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Background on *Friedrichs v. California Teachers Association*

Challengers: The [Center for Individual Rights](#) on behalf Rebecca Friedrichs (a California teacher), nine other California teachers, and the [Christian Educators Association International](#).

Respondents: [California Teachers Association \(CTA\)](#), [National Education Association \(NEA\)](#), a number of local teachers associations in California, and some California school superintendents.

Intervenor: California Attorney General Kamala Harris intervened at the district court level and is also a party to the proceedings.

What is the Center for Individual Rights? The Center for Individual Rights was formed in 1989 to push conservative legal action in a more aggressive direction specifically on issues of affirmative action and so-called “speech codes.”

CIR has been funded by several conservative foundations, including those affiliated with the Koch Brothers. The Lynde and Harry Bradley Foundation, John M. Olin Foundation, F.M. Kirby Foundation, Sarah Scaife Foundation, and the Carthage Foundation have all contributed more than \$1 million.

The lead counsel on this case is Michael Carvin, an attorney at Jones Day. Among other cases, Carvin argued *King v. Burwell* and also the 2012 challenge to the Affordable Care Act.

What are the specific legal questions before the Supreme Court?

1. Whether *Abood v. Detroit Board of Education* should be overruled and public-sector “agency shop” arrangements invalidated under the First Amendment; and
2. Whether it violates the First Amendment to require that public employees affirmatively object to subsidizing nonchargeable speech by public-sector unions, rather than requiring that employees affirmatively consent to subsidizing such speech.

What is *Abood*? *Abood v. Detroit Board of Education* is an important case that the Supreme Court decided unanimously in 1977. The Court affirmed that it is constitutional for public sector unions to collect Fair Share Fees (also sometimes called representation fees or agency fees) from employees who choose not to join a union, as is their right, but who the union is legally required to represent in negotiations with the employer. That case also involved teachers and a teachers union.



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What are Fair Share Fees? Everyone can choose whether or not to join a union at work, and nothing in this case will change that. When the majority of people vote to form a union, however, the union is required by law to represent everyone in the workplace, whether that employee is a union member or not. As all public employees enjoy the benefits, job security and other protections the union negotiates, it is only fair that all employees contribute to the cost of securing those benefits and protections.

Timeline:

- **April 29, 2013:** CIR files suit in the U.S. District Court for the Central District of California.
- **December 5, 2013:** The district court grants CIR's unusual request to rule against CIR and in favor of the unions. This meant that there was no trial or discovery process, which CIR sought to avoid to get the case up to the Supreme Court as quickly as possible.
- **June 30, 2014:** Supreme Court rules in *Harris v. Quinn* that fair share fees may not be required of home care workers because they are not full public employees, but declines to overrule *Abood*.
- **November 18, 2014:** The Ninth Circuit Court of Appeals grants CIR's motion requesting that that court expeditiously affirm without argument the district court's ruling in favor of the unions. CIR sought such expedited treatment in order to get the case to the Supreme Court as quickly as possible.
- **January 26, 2015:** CIR files cert petition asking the Supreme Court to take up the case.
- **June 30, 2015:** The Supreme Court agrees to hear *Friedrichs v. CTA*.



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Friedrichs v. California Teachers Association

America's economy has swung out of balance. It's getting harder to get by, let alone get ahead. Everyday Americans are working more than ever before. Our work has created record wealth for an economic recovery that's been everywhere but ordinary peoples' wallets. Our economic rules unfairly favor corporate CEOs and the rich because they manipulate the rules in their favor. Almost no one stands up for average Americans these days, and now this Supreme Court case threatens to make it even worse. Everyone who works should be able to make ends meet, have a say about their futures, and have the right to negotiate together for better wages and benefits that can sustain their family.

Who are we? We are working people like teachers, nurses, firefighters, and other public service workers who are passionate about our work. We want to get ahead – and stay ahead – by working hard and banding together with others to win better wages and benefits that can sustain our families, win improvements on the job to make our work more effective, and fight for advancements that leave our communities better off than we found them.

Unions are made up of people who join together to make their voices heard on issues that affect all of us: fighting for smaller class sizes; working to make sure we can all retire with dignity; holding billionaires like corporate CEOs accountable for paying their fair share; and making sure that employers understand that we are working harder and harder just to get by. The only way to do that is by using our strength in numbers – banding together and speaking with one voice. We all benefit from having our voices heard.

Who is trying to undermine the rights of working people to negotiate together?

Corporate CEOs and wealthy special interests who manipulate the economic rules in their favor by trying to make it even harder for working people like us -- people like teachers or firefighters – to come together, speak up, and get ahead. This case, which deals with public service workers, is just the latest tactic by the same wealthy special interests who have been attacking working people for decades.

What is this case really about? The best way for working people to get ahead is to work hard and band together with others to win better wages and benefits that can sustain their families and win improvements on the job to make their work more effective. This case is about corporate CEOs and wealthy special interests trying to make it even harder for working people -- people like teachers or firefighters – to come together, speak up, and get ahead.

What are Fair Share Fees? Everyone can choose whether or not to join a union at work, and nothing in this case will change that. When the majority of people vote to form a union,



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however, the union is required by law to represent everyone in the workplace, whether that employee is a union member or not. Employees who don't want to belong to a union only have to contribute to the costs of the representation they receive. As all public employees enjoy the benefits, job security and other protections the union negotiates, it is only fair that all employees contribute to the cost of securing those benefits and protections.

How do Fair Share Fees work? This may sound complicated, but it's actually pretty simple and a good compromise. You can think about it this way: each individual teacher can choose whether or not to join the teachers union, but the teachers union is required by law to negotiate on behalf of all the teachers at the school and **all** of the teachers enjoy the benefits, job security and other protections that the union negotiates. Teachers who don't want to belong to a union only have to contribute to the costs of the representation they receive. It's only fair that every teacher contribute to the cost of negotiating those benefits and protections. Those are the only fees we're talking about in this case. **No** teacher is required to join a union and **no** teacher is required to pay any fees that go to politics or political candidates. Nothing in this case will change that.

Is anyone ever forced to join a union or pay for politics? No. The simple truth is that **no one** is required to join a union and **no one** is required to pay any fees that go to politics or political candidates. Nothing in this case will change that. This case is about making it even harder for working people to come together, speak up for each other, and get ahead by negotiating to make the rules about benefits, hours, and wages more fair.