepticism about the constitutionality of, public sector Fair Share fees, and all but invited further legal challenges.



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After *Harris* - Attacks Will Continue!

There are a number of pending cases hoping to attract the Court's attention:

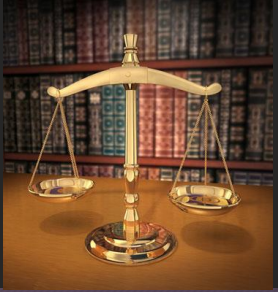
- *Friedrichs v. CTA & NEA*, 9th Circuit (challenging Fair Share fees and annual opt out for objectors as unconstitutional).
- *Parrish v. Dayton*, 8th Circuit (challenging Fair Share fees in public child care context as unconstitutional).



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The Continued Fight . . .

- *Serna v. Transport Workers*, N.D. Tex. (Private-sector case challenging payment of Fair Share fees, opt out, annual renewal of objections, defective notice.)
- *Hamidi v. SEIU Local 1000*, E.D Cal. (Challenging opt-out rules.)
- *Beckhart v. Jefferson County Bd. of Ed.*, KY Court of Appeals. (Exclusive representation and collection of Fair Share fees.) AFSCME Local 4011.
- ALEC Bill Eliminating Exclusive Representation



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CTA Defends

- *Friedrichs v. CTA* lawsuit. The CTA Legal Department is actively involved (along with NEA OGC and outside counsel) in litigating the case, which takes direct aim at the constitutionality of public sector Fair Share fee laws.
- The *Friedrichs* case was on hold at the federal Ninth Circuit Court of Appeals pending the Supreme Court's *Harris* decision, but has now been revived. CTA's and NEA's active defense of *Friedrichs* continues.



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CTA Responds

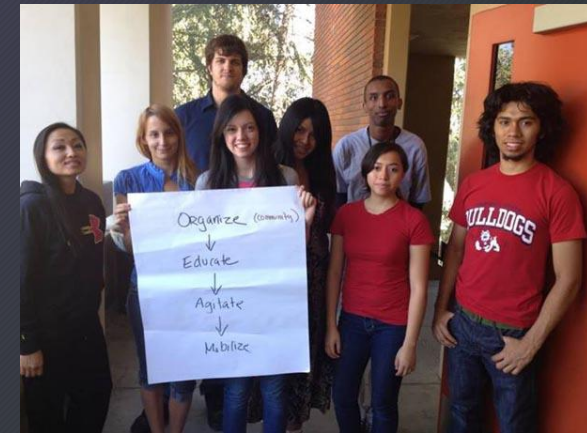
- January 2014: A cross-divisional taskforce of managers was assigned to make recommendations to the Executive Director to lead CTA in a world where we lose Fair Share. The managers were asked to:
 - Reach a common understanding of both Harris v. Quinn and Friedrichs v. CTA, and the implications for CTA based on the likely range of outcomes of the cases.
 - Determine what related CTA action is already underway.
 - Recommend next steps and timelines necessary for CTA to respond to the impact of a negative rulings.
 - Consider communications strategies that will be necessary in communicating with our leaders and staff.

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CTA Builds the Infrastructure

Member Benefits research with young, prospective members to learn what might incent them to want to join the Association voluntarily.

- Assessing their level of interest in terms of present member benefits offerings.
- How the program might be enhanced to reflect their interests.
- Finding messages that resonate with this demographic, and:
- How to package what Association membership offers in a way that appeals to them.





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CTA Builds the Infrastructure

The Business Division is at the core of the Association's data strategy to get to know our members well enough to be able to effectively market membership to them.

- Upgrade CTA's technical infrastructure to a product suite.
 - Using peripherals including an email delivery service.
 - Creating user-friendly Apps for member use.
 - Expanding staff capacity in terms of capturing and entering core data.



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CTA Gets Ready: Our Regions Respond

- Plans are underway in each region for convening workgroups of leaders, members and staff to address long-term approaches to the loss of Fair Share.
- Regions are engaged in an ongoing education process with staff and leaders.
- Enlisting staff that have experience working in “*right-to-work*” states.
 - What is it like to work in an environment where members must be signed up each year?
- Reviewing membership campaigns that locals and state affiliates coordinate.
- CTA Strategic Plan
 - Build organizing culture that have locals and staff doing more face-to-face engagement with members.
 - Organizing for Power - to effectively engage members and build local capacity.

YOUR VOICE. OUR UNION. OUR FUTURE.



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CTA Gets Ready: Ongoing Education of our Members

- Review and update of membership materials for the new school year.
- Presidents Conference, July 18-20, 2014 in San Jose, California.
 - Michigan EA (including both staff and local leaders) will tell their story about efforts to live in a world without Fair Share.
- Continue working on the integration of the value proposition of belonging to CTA (our union) through the implementation of the Strategic Plan focus areas at every level of the organization.
- Embed positive messages about the great work that CTA members do daily within their communities at every level (classroom, community, local, service center, regionally and statewide)
- Continue to connect members to the message of fairness, democracy and the essential need for a great public education system as the foundation for a great society.



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CTA Will Be Ready!

Over the years, CTA has responded to many attacks and crises that have threatened to dismantle our organization and our core belief that every child in California deserves a first-class education. By and far, we have prevailed because of the organizational strength of our membership, the efforts of our talented staff, and our shared commitment to our mission to protect and promote the well-being of our members and to improve the conditions of teaching and learning in California.

Planning, organizing and preparedness will ensure our continued organizational strength and survival and help us adapt to an ever-changing environment.

The California Teachers Association
exists to protect and promote the well-being of its members;
to improve the conditions of teaching and learning; to advance
the cause of free, universal, and quality public education; to
ensure that the human dignity and civil rights of all children
and youth are protected; and to secure a more just,
equitable, and democratic society.

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Thank you for your time today...
Let's get to work!