

Should My School District Collect Union Dues?

What You Need to Know:

- Teachers union dues support state and local political campaigns and lobbying activities, as well as national funding of Left-leaning advocacy groups
- Employees who choose union membership can freely and conveniently pay dues directly, through electronic fund transfers already used by the union
- Douglas County School District, along with at least 16 other local Colorado governments, have adopted policies that require unions to collect voluntary dues directly from members
- About 80 percent of non-union Colorado school districts collect union dues, though school boards have the prerogative to establish policy that effectively prohibits union dues collection
- School boards with a governing master bargaining agreement need to negotiate away contract language before establishing policy that prohibits union dues collection

The Case to Stop Deductions

1) Underwriting interest group politics and advocacy distracts from the district's core mission. In the 2012-13 school year, \$556 went from each full-time Colorado Education Association (CEA) member to the state and national union offices. These funds include a \$39 automatic refundable political campaign contribution through "Every Member Option," and additional funds to support political advocacy through the state and UniServ offices. Each year, the National Education Association (NEA) reports spending millions of member dollars on liberal advocacy groups. Funds collected by government payroll systems then are used to support the election of school board candidates who employ them. Or funds simply are used to support broader special interest political agendas that do not benefit the school district's mission to promote student learning.

2) Removing the district as middleman empowers the decisions of individual employees. Many school districts strictly limit when members can opt out of union payroll deductions. A few districts even require non-members to opt out of deductions annually. Stopping union deductions unshackles employees who wish to control their membership decisions on a month-to-month basis, while preserving their freedom of association. The CEA already advertises to university employee and substitute teacher members the option to pay dues directly by Electronic Funds Transfer (EFT), and can make authorization forms available more broadly. Setting up EFT or other direct payments is a common, convenient feature of modern life.

Local Precedents

During 2007 and 2008 a total of 16 local Colorado governments – 12 counties, 2 municipalities, and 2 judicial districts – adopted policies that effectively prohibited union payroll dues collection. The Amendment 49 initiative, to adopt a similar proposal as statewide policy, was defeated under the weight of a multi-million dollar union opposition campaign. However, the cause continues at the local level. In September 2012, after the teachers union bargaining agreement lapsed, the Douglas County Board of Education adopted a formal policy prohibiting dues collection. They discovered that more than 60 percent of dues funded the American Federation of Teachers political machine, while less than 1 percent addressed local teacher professional development. Along with other local governments, school boards can adopt effective policy language. If an active master bargaining agreement exists, conflicting contract language first must be removed.

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Model Language

From Douglas County School District Board Policy HB (Adopted September 5, 2012)

“Policy Governing Relationships with Labor Unions or Labor Union-Affiliated Organizations”

The Douglas County School District shall not collect, or participate in the collection of, dues or fees of any kind from its employees for, or on behalf of, any labor union or labor-union affiliated organization....

It shall be considered an unlawful breach of the fiduciary duty of a Director or the Board of Directors to violate this policy.

The Board recognizes and supports the right of any resident of the Douglas County School District to bring an action for injunctive relief only in a court of competent jurisdiction against the Douglas County School District, and if successful, to recover from the District all reasonable attorneys' fees and costs in pursuing claims for violation(s) of this Policy HB. To the maximum extent permitted by law, and for purposes of this Policy HB only, the Board of Education hereby waives any and all legal and equitable defenses, including any defense of sovereign immunity, to an action brought by a resident under this Policy HB.

Nothing in this Policy HB shall be construed to, or is intended to prohibit or discourage any employee of the school district from membership or affiliation in or with a labor union or labor union-affiliated organization, or from serving as an officer, director, employee, representative, or agent of such an organization on the employee's own time and at his or her sole expense.

Nothing in this Policy HB shall be construed to, or is intended to, prohibit or discourage any employee from voluntarily choosing, and making independent financial arrangements, to pay dues or other fees to any private organization as to which any employee desires to maintain membership, including without limitation a labor union or labor union-affiliated organization....

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From Centennial City Code of Ordinances (Adopted by voters November 6, 2007)

2.4.1. Human relations division; deductions allowable from payroll compensation. No payroll deduction shall be taken from the payroll compensation of any employee except for deductions required by federal law; tax withholdings; judicial liens and garnishments, including court-ordered child support, domestic support and maintenance obligations and payments; deductions for employee benefits and pensions as established by law for such employee; and deductions for contributions to charities and organizations exempt from federal income tax under sec. 501(c)(3) of the Internal Revenue Code of 1986. Provided that, any such employee authorizing a charitable deduction shall provide written authorization consenting to such charitable deduction, at least annually. A charge may be assessed to a charitable organization that receives the benefit from the payroll deduction to offset the cost for this service.