

What Are Teachers' Options?

What can fed-up teachers do if they are unhappy about how the union spends money taken from their paychecks? They have two options: 1) Give up union membership and become an agency fee payer, and 2) Give up union membership and become a religious objector.

The NEA claims more than 2.4 million members, each of whom pay \$123 per year in mandatory dues. Teachers who quit the union to become agency fee payers are required to pay an annual fee equal to 100% of the regular dues, unless they request a union-calculated (and generally low-ball) refund for the percentage of the fee not spent on core union functions like collective bargaining, contract maintenance, and grievance processing.

But teachers who "opt out" are denied the right to vote on their own contracts and they lose their union-provided legal liability insurance.

NEA officials currently admit that 40% of the mandatory dues and fees they collect is non-chargeable; that is, the money is spent on non-core functions like politics. Based on the following facts obtained from an arbitration hearing, the NEA should be refunding 100% of what it takes back to non-member teachers. The NEA:

- Failed to identify any specific services it provides to non-member teachers and the cost of those services.
- Failed to provide budget expenditure information, so a teacher challenging the union's rebate (or that teacher's representative) could verify the calculation of fees charged to non-member teachers for core functions.
- Provided different information to attendees of the union's annual convention that was given to non-member teachers.

In fact, at the recent arbitration hearing, an NEA representative testified that "as a national labor organization with various state and local affiliates, NEA does not directly service its members for the most part, but works through its affiliates in order to provide those services."

But state and local affiliates of the NEA collect their own dues to cover the cost of any services they provide. As NEA said itself: "the dues of each level of the Associations are set to cover those services and programs that are best provided and delivered by that Association level. The local association dues are based upon the services and programs it can best provide, and likewise with the NEA. The purpose of this dues structure is to deliver non-overlapping services at the most cost-effective level."

The NEA, by its own admission, provides no direct services to its members and therefore is left with tens of millions of dollars taken from teachers' paychecks that it uses to advance union officials' own agenda.

An easy way out?

The deck is stacked against teachers who decide to get out of the union and then challenge the NEA-calculated fee refund. The union's self-acclaimed fair and impartial arbitration hearings are anything but fair and impartial. The facts speak for themselves:

- If an NEA teacher decides to quit the union and request an accounting of how his union payroll deduction has been spent, he must take time off of work without pay and travel to union headquarters for an annual hearing (usually scheduled by the union during class hours). There he faces a union-paid and selected arbitrator.
- Any requests the teacher makes to review a copy of the union's prepared exhibits before the hearing are denied.
- Sitting down in the hearing room, the member is presented with a huge stack of documents he has never before seen. He has five minutes to review the documents before a union comptroller testifies and give him a chance (his only chance) to respond and challenge the union's calculations.
- The teacher's request for a copy of union exhibits after the hearing has concluded is denied.
- When the member decides to travel to union headquarters to further review the thick stack of union documents, he is closely supervised by union officials who try in subtle ways to harass and intimidate him or any representative he chooses to send in his place.
- The teacher's request that documents related to his challenge be transferred to a union office closer to his residence or work place is denied. He must travel to Federal Way, WA.
- The union-picked arbitrator provides the union with copies of the hearing transcript, but informs the member he must come back to headquarters if he wishes to view it.

As can be expected, few teachers have the time or resources to see the so-called impartial arbitration process through to the end. This mean they can never get an accurate accounting of how the union uses their money and they cannot reclaim their rightful dues rebate.

What about becoming a religious objector? First, the teacher has to answer a series of personal and invasive questions about his or her faith. If the union attorney agrees with the rationale, the teacher may designate that their dues be sent to charity – but it has to be a union-approved charity. A pastor/bus driver, who was granted religious objector status, was recently informed by his union that he could not designate his dues be sent to the local food bank. Instead, the union informed him, he must send it to the ACLU. He called the Evergreen Freedom Foundation for help. We hollered, and after the story made national news, union officials changed their minds.