

## Upcoming Supreme Court Case –Friedrich’s vs. California Teachers Association

The United States Supreme Court is expected to hear the title case which concerns the right of public sector unions to charge non-members agency fee (also known as “fair share”).

CSEA is a public sector union and New York State is an “agency fee” state. Agency fee is the dollar amount needed to represent someone covered under a collective bargaining agreement – whether or not they have signed a union membership card. CSEA is required by law to represent all the workers covered under the collective bargaining agreement, and New York State is recognized as a “fair share/agency fee” state.

In the 1970’s a group of teachers in Detroit did not want to join the Detroit Federation of Teachers and did not want to pay the agency fees, so they initiated a lawsuit (Abood vs. Detroit Board of Education). It went all the way to the Supreme Court which ruled that the payment of agency fee did not violate the First Amendment (their right to join or not join any group they chose). In 1977 the Abood ruling became the law of the land and so unions could require the payment of agency fee from non-members.

Now the Friedrich case is before the Supreme Court. This case is also about whether public sector unions can charge non-members the cost of representing them. Additionally, the Court will decide if it is a violation under the First Amendment to require public employees to choose not to join as opposed to having these people choose to join the union on an annual basis.

What are the ramifications if the Supreme Court rules that unions cannot charge non-members as well as having to sign up members on an annual basis?

One of the main focuses for unions will be to sign up members as opposed to the main focuses of today – negotiating strong contracts that protect members in the workplace and provide for good wages and good benefits.

What will happen to these wages and benefits if there is no longer a union to advocate for these workers? As health care costs rise, municipalities may slash working hours to less than full-time status to save on having to provide health benefits. Wage increases will be awarded to individuals as opposed to the present practice where everyone gets the same across-the-board increase. Who will protect employees from unsafe working conditions or hostile work environments? How will unions fund the expenses of representing all workers if only a few workers choose to join the union? How will unions be able to afford hiring lawyers, labor relations specialists, etc. if they will not know from year-to-year how much money they will receive through dues?

Please be sure to share this information with your membership.

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By Richard Freeman, Eunice Han, Brendan V. Duke, and David Madland

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How important are unions to the health of the middle class in the United States? They are vital, according to [a new study by the Center for American Progress](https://www.americanprogress.org/issues/economy/report/2016/01/13/128366/what-do-unions-do-for-the-middle-class/) (<https://www.americanprogress.org/issues/economy/report/2016/01/13/128366/what-do-unions-do-for-the-middle-class/>). In fact, more than one-third of the decline in the middle class during the past 30 years is explained by the decline in union coverage.

“Our main findings are that the decline in union coverage accounts for 35 percent of the falling share of middle-class workers and that the combination of the shrinking share of union workers and the reduction in the union equality effect explains almost half of the decline in middle-class workers,” the authors conclude.

The “union equality effect” refers to the extent that union-induced wage increases spill over from union to nonunion workers and how union advocacy produces economic and social policies that benefit all workers, the authors explain. The study is written by Richard Freeman and Eunice Han of Harvard University, and by Brendan Duke and David Madland of CAP.

The shrinking of the American middle class has been well documented. In its [study released in December](http://www.afscme.org/blog/more-evidence-of-shrinking-middle-class) (<http://www.afscme.org/blog/more-evidence-of-shrinking-middle-class>), the Pew Research Center pointed to a four-decade trend in which the middle class has fallen from 61 percent to 50 percent of the population. With the U.S. economy swinging out of balance, it’s getting hard to get by, let alone get ahead.

The CAP study notes that, despite a 79 percent increase in U.S. labor productivity between 1984 and 2014, “the share of full-time workers who make between 67 percent and 200 percent of median U.S. earnings fell from 68 percent in 1984 to 60 percent in 2014.”

In a companion study back in September 2015, Freeman, Han and the CAP researchers said that [unions improve economic mobility](http://www.afscme.org/blog/study-unions-boost-economic-mobility) (<http://www.afscme.org/blog/study-unions-boost-economic-mobility>) not only for workers, but also for children who grow up in areas where union coverage is high.

Despite the positive impact of unions in helping working families gain economic security, we are under a withering attack from rich corporate interests – [including in a case argued last week in the Supreme Court](http://www.afscme.org/blog/workers-stand-up-for-voice-threatened-in-supreme-court) (<http://www.afscme.org/blog/workers-stand-up-for-voice-threatened-in-supreme-court>), *Friedrichs v. California Teachers Association*. If the court rules against unions in that case, it will be even more difficult for workers to join together to improve their conditions.

“Making America a middle-class country once again will require policies that raise median earnings and incomes and that bring more workers and households into the middle class,” the study concludes. “Increasing union coverage is important for both, as well as for possibly increasing economic mobility.”

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