



Public Policy Priorities for Partner Unions

AFSCME, AFT, NEA and SEIU – collectively representing over 6 million working people who provide vital public services to American communities – have partnered to ensure that *Janus* and other right-wing attacks will not undermine the strength and voice of our members. Each union has developed strategies for its key industries and geographies. Wherever possible, we commit to coordinate and drive forward on our shared public policy priorities, and to avoid initiatives that would not advance our goals. We commit to advancing laws, regulations and executive actions that:

1.) **Provide early opportunities to sign up members:**

- Mandatory access to new employee orientations (“NEOs”) for exclusive representative
- Notice of all NEOs
- Negotiation on NEOs

2.) **Guarantee good data on our membership:**

- Require delivery of new hire and bargaining unit lists to exclusive representative
- Protect public employee data from disclosure to other third parties

California AB 119 is a model for statewide legislation on NEOs and lists.

3.) **Backstop bargaining priorities on 21st Century union security:**

- Bolster employer obligation to enforce maintenance of dues check-off
- Ensure payroll deduction of dues, recognition of electronic signatures
- Protect against card audits, other administrative burdens on dues deduction

4.) **Enhance Opportunities for member engagement:**

- Enable member recruitment beyond NEOs - at employer trainings, in-services, etc.
- Deepen engagement through access to facilities and to employer email, websites, payroll system; protect union leave provisions
- Create public employer neutrality policies, including prohibition of supervisor and manager statements and actions discouraging union membership

COUNTER-PRODUCTIVE POLICY INITIATIVES

Our four unions are strongly opposed to state and local policy proposals that:

- Abandon or weaken the duty of fair representation attached to exclusive representation;
- Weaken the concept of exclusive representation in the workplace.

Now more than ever, we aspire to speak on behalf of all represented workers, and to build strong, inclusive organizations. Taking up proposals pushed by our opponents – including ALEC – would undermine our strength in exchange for unproven gains.

PRIORITY POLICY MAKERS

- 1) **Governors:** as policy makers, executives, employers
- 2) **Legislators:** to strengthen and address gaps in labor laws
- 3) **State Attorneys General and City/County Attorneys:** to interpret laws, bridge gaps, engage in litigation
- 4) **Comptrollers, Treasurers:** Payroll priorities, including dues deduction and card audits
- 5) **City, county and school system executives, boards:** as policy makers and administrators.



Countering Initiatives to Undermine the Duty of Fair Representation

To maintain and build our power in the workplace, our unions must remain organizations that unite and speak for all workers in a bargaining unit. To that end, our four unions have joined in opposition to state and local policy proposals that abandon or weaken the duty of fair representation, or in any other way undermine the bedrock principle of exclusive representation in the workplace. In meeting attacks on our members and our unions, including the *Janus v. AFSCME Council 31* challenge to fair-share fees pending in the Supreme Court, we stand together against proposals that would threaten our strength in exchange for unproven benefits.

Proposals to weaken or eliminate the duty of fair representation hold appeal because the idea of union members devoting significant resources to representing non-members seems unfair. However, initiatives that disrupt our legal obligation to fairly represent non-members inevitably erode our rights as exclusive representatives, in turn weakening our power at the bargaining table. Not coincidentally, proposals of this kind have been enthusiastically advocated by anti-union zealots, including ALEC, the NRTWF, and others.

Specifically, our four unions oppose policy proposals that modify existing laws regarding the duty of fair representation (DFR). Examples include, but may not be limited to:

- Creating “members only” contracts or bargaining units;
- Authorizing representation of bargaining unit employees by attorneys or other representatives not appointed by the union;
- Creating fee for service arrangements for non-members; and/or
- Limiting an exclusive representative union’s duty to represent non-members in grievance and/or arbitration procedures or otherwise limiting the DFR in the administration of a Collective Bargaining Agreement.

We encourage you to contact our International unions with any questions, and to get additional resources on this important issue.



Guidance on Bargaining Priorities for Partner Unions

Every day, members of AFT, NEA, AFSCME, and SEIU provide quality public services to our communities. Their work is supported by collective bargaining agreements that ensure good jobs and strong unions. As we look ahead to the *Janus* case in the Supreme Court – a case intended to undermine our freedom to negotiate strong agreements – we must prioritize contract provisions that build and keep member voice and power.

As the leading unions in the public sector, we are uniting to establish bargaining standards that raise up the voices and influence of our members in their vital work. Each of our unions has developed very similar comprehensive guidance and sample contract language to guide bargaining teams. Further, at the national level, our four organizations have agreed to prioritize union-building contract provisions that promote member sign-up, unit stability, and member communications and participation.

Specifically, we urge bargaining teams to seek contract language ensuring:

1. **Union member engagement at new employee orientations**
 - a. Union presentation and member sign-up at new employee orientations
 - b. Immediate notification of new hires, and of scheduled orientations
 - c. Right to distribute union materials, new hire packets
2. **Continued union access to members and represented workers**
 - a. Union presentation and member sign-up opportunities at trainings, in-services
 - b. Broad union access to facilities, and to employer email, websites, payroll systems
 - c. Procedures for union release time and union leave banks
3. **Regular receipt of member and bargaining unit lists**
 - a. Frequent receipt of electronic data listing members, unit employees, retirees
 - b. Access to employee data restricted to exclusive representative
 - c. Pre-disclosure notice of third-party requests for employee data
4. **Employer agreement to honor 21st-century union security practices**
 - a. Recognition of electronic authorizations for dues and PAC deductions
 - b. Employer agreement to enforce of maintenance of dues checkoff agreements
 - c. Commitment to payroll deduction of dues, and to facilitate direct pay systems if needed

To access your union's comprehensive resources on bargaining language:

- AFSCME: afscmestaff.org
- AFT: <http://me.rtp.aft.org/managing-data-and-alternative-dues/alternative-dues-resources>
- NEA: <http://www.neacollectivebargaining.org/>
- SEIU: teach.seiu.org