

This brochure is intended as general, educational information, not as legal advice. The facts and legal principles applicable to specific situations may vary. Individuals with legal problems should consult competent counsel and should not rely on this brochure for making any legal decisions.

SPECIAL NOTICE TO TEACHERS

■ Employer and union treatment of nonmembers

It is illegal for either an employer or a union to discriminate against nonmembers in the terms, conditions, wages, benefits, etc., of employment covered by the collective bargaining agreement. Nonmembers are not subject to union discipline or fines or employer discipline or retribution for objecting to paying full union dues.

It is only in the area of internal union affairs (including the benefits and rights provided under the union's internal policies) that nonmembers can be treated differently from union members. Nonmembers can be denied the right to ratify the collective bargaining agreement and to vote on union officers, representatives and delegates.

A union may fine former union members for pre-resignation conduct, so resignations should be delivered to the union *before* the employee begins any activity that may violate the union's constitution or bylaws. For example, if there is a strike and an employee intends to work, a letter of resignation could be sent by an overnight delivery service. It must arrive at the union's office *before* the work shift begins.

(For a more thorough explanation of the rights of nonmembers, contact the National Right to Work Legal Defense Foundation at 1-800-336-3600 and ask for a copy of the "Rights and Responsibilities of Employees Confronted with Union Discipline" article.)

The decision whether or not to be a union member is yours. This brochure is not intended to advocate any one position, rather it is intended to explain your legal and constitutional rights in a "union or agency shop" situation. Your rights may vary from state to state. You should consult with a lawyer for specific legal advice.

■ Payroll deduction of union fees

In some states, nonmembers have the right to choose whether to authorize payroll deduction of collective bargaining fees. In other states, however, employers may automatically deduct fees whether you sign a deduction authorization or not.

If you sign a form which authorizes deduction of a fee greater than the cost of collective bargaining, you may have to continue paying the higher fee until an escape period called a "window" occurs (at which time you can revoke the authorization). To avoid being charged for more than the cost of collective bargaining, nonmembers who choose to have union fees automatically deducted from their pay should only sign a form which authorizes the deduction of the collective bargaining or "reduced" fee, not an agency fee, full dues, or dues-equivalent amounts.

In states which do not authorize employers to make automatic deductions without your consent, nonmembers who do not sign a deduction authorization form can make periodic payments of collective bargaining fees directly to the union in the same manner as full members.

The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism.

To learn more about how you can exercise your rights or help others to do so, contact:

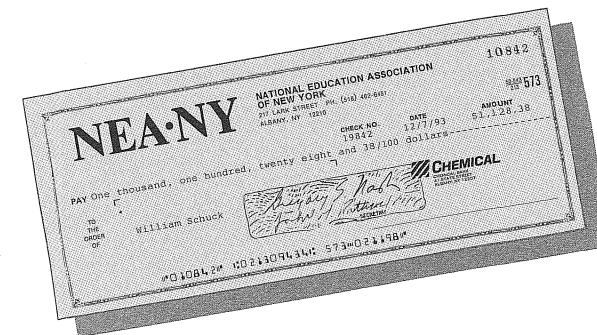


**The National Right to Work
Legal Defense Foundation**

8001 Braddock Road
Springfield, Virginia 22160
1-800-336-3600 703-321-8510
<http://www.nrtw.org>

■ T E A C H E R S

It's Your Money!



Do you ever wonder how much of your union dues payment is being misused to elect politicians, pay for fancy travel for union officials or lobby Congress on all kinds of far-out causes?

Jim Lehnert did. He challenged the secrecy of union spending and fought the union brass all the way to the Supreme Court. Along the way, Jim found out that 90 percent of his union dues were being spent on political campaigning, lobbying, organizing protest marches and so on.

Finally, the Court ruled that public sector employees' compulsory union dues cannot be spent for politics, lobbying, organizing or union public relations.

As a teacher in the public sector, you have the right to know how your money is being spent and probably to pay only a small part of what you're now paying.

But to have your payments reduced, you need to exercise your rights. William Schuck did. He fought the union bosses and got \$1,128.38.

BUSINESS REPLY MAIL

FIRST-CLASS PERMIT NO. 2890 SPRINGFIELD, VA.

POSTAGE WILL BE PAID BY ADDRESSEE

**National Right to Work
Legal Defense Foundation**
8001 Braddock Road
Springfield, VA 22151-9988

NO POSTAGE
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IF MAILED IN
THE UNITED
STATES

TEACHERS' BILL OF RIGHTS

The following is a list of your rights as a teacher in the public sector. These rights, established by U.S. Supreme Court rulings, are the law of the land, regardless of what you might otherwise be told.

■ **Teachers have the right to choose whether to join the labor union at their workplace.** Employees may not be compelled to join the union after their probationary period or at any other time.

■ **Teachers who are members of the union have the right to resign.*** Although restrictions on the right to resign have been ruled illegal in the private sector, the legality of these restrictions in the public sector has not been resolved. Thus, a public sector union may try to limit, by time and procedures, your right to resign.

■ **Nonmembers can only be required to pay for their share of the union's proven bargaining expenses.** Employees may not be compelled to pay full dues or for any union expenses other than collective bargaining. To pay only your share of the costs of collective bargaining, you must resign from the union and request to be charged only for collective bargaining expenses (often called a "reduced fee"). Nonmember employees covered by a collective bargaining agreement may pay full dues if they choose.

* See the sample resignation letter in this brochure for instructions on how to resign your union membership. Consult an attorney before acting.

■ **Nonmembers may not be compelled to pay any fees for union services until the costs have been stated and explained.** Public sector unions must provide employees with a notice of the reduced fee, an explanation and independent accountant's verification of the basis for the fee, and the procedures under which employees can challenge the reduced fee before a neutral party.

■ **Nonmembers have the right to dispute the cost of collective bargaining fees as provided by the union.** If you dispute the amount, you have the right to challenge it before an impartial decision maker. In some states, public employees also have the right to challenge the fee as well as the collection procedures in proceedings before a state labor board or commission. In cases before a state labor board, the challenge must be brought within four to twelve months of the receipt of the annual notice or taking of dues or fees. Check with your labor board for the limitations period in your state.

■ **Teachers whose sincere religious beliefs prevent them from joining or paying any money to the union have special rights.** Religious objectors may have the right to redirect the entire union fee from the union to a nonunion, nonreligious charity. Employees do not have to be members of any specific church to exercise their rights. NOTE: Religious objectors should not use the sample resignation letter at the right. For information on exercising your rights as a religious objector, call 1-800-336-3600.

This brochure is written expressly for teachers. If you are a public or private sector employee, please call 1-800-336-3600 for a brochure which details your rights.

■ EXAMPLE OF A LETTER YOU CAN USE TO RESIGN YOUR UNION MEMBERSHIP*

Today's date

Union Officer's Name
Union's Name
Address
City, State ZIP

Dear (Union Officer's Name):

Effective immediately, I hereby resign as a member at all levels of the (union's name).

Under the Supreme Court's decisions in *Lehnert v. Ferris Faculty Ass'n/MEA/NEA* and *Chicago Teachers Union v. Hudson*, as a nonmember, I also object to all nonbargaining expenses and claim all rights the aforementioned decisions of the Supreme Court have granted nonmembers.

Please return any dues owed to me, and charge me the new appropriate reduced amount in compliance with the requirements of *Lehnert* and *Hudson*.

Sincerely,

Your signature

Your name (printed)

Your home address

Your employer's name

Your work location

*Religious objectors should not use this letter to resign their union membership.

■ TO RESIGN YOUR UNION MEMBERSHIP:

1. Draft a letter like the one above (handwritten letters are acceptable) and make two copies of your signed letter.
2. Mail the original by certified mail (with signature requested) to the labor union from which you are resigning.
3. Mail one copy of your letter to the school district for which you work, to the attention of the payroll department.
4. Keep the other copy of your letter for your records.

If you would like to exercise your right not to pay full union dues and think you may need free legal aid, complete and return the attached coupon, or call 1-800-336-3600.



The National Right to Work Legal Defense Foundation

A nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism.

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YES, I believe I have been victimized by abuses of compulsory unionism. Please contact me regarding free legal aid.

Name _____
Address _____
City _____ State _____ ZIP _____
Phone (_____) _____ Best time to call _____
Employer's Name _____
City _____ State _____
Name of the union at your workplace _____

I am: a union member not a union member

TO: National Right to Work Legal Defense Foundation
8001 Braddock Road • Springfield, Virginia 22160 • 1-800-336-3600