



EDUCATORS' RIGHTS REGARDING UNION MEMBERSHIP

In Kentucky, a collective bargaining agreement controls the terms and conditions of employment only through negotiations between the school district and the union (ie., KEA, AFT, JCTA) once it has been recognized as the exclusive bargaining representative the school board and the union membership must ratify the negotiated agreement before it governs. School boards are not obligated to recognize the union as the bargaining representative and, when they do not vote for recognition, typically, personnel or employee relations committees continue to work collegially with the administration to address the employee needs as well as the terms and conditions of employment.

Kentucky school districts continue to respect the individual rights of educators to determine freely and without coercion whether they seek to be represented by a bargaining representative. There are 174 school districts and it is estimated that approximately 20 have chosen to be represented by a union. The Jefferson County Teacher Association (JCTA) is the largest union. In April, 2009 the JCTA presented the Jefferson County School Board with plans for an "agency fee" agreement to be added to their union collective bargaining agreement. This passed the board with only one no vote. This means that every educator in Jefferson County must now pay some fee for collective bargaining and grievance administration to JCTA. Despite the indication that there are approximately 400 educators in Jefferson County who are not members of JCTA, these educators will now be required under the agency fee provisions to pay JCTA for representation. The choices available to those who object to such fee are limited.

The "agency fee" is the portion of union dues which pays for collective bargaining, contract maintenance, and grievance resolution. This is also referred to as a "fair share fee". Under U.S. Supreme Court decisions, other activities of the union such as non-educational politics may be rebated back to the nonunion member who objects to paying for activities not related to collective bargaining. This rebate is only required after the

union receives a request from the individual educator.

Under the U.S. Constitution, you have the right to join or not to join the union as you exercise your constitutional rights of freedom of speech and freedom of association.

GET MONEY BACK! AGENCY FEE PAYER

An educator, who chooses to pay only the collective bargaining portion of the dues and receive a rebate for the portion of union dues spent on political or ideological activities, can become an "agency fee payer." Agency fee payers pay the union 100% of regular dues, but are eligible to claim a rebate of roughly 20% to 30% each year, if they request it in writing within a specified window period established by the union; typically that deadline is the month of August, but you should investigate your specific union's provisions. Agency fee payers pay for collective bargaining, contract maintenance, and grievance resolution services which the union is legally obligated to provide to the agency fee payers. In order to become an agency fee payer, the educator must first resign from the union. Sample letters are available to assist you in exercising your options at: nrtw.org/a/a_3_s_a.htm You can find out more about your rights at nrtw.org You can also call 800-336-3600 or go to nrtw.org/a_4_t.htm for additional answers.

DUES FOR CHARITY RELIGIOUS OBJECTOR

A religious objector is an individual of faith who does not want to belong to the union for reasons of conscience. Under the provisions of state law and similar federal provisions in Title VII of the Federal Civil Rights Act, if the union's activities violate your sincere religious beliefs, you may choose to have the equivalent of the union dues sent to a mutually agreed on charity rather than to the union and may receive a charitable contribution deduction. To exercise this option you can find more information at nrtw.org