



Bargaining for All



Participant Handouts

Collective Bargaining allows working people to directly confront their employers to shape their own social and economic futures. Like voting, collective bargaining is a way to exercise power in a healthy democracy. There are many locals that are already organized in states where they could have a collective bargaining agreement, but they have not yet done so. Moving a local from a non-bargaining entity to one that ratifies a strong contract requires a solid campaign plan. This Academy will focus on the skills and mindset required to agitate and build support for collective bargaining internally; while also learning methods for pressuring school boards and districts to agree to bargain. Tools, resources, and timelines associated with strong initial contract campaigns are provided.

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Why Pre-Attendance Assignments?

The resources compiled for you are relevant and intended to help you shift from the day to day cognitive load of work to the thinking you will use as a learner at the organizer network event. We rely on a number of popular education strategies that involve the use of texts and scenarios for group work. Many participants find it difficult to do a “first read” in the classroom so we have provided those items here in case you would like to review them.

Read and Reflect: (Complete Before Arriving)

Please take the time before arriving to **read our community agreements on p. 3-4**. We will engage you in a discussion at the very start of our time together on day one around these agreements and your commitment to them. Focusing on the questions at the bottom of page 4 will be most helpful to you.

You are receiving the book, The Future We Need, written by Erica Smiley and Sarita Gupta. We will be using several of the sections in this book on days one and two of our time together. Please use the **Reflection Guide, that begins on p. 5 -7** to help focus your reading and thinking.

Resources for Group Work: (Please Collect Before Arriving)

A significant amount of time on days 2 and 3 are going to be spent on developing a campaign plan for achieving a first contract. You will need to gather and have available for your use at the organizer network event the following:

1. A list of your locals that you could move to an active collective bargaining campaign
2. The policies and processes that you need to know in order to move towards your first bargaining agreement.
3. A list of the “power players” and “decision makers” that could impede or support your campaign

Resources for Additional Thinking: (Not critical knowledge to process before coming)

There are three articles that outline more deeply current issues that public school workers are dealing with fissured workplaces, financialization, and persistence of white supremacy culture. There are two more articles that outline why collective bargaining is good for public schools, and a final article that describes how your work in achieving first bargaining agreements is a critical strategy for NEA.

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| P. | 8 | The Pro Act and Workplace Fissuring |
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Community Agreements for Our Time

Awareness and Self-Knowledge

This requires self-knowledge and self-awareness. Self-knowledge allows you to see what causes you pain and conflict and enables you to embrace your contradictions and inconsistencies. It allows the space to work on things about yourself that you are not happy with. In turn, self-knowledge helps to prevent you from projecting your negative aspects onto other people. Bringing your best self also requires that you have a positive attitude, are willing to deeply explore your perspectives and remain open to the perspectives and experiences of others.

Listening for Understanding

Be an active listener. Active listening involves paying full and careful attention to the other person, looking him or her in the eye, avoiding interruptions, reflecting your understanding, clarifying information, summarizing the other person's perspectives and sharing your own. Remember that most people need time to open up and might not be willing to immediately share their personal stories, hopes, fears and/or concerns.

Being Gracious

Being kind is a vital way of bringing meaning to our own lives, as well as the lives of others. Kindness is about caring genuinely for others around you, wanting the best for them and recognizing in them the same wants, needs, aspirations and even fears that you may have. Being kind and generous allows us to communicate better with others, to be more self-compassionate and to be a positive force in other people's lives. We are gracious when we accept and genuinely work to use the pronouns that others ask us to use. Being gracious includes following the COVID protocols that are in place to protect the health of this learning community.

Staying Engaged

Staying engaged requires you to be morally, emotionally, intellectually and socially involved in the conversation. Staying engaged means that you are listening with curiosity and willing to deepen your understanding. Staying engaged might also require you to sustain the conversation even when it gets uncomfortable or diverted. This means a commitment to keeping your electronic communications to a minimum with folks not present in this learning community. This also means being present for all portions of the learning agenda.

Being Open and Suspending Judgment

Listening with an open mind includes being receptive to the influence of others. You can suspend judgment by becoming aware of preconceived notions and listening to everything someone has to say before jumping to conclusions. Most importantly, suspending judgment also means listening to what the speaker has to say for understanding, not just to determine whether the speaker is right or wrong. This means that we recognize each of us will make mistakes and that we have the capacity to grow. We should expect imperfections.

Saying "I" - tell your truth

Speaking your truth in authentic and courageous conversations about race and other issues where experiences/perspectives may differ widely from yours requires a willingness to take risks. It means that you will be absolutely honest and candid about your own thoughts, feelings, experiences and opinions and not just saying what you perceive others want to hear. Speaking your truth will require you to speak from the "first person" and use "I" statements.

Seeking Discomfort

Leaning in to discomfort will require you to let go of understandings and stereotypes that you may be holding onto in order to move forward. Leaning in means that you will avoid pre-judgment and be open to the kernel of wisdom in each individual's experiences. Leaning in to discomfort will require you to sit through moments of embarrassment, confusion, anxiety, and/or fear.

Reaching Empathy

Empathy and compassion allow you to understand the other person's point of view. When you are empathetic, you are more understanding, patient and kind. Expanding your capacity to feel empathy will also allow others to enter your circle of human concern. Sharing, using, and respecting pronouns is a very simple form of empathy.

Expecting Non-Resolution and Non-Closure

Expect and accept that there may not be closure. It is not likely that you will resolve your personal understanding about race or another person's racial experience in a single conversation. The more you talk about race or other issues with another person, the more you learn and the more they will learn. Authentic and productive conversations about race and other issues where experiences/perspectives may differ widely from yours are continuous and always evolving. This means that sometimes we will have unfinished, unexplored, and shortened conversations about some concepts.

**Adapted from "Embracing equity and inclusion", Annie E. Casey Foundation*

What questions do you want to ask about any of the ideas in these agreements?

What additional agreements do you need in order to be a fully participating member of our learning community?

Can you commit to these agreements? IF not, what would it take for you to be able to commit?

Reflection Guide for, “The Future We Need,” by Erica Smiley and Sarita Gupta

We will be constructing several learning discussions around the questions and reflections listed below. Please make sure that you have focused your time on reading and reflecting on the sections listed below. Please bring your reflections with you.

Forward and Introduction – What are the ways that having collective bargaining could result in the dismantling of systems of oppression in YOUR locals?

Chapter 1 – Considering the various definitions for collective bargaining laid out in this section, how would you define collective bargaining for YOUR locals?

Chapter 2 – There are three big lessons that history has to teach us about collective bargaining:

- 1 – Don't bargain away power, even if it gets a short-term win
- 2 – We have to confront the individual and systemic discrimination present in our organization
- 3 – Compromising in order to keep a political group whole does not result in increase power

What are the sections that speak to each of the lessons above? To what extent are the outcomes of these three lessons present in YOUR locals today? What has been in the impact of these outcomes on the power of YOUR locals?

Chapter 3 – How is the anti-labor, anti-democracy beliefs outlined here having an impact on the workers in YOUR locals? What is the evidence of these impacts?

Part 2 – This section has 5 stories of people that who are working for a stronger democracy through their union and collective bargaining. As you read each section consider the following questions:

1. What is the lesson that would most resonate with MY locals?
2. How does this inform my understanding of what collective bargaining can do for MY locals?

Erica Smiley

Worth Fighting For – Rubynell Walker-Barbee

Beyond Workers – Kimberly Mitchell

Organizing All People – Lidia Victoria and Sancioni Butler

Beyond the Red and Blue – Allyson Perry and Heather DeLuca-Nestor

Section 3 – This section contains 5 stories of strategies for winning. All of these are compelling vignettes of strategies and methods for dismantling systems of oppression through bargaining. Please select two that you think are MOST connected to the work you could do through collective bargaining with YOUR locals. Make notes of the pieces in those strategies that you would want to try to build into your plans for moving YOUR locals into bargaining their first contract.

First Strategy Story – Why did you select this one to focus on? What are the tactics and methods that would like to employ with YOUR locals.

Second Strategy Story- Why did you select this one to focus on? What are the tactics and methods that would like to employ with YOUR locals.

Conclusion – In this section, the author describes that collective bargaining and the desire to achieve democracy are all about choices. What are the choices that you think YOUR locals are going to need to make in order to move towards collective bargaining?

The authors also describe the steps that the labor movement will have to take in order to achieve and expand the promise of collective bargaining. Which of these steps will be most important in YOUR work with your locals?

The PRO Act and Workplace Fissuring

[HTTPS://TCF.ORG/CONTENT/COMMENTARY/PRO-ACT-WORKPLACE-FISSURING/](https://TCF.ORG/CONTENT/COMMENTARY/PRO-ACT-WORKPLACE-FISSURING/)

NOVEMBER 25, 2019 [CHARLOTTE GARDEN](#)



For too many people, work means low pay, unpredictable hours, and nonexistent opportunities for advancement. A major reason for this dire situation is what [David Weil](#) has termed “workplace fissuring.” Fissuring occurs when large companies devolve responsibility for parts of their operations onto

smaller, less-accountable companies, or even onto workers themselves (through contract work and the gig economy). When workplaces fissure, workers can lose rights, such as legal protections for effective collective action aimed at improving their wages and working conditions. But a bill pending in Congress—the Protecting the Right to Organize (PRO) Act, which was recently advanced through the House Education and Labor committee—would blunt some of fissuring’s worst consequences.

Workplace fissuring may at first sound like an organic process, but it’s the result of strategic decisions made by employers. Consider the troubled company WeWork, and its [reported plan to fire its entire cleaning staff](#). WeWork doesn’t plan to hire new cleaners, or even to save money by having its remaining employees start cleaning their own offices. Instead, current cleaners have been told they will have the option of being hired by another company that will contract with WeWork to provide cleaning services. In other words, WeWork plans to use a contracting arrangement to shed its responsibility as an employer. If these employees have a problem, they’ll now have to take it up with the subcontractor who will be responsible for not just their payroll and taxes but for complying with labor and employment laws.

WeWork is far from unusual in its decision to stop directly employing its cleaners; many companies subcontract things such as their janitorial, security, and meal preparation operations. Which company actually issues workers’ paychecks may seem like an unimportant detail—but it can have significant consequences, especially if something goes wrong. For example, if a janitorial employee believes they have been paid less than the minimum wage, they would likely sue their employer, not the company whose building they clean. But the subcontractor—unlike their larger client—might not be able to pay a judgment, and it might also be less concerned about the kind of bad publicity that could harm a global brand.

Fissuring Limits Workers’ Right to Protest at Their Place of Work.

Subcontracting also has consequences for employees’ rights to protest how they are treated at work. The National Labor Relations Act (NLRA) protects workers’ rights to engage in workplace

collective action. But the NLRA also prohibits certain “secondary activities,” which are union protests directed at an entity other than the company with which the union has a labor dispute. The NLRA’s prohibition on secondary activity was added to the statute in 1947 and amended in 1959, because Congress wanted to end practices such as “blackmail” pickets and strikes that were capable of shutting down neutral businesses entirely, such as by blocking all deliveries to a business. However, the statute was drafted broadly enough to encompass even activity that simply seeks to persuade onlookers, such as sidewalk picketing that makes a moral case against patronizing a secondary business. Further, courts can block union activity that violates these rules, and affected companies can sue for damages.

In the age of workplace fissuring, the NLRA’s secondary boycott provision presents a special challenge. The “primary” employer for a group of janitorial workers might have an office where the workers have never set foot—or it might not have an office at all, instead existing mainly in cyberspace. In this scenario, the logical recourse for workers would be to protest at the location where they go to work each day. Protesting at this “secondary” location can make sense, too, because in many cases the (larger) client is the one with the power to dictate the terms of any contract with the (small) primary employer, and that contract effectively dictates how much workers can be paid.

When unions and workers try to protest at workers’ job sites, the NLRA’s secondary activity provision can interfere. A complicated set of rules governs workers’ picketing where multiple employers operate at one place, and it can be easy for unions to slip up. For example, in [one recent National Labor Relations Board \(NLRB\) case](#), the agency found that cleaners picketing sexual harassment by their supervisor outside the office building they cleaned ran afoul of these rules when they passed out fliers to building tenants referring to the workers as “their” janitors. The problem, according to the NLRB, was that this pronoun would make people think that the building or its tenants employed the janitors directly, which was not the case. (This case is now pending on appeal; I co-authored an amicus brief in support of the union in the case.)

Based in part on the union’s choice of pronoun—the very definition of a legal technicality—the NLRB decided that the janitorial company did not violate the NLRA when it fired the protestors, a group of low-wage workers who were seeking to make their working conditions safer. That outcome was not only deeply unfair to the workers involved, but it also sends a chilling message to unions: get one word wrong, and workers could lose their jobs, and unions themselves could also be forced to pay damages to the “neutral” employer. The predictable effect of this combination of workplace fissuring and the legal prohibition against secondary activities will be to chill organic worker protest, in favor of making sure that labor lawyers carefully vet each word of every picket sign or flier.

The law gives the NLRB flexibility to interpret this provision broadly, and under President Trump, the NLRB has repeatedly taken positions that disempower worker protest. These decisions also tend to interact with each other to produce bad outcomes for the most vulnerable workers.

For example, consider how the NLRB's approach to secondary activity interacts with another [recent decision](#) about whether contractors' employees may protest at their work site. The general rule in labor law is that employees can pass out literature on some areas of their employers' property during times when they are not required to be working. But the Trump NLRB recently reversed this rule for off-duty contractors, holding that the owner of a performing arts center was free to expel workers who were handing out fliers because they worked for a ballet company that performed at the center, and not for the center itself. True, the ballet company workers could take their protest to adjacent public land. But the farther they get from their intended audience, the more they need to rely on less polite methods of communication, such as picket signs and loudspeakers, rather than fliers and quiet conversations. And picket signs are riskier for workers, because they are more likely to violate labor law's secondary activity rules than are other methods of communication.

Fissuring Undermines Collective Bargaining

Fissuring also has a negative impact on workers' ability to seek better working conditions through unionization and collective bargaining. If a group of contracted workers—such as the janitors described above—vote to unionize, they may be entitled to sit across the bargaining table from only their direct employer, not the company that contracts for their services. That could make for a futile bargaining experience: if workers demand pay increases or greater scheduling predictability, the employer's response might be that it can't deliver either because it is too severely constrained by the terms of the contract with its clients.

Workers might be able to break through such a logjam if they had a right to bargain with both their direct employer and the contracting company, but that depends on if the contracting company qualifies as a "joint employer." If it does, then the contracting company will have the same obligations under labor law as any other employer.

Who counts as a joint employer is another area where the Trump NLRB has sought to narrow companies' obligations. During the Obama administration, the [NLRB decided](#) that it would consider companies to be joint employers if they had the power to exercise control over core working conditions, such as hiring, pay, and scheduling. But the Trump NLRB has [proposed a rule](#) that would treat companies as joint employers only if they actually exercise "substantial direct and immediate control"—a standard that could easily be manipulated by sophisticated companies.

The Independent Contractor Trap

Contracting arrangements can place workers at significant disadvantages as compared to working directly for the companies to which they provide services—but at least a contracted employee still has an employer, who is responsible for meeting legal minimums. Some workers do not even have that, because their employer has decided to treat them as independent contractors. By misclassifying employees as independent contractors, employers shift legal risk directly onto the workers themselves while lowering their own costs, as most statutory employment laws do not apply to independent contractors. In addition, independent contractor status can absolve companies of [paying millions of dollars in employment taxes](#).

Seeking to unravel whether a group of employees has been misclassified under various employment laws can be expensive and time-consuming. For example, the NLRB distinguishes

employees from independent contractors by considering [ten separate factors](#) that often point in different directions. This makes the law very unpredictable—and coupled with that, the NLRA’s weak remedies do little to deter employers from erring on the side of treating workers as independent contractors and not employees. Further, while most workers who are not covered by the NLRA may still engage in concerted activity—though they may not have legal recourse if their employers retaliate—some forms of collective action by independent contractors could violate antitrust law. Thus, workers who believe they have been misclassified by their employers face legal risk if they decide to come together to seek better treatment.

The PRO Act Would Ensure Fair Treatment to All Workers

The rise of workplace fissuring means that, as both a legal and a practical matter, an increasing number of employees cannot come together to better their own working conditions through collective action. The PRO Act would respond to these problems.

Significantly, it would eliminate restrictions on union secondary activity altogether. It would also revert to the Obama-era test for joint employment, bringing greater certainty and straightforwardness to an area of law that has proven unpredictable over the past forty years. And it would adopt a clear, three-prong test to distinguish employees from independent contractors. That test, known as the ABC test, has recently been included in a bill in the [state of California](#) and would, for example, give Uber drivers the same rights as other workers. Just as importantly, the PRO Act would allow workers to file lawsuits to enforce their rights under labor law, and impose real penalties on employers who break the law. All these measures would help reset the balance of power between workers and employers, making the PRO Act a landmark legislative proposal for the 116th Congress.

TAGS: [COLLECTIVE BARGAINING](#), [GIG ECONOMY](#), [LABOR UNIONS](#), [PRO ACT](#)

Financialization Created Chicago Public Schools' Fiscal Crisis

BY

STEPHANIE FARMER

Chicago Public Schools has constantly found itself in fiscal crises in recent years, crises that then justify brutal austerity. But those crises didn't come from nowhere: they were the logical outcome of turning to Wall Street for funding on credit instead of taxing the rich.

Chicago Public Schools (CPS) is in a deep and enduring fiscal crisis. After decades of budget cuts, Chicago's public K–12 schools have been hollowed out, magnifying the hardships of stagnant wages, rising housing prices, and more faced by the city's working class. Pundits have predictably blamed CPS's fiscal crisis on either the greedy teachers' union (Republicans' and a few austerity-minded Democrats' scapegoat) or on conservative suburban and rural “downstate” politicians in Illinois hostile to urban children's plight (most Democrats' scapegoat).

But Chicago is a one-party city, controlled by the Democrats, in a solidly blue state, where Democrats usually control the state government. In reality, CPS's endless fiscal crises and austerity are consequences of a ruling-class project to chip away at Chicago public education. This has involved a two-pronged strategy of school-choice policies and education financialization carried out by successive Democratic mayors with the backing and active encouragement of key elements of Chicago capital. School-choice policies seek to remake public education in the image of a competitive market, where schools compete for education consumers (children and their parents). Education financialization expanded the role of financial instruments, actors, and markets in public education's operations.

Together, these policies have reconfigured Chicago Public Schools. The district's funding streams now function as a rent extraction machine, channeling revenue out of the CPS classrooms that serve black, brown, and immigrant working-class neighborhoods and into the pockets of Wall Street.

A Marketplace of Schools

Public K–12 education has many uses. It provides hard and soft skills in preparation for the labor force; socialization in civic, cultural, and political norms; and acts as de facto childcare centers for younger children, reducing the cost of living for parents. Radicals and reformers have demanded tuition-free public education since the late eighteenth century. Universally accessible, tuition-free, public, K–12 education contributes to the social wage, the mix of publicly provided goods and services that add to the normative standard of living. Universal access to tuition-free public K–12 education was rolled out alongside other New Deal reforms of the 1930s and '40s — taxing the rich, the expansion of unions, and regulation of finance and industry — associated with the Keynesian period in the development of US capitalism.

By the 1970s, the Keynesian phase of US capitalism was in crisis as competitor economies in Europe and the Pacific Rim rebuilt following World War II, and high wages and high fixed costs cut into the corporate profit rate. In the 1980s and 1990s, an ideologically committed and organized capitalist class rolled back Keynesian capitalism and rolled out a more cutthroat neoliberal capitalism.

By the 1990s, an anti-tax, anti-union, anti-regulation, and anti-public-sector ideological conventional wisdom had taken root among Republicans and Democrats alike. Taxation was characterized as rent-seeking by the “parasitic state” with its inherently “inefficient” public sector. In contrast, free enterprise capitalism with open markets and light regulation was held up as the ideal institutional arrangement for organizing the production and distribution of nearly all goods and services.

In this context, the meaning of public education shifted. Public education became less about cultural enrichment and civic engagement. Under neoliberalism, the emphasis in public education was placed, first and foremost, on providing individuals with the skills and habits appropriate for the marketplace. Anyone could overcome the hardship of their circumstances so long as they were willing to work hard, first in school and later in the labor force.

Public schools were expected to operate akin to businesses and adapt to the new era of iterative austerity, doing more with less. Public education was expected to reflect and advance the same norms and practices as the prevailing neoliberal capitalism it was embedded in.

In Chicago, Mayor Richard M. Daley and his business-elite organization backers (like the Civic Committee of the Commercial Club) were ahead of the national trend in implementing neoliberal reforms of the school system. In order to make schools function more like businesses, CPS adopted school-choice reform policies (like the 1996 Illinois Charter School Law and the Renaissance 2010 plan of 2004) that would create a simulated “marketplace” of schools. Parents were encouraged to approach education like consumers and choose the best school product for their children, comparing metrics of success like shopping for toothpaste in the grocery store.



Chicago mayor Richard M. Daley in May 2010 (Chris Eaves / Wikimedia Commons)

To create this school marketplace, CPS closed putatively low-performing public schools and rolled out a portfolio of high-performing public schools (like gifted elementary, magnet, and selective enrollment high schools) with competitive admission criteria, primarily in high-value real estate markets.

CPS also privatized the school system through charter schools, schools that are privately operated but still publicly funded. These less transparent, less democratically accountable, and initially nonunionized charter schools were overwhelmingly placed in black and Latino working-class communities.

According to the Chicago Public Schools Comprehensive Annual Financial Report from 1995 to 2018 (our data source throughout), between those years, CPS opened 230 new schools, while closing 123 schools, for a net gain of 107 schools. Over half of CPS's 230 new schools were charter schools. Charter school expansion privileged the interests of charter operators, seeking a foothold for their business enterprises in the city, over what was best for the public school system as

a whole. As the CPS system was growing dramatically with a wave of charter expansion, Chicago's population of school-aged children actually declined from over 435,000 students in 2005 to 371,000 students (64,000 fewer kids) in the CPS system in 2018.

Despite this pattern of population decline, nearly 85 percent of the new charter schools were opened after 2005. By 2018, charter school proliferation consumed 11 percent of CPS's budget, up from just 3 percent in 2006.

The Financialization of Chicago Public Schools

Due to the prevailing neoliberal anti-tax conventional wisdom, the state and city governments were unwilling to raise taxes to fund CPS. So, in order to carry out these school choice reforms, CPS turned to credit markets, paving the way for education financialization. Local education administrators, financiers, and politicians partnered up to devise frameworks and investment instruments that insinuated finance capital into the funding and operation of public education as the needs and well-being of children were monetized for rent-seeking investors.

Finance capital was attracted to public education because it provided new sites for capturing profits. By the 1990s, due to overaccumulation in other markets and government deregulation of finance, capital flooded into US finance and real estate markets. Moreover, dollar-denominated US municipal bonds were comparatively safer and provided steadier returns (albeit at a lower rate of return) than other, more traditional private-sector investment instruments.

With this new, expanded access to credit markets, CPS leveraged \$8.5 billion in debt to finance its oversupply of choice schools. By 2018, CPS was dedicating \$651 million of its budget (or 10 percent of its operations budget) to make payments on its debt, up from \$133 million, or 3.5 percent of its operations budget in 1998 (adjusted for 2018 inflation).

Predictably, charter schools carved out their own niche in the financialization game. Since their finances are considered proprietary, researchers could only find data for 27 percent of all CPS charter schools in 2015 through audits filed with the Illinois State Board of Education. The combined outstanding debt from bond issuances for these Chicago charter schools totaled \$225 million. Ultimately, charter school debt becomes taxpayer debt, since charter schools receive a per-pupil stipend from CPS to cover their facility and operations expenses.



The Chicago Public Schools logo. (WBEZ)

As the debt obligations of CPS grew, the district pursued financial fixes to address debt-driven budget shortfalls. CPS leadership contracted with banks to develop new, higher-risk speculative instruments around CPS debt, including variable rate bonds, auction rate bonds, credit swaps, and options. CPS officials were hoping to deliver a financial windfall for the public sector via these high-risk, high-reward instruments.

CPS made an unprecedented \$1.5 billion bet on bonds with high-risk floating interest rates. Traditional municipal bonds have a fixed interest rate for the term of the bond. In contrast, bonds with floating interest rates have rates of interest that rise or fall in relation to some agreed reference rate (frequently the LIBOR rate at which banks lend to one another). If interest rates fell below the traditional fixed interest rate bonds, CPS would capture significant savings. Yet if interest rates rose above that fixed interest rate, CPS would be obligated to pay more for their bonds than traditional bonds.

Then, in a gambit to protect CPS from the impact of interest rates falling, the district “hedged” their risk by buying \$1 billion worth of interest-rate swap derivatives from Bank of America, Goldman Sachs, Merrill Lynch, and Lehman Brothers.

When the 2007 financial crisis hit, the Federal Reserve reduced interest rates to 0.5 percent. CPS’s interest-rate swap agreements mandated the school district pay a higher fixed interest rate on their variable rate bonds to the investment banks holding the swaps, which only had to pay a little over 0.5 percent interest rate on the variable bond. The investment banks pocketed the difference between what CPS paid them and what they owed on the bond. The *Chicago Tribune* has shown that the variable rate bonds may have cost Chicago taxpayers \$100 million more than if the schools had borrowed the debt with more traditional fixed interest rate bonds.

Meanwhile, the same banks that were reaping windfall profits from CPS’s interest-rate swap disaster were also receiving federal bailout dollars. There was no bailout for CPS. The district had to pay a total of \$254 million in penalties to terminate all their associated swap contracts in order to refinance their underlying debt at the lower interest rates now

on offer. Since CPS revenues nose-dived during the crisis, they had to turn once again to the credit markets, to borrow money (at interest) from banks awash in government bailout dollars to pay those penalties.

CPS also sold option derivatives to the Royal Bank of Canada and Bank of America on its bonds, where the contract compelled CPS to issue debt if certain conditions occurred, like credit rating devaluations. In the wake of the financial crisis, CPS's bond rating fell below the rating needed to be in good standing for those options. In turn, the banks exercised their rights to make CPS issue another \$263 million in new debt in order to protect their investments.

Altogether, CPS's fling with exotic debt instruments cost the school system at least \$617 million. Since these payments were themselves largely debt financed, the people of Chicago, via the taxes paid to CPS, will end up paying Wall Street nearly \$1 billion on these losses.

Public Education Dispossession

Chicago Public Schools' school choice reform and financializing strategies have entrenched the public schools in a cycle of austerity. Tax cuts for the rich and retrenchment of federal and state government forced local governments into footing the bill for public goods and services under conditions of fiscal austerity. CPS overbuilt public schools through a high debt leverage funding strategy. This debt-driven oversupply of schools in an era of austerity pushed CPS to use risky financial instruments that then increased the debt burden of CPS.

The rising costs associated with building and operating redundant schools, growing debt service obligations, and the fling with high-risk exotic financial instruments produced recurrent fiscal crises. The response from the mayor and CPS leaders has been to embrace more austerity for the public schools, dispossessing Chicago residents of essential public education services.

“Chicago Public Schools’ school choice reform and financializing strategies have entrenched the public schools in a cycle of austerity.”

By the mid-2010s, the school system was anticipating annual half-billion-dollar deficits. With raising taxes off the table, CPS again cut its expenditures to close budget gaps. Since 10 percent of the district's general operations budget is locked into servicing debt, this portion of the budget is off-limits to cuts, requiring CPS to make even deeper cuts to the parts of the budget associated with frontline teaching and learning.

The district cut teaching and other student-facing education professional positions. Between 2010 and 2018, CPS reduced spending on teachers' salaries by \$421 million. In that same period, CPS's debt service payments increased by \$264 million, from \$387 million in 2010 to \$651 million in 2018. Ballooning debt service payments consumed the "savings" from downsizing the teaching labor force, effectively transferring revenue from Chicago's teachers to the investor class.

CPS starved school budgets, forcing individual schools to make repeated \$1 million cuts from their budgets. Things got so bad that schools held toilet paper drives to supply their schools. Other schools have packed forty kindergarteners into single classrooms and slashed arts, language, and other enriching but noncore curriculum. The most vulnerable students with learning disabilities were not spared, as \$40 million in supports was pulled out from under them.

Dispossession was largely racialized. In 2013, under the directive of Mayor Rahm Emanuel, CPS closed forty-nine schools with low enrollments, nearly 90 percent of which were in mostly black communities.



Protesters march in the Loop on March 27, 2013 during a rally to protest the proposed closing of 54 Chicago public schools. (WBEZ / Robin Amer via Flickr)

In contrast, the affluent (and mostly white) families who sent their kids to CPS were largely insulated from dispossession, thanks to activist parents' fundraising activities. According to CPS's Internal Accounts data, CPS schools raised a combined \$33 million from parent groups and "friends of" committees that hosted whimsical holiday craft markets, teacher bartender nights, and school spirit stores in 2018.

You can't blame wealthier parents for plugging the holes in their kids' budgets. But schools in poorer communities could not equally tap into parents' or charitable community members' pockets.

When cuts and closures proved insufficient to fill in the holes in the budget, CPS doubled down on its financialization strategy and issued another \$725 million bond to pay off one year's worth of debt service and short-term operation expenses in 2016. The district was forced to borrow at an onerous 8.5 percent interest rate, since its debt burden drove down its credit rating. The dependence on debt to pay for operating expenses sealed the conversion of CPS into a rent extraction machine for finance capital.

A New Era of Education Inequality

The two-prong strategy of market-based school choice reforms and education financialization pursued by CPS has created a new era of education inequality. Compelling public education to mimic a marketplace of competition has privileged the interests of elites and the affluent over and against the interests of the working-class majority, hollowing out mostly black and Latino communities' schools so that the district could roll out exclusive enrollment schools (disproportionately serving white professional-class families) and a wave of privately operated charter schools.

Education financialization is transforming the distributive role of public schools, from taxing the rich to fund public education, to borrowing money from the rich to pay for schools. CPS's strategy of education financialization turns schools into income streams for rent-seeking finance capital, which siphons public dollars out of classrooms and communities. Those dollars are then channeled into investors' portfolios. As the burden of debt grows, debt overhang is used by austerians as an alibi to further shrink the public sector by inflicting cuts on frontline teaching and learning.

Political leaders can continue to debt finance and grind public education into dust. Or they can change course and tax the rich to raise the revenue necessary to fund public K–12 education. Clearly, taxing the asset-owning rich is the better option than borrowing money from them (through the bond market) and paying them back with interest.

Taxing the rich to spend on universal, tuition-free, public K–12 education funds quality education for all children; reduces economic inequality, channeling revenue away from the rich and raising the social wage for the working class; and demonstrates the efficacy of providing goods and services via the more transparent, more accountable, and democratically planned public sector. If we don't tax the rich to pay for public goods and services, we'll be stuck in endless waves of austerity — and working-class students, parents, and educators will pay the price.

The author thanks Rachel Weber for her contributions to this piece.

ABOUT THE AUTHOR

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Why Labor and the Movement for Racial Justice Should Work Together

BY [Maurice Weeks and Marilyn Sneiderman](#)

The Movement for Black Lives (M4BL) has made tremendous strides in exposing and challenging racial injustice, and has won real policy victories. The policies, while often imperfect, are a testament to the strength of the organizing and activism of the moment. Not coincidentally, this uprising comes at a time when income and wealth inequality are at peak levels and the economy for most black people looks markedly different than the economy for their white counterparts.

Just as we are in a critical moment in the movement for racial justice, we are in a critical moment for the right to unionize. Unions, which have been a major force for economic justice for people of color in the past 50 years, have been decimated to historically low levels.

Labor should work alongside the Movement for Black Lives, a coalition with more than 50 organizations, to usher in a radically new economic and social order. The path won't be easy. But recent history has shown that one of the ways to get at this new reality is through union bargaining. Consider the example of Fix L.A.

Fix L.A. is a community-labor partnership that fought to fund city services and jobs alike, using city workers' bargaining as a flashpoint to bring common good demands to the table. The coalition started after government leaders in Los Angeles drastically cut back on public services and infrastructure maintenance during the Great Recession. The city slashed nearly 5,000 jobs, a large portion of which had been held by black and Latino workers. Not only did these cuts create infrastructure problems—like overgrown and dangerous trees and flooding—but they also cost thousands of black and Latino families their livelihoods.

Fix L.A. asked why the city was spending more on bank fees than on street services, and demanded that it renegotiate those fees and invest the savings in underserved communities.

What was the result of this groundbreaking campaign?

The creation of 5,000 jobs, with a commitment to increase access to those jobs for black and Latino workers, the defeat of proposed concessions for city workers and a commitment from the city to review why it was prioritizing payment of bank fees over funding for critical services in the first place!

Bargaining for the common good

Fix L.A. may seem novel, but the context is no different from many places. We have seen massive disinvestment from public services in a way that disproportionately affects black people. This structurally-racist disinvestment is often driven by the corporate interests that bankroll elected officials' campaigns and by Wall Street actors that use their influence over

public finance to push an austerity agenda. Everywhere you look, public officials are making a choice between paying fees and providing critical services. **Page 22**

Chicago Public Schools paid \$502 million to banks in toxic swap fees at the same time that it was slashing special education programs and laying off teachers to close a budget deficit. Detroit raised its water rates and paid \$537 million in Wall Street penalties, setting the stage for mass water shutoffs when tens of thousands of poor residents of the overwhelmingly black city could not afford the higher water bills.

Wall Street and other corporations don't hesitate to profit off of and perpetuate disinvestment in communities of color, and too often we forget to look up the food chain to see that at the other end of community crises there are rich bankers and billionaires lining their pockets. Campaigns, like Fix L.A., that involve direct actions targeting banks, hedge funds, corporations and billionaires are effective.

This sort of organizing can be hard. In order to isolate workers from their broader communities, the other side has done a terrific job of narrowly defining the scope of bargaining as wages and benefits. In many states, labor laws prohibit public sector workers from bargaining over issues that concern the welfare of the broader community or the quality of the services they provide.

The theory of "bargaining for the common good" seeks to challenge this status quo. As articulated by Joseph McCartin of Georgetown University's Kalmanovitz Initiative for Labor and the Working Poor, bargaining for the common good has three main tenets: 1) transcending the bargaining frameworks written in law and rejecting them as tools for the corporate elite to remain in power; 2) crafting demands between local community groups and unions at the same time and in close coordination with each other from the very beginning; and 3) embracing collective direct action as key to the success of organizing campaigns.

These may seem like simple ideas, but they stand in complete opposition to the way the power elite expects union bargaining to be done. Therein lies their power.

Therein also lies the opportunity for unions to partner with the Movement for Black Lives. For all of their complicated racial histories, unions are some of the largest organizations of black people in the country. About 2.2 million black Americans are union members—some 14 percent of the employed black workforce.

That's a huge number of black people who are already members of organizations with the capacity to organize and mobilize. And these black workers, like all black people in America, face real challenges of structural economic racism in almost all aspects of their lives. Their communities have been underfunded; their schools are being dismantled; they face massive poverty and are under economic assault; and they regularly encounter police violence.

Stronger together

Widening the scope of bargaining in Los Angeles led to real wins for the city's black and Latino communities. The rest of the labor movement should take note. Imagine the power that could be added to the Movement for Black Lives if unions, recognizing the trauma that systematic racism wreaks on their membership, brought solutions that have been elevated by the Movement for Black Lives to the bargaining table in negotiations with employers ranging from the City of Baltimore to private equity giant Blackstone.

But unions cannot do this unilaterally and expect unconditional support from the black community.

Unions must make the effort on the front end to build a real relationship with Movement for Black Lives groups and members, and partner with them in developing common good bargaining demands that start to go on the offense against Wall Street and the structurally-

racist economic power structure. There are groups of people organizing for racial justice under the banner of the Movement for Black Lives near every union local in the country. The onus is on labor leaders and rank-and-file union members to reach out to those groups and start to build a strong relationship where one does not exist. This process will not be easy, especially because of the history of racism that plagues unions, especially police unions. But the truth remains that there is a real opportunity to leverage the power of both movements to win real gains for black people and other people of color through a strong partnership.

It is exciting to imagine potential bargaining demands major unions could undertake alongside racial justice organizations. For example, they could demand that their employers make a commitment to job training programs to strengthen the pipeline for black workers; city and state workers could demand progressive taxation measures that raise funds from corporate actors to fund schools and services in black communities; teachers could demand school districts enact restorative justice policies to stem the school-to-prison pipeline; hospital workers could bargain for targeted health care access programs in communities of color; retail workers could demand that their employers “ban the box” and let the formerly incarcerated work. The list is almost infinite.

Bargaining for racial justice is a radical idea and will not be easily won. It will require concerted direct action targeting the real decision makers in both the public and private sectors that have a vested interest in keeping racial inequities in place. The Movement for Black Lives has proven that it can execute effective and creative direct actions backed by solid demands. They are also innovating creative tactics that move beyond traditional marches and picket lines to new types of disruptive actions that make power holders directly confront those they are harming. By combining the vision and militant tactics of the Movement for Black Lives with the membership and resources of the labor movement, we can usher in a more just and equitable society.

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[More information about Maurice Weeks and Marilyn Sneiderman](#)



The Benefits of
**COLLECTIVE
BARGAINING**
in Public Education





NATIONAL EDUCATION ASSOCIATION

The National Education Association is the nation's largest professional employee organization, representing more than 3 million elementary and secondary teachers, higher education faculty, education support professionals, school administrators, retired educators and students preparing to become teachers.

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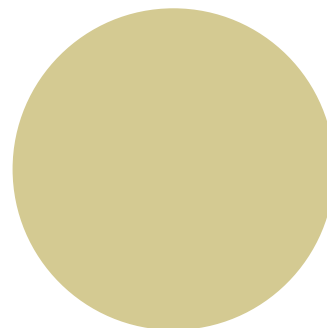
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OVERVIEW

The National Education Association believes that securing robust collective bargaining rights—and enforcement mechanisms to ensure that all educators can exercise those rights free from unlawful interference—is essential to the success of our students and educators alike.

Providing education employees with the right to engage in collective bargaining ensures that they will have a legally guaranteed seat at the table and a voice in the terms and conditions of their employment. In exercising that right, educators can improve the conditions under which they teach and their students learn. Educators who have the right to bargain can also negotiate better teaching and learning conditions for their students. Collective bargaining is good public policy. When educators and management can come to an agreement on salary, benefits, and working conditions—while improving teaching and learning conditions—everyone benefits.

Unfortunately, today, educators in many states lack these basic rights and protections. Here we present three important elements:

- (1) a brief history of public-sector bargaining;
- (2) why collective bargaining is important and how it benefits educators, students, and the wider community; and
- (3) key elements of a strong public-sector collective bargaining law.



1. HISTORY OF PUBLIC-SECTOR BARGAINING

Collective bargaining and labor rights in the United States were added in a piecemeal and sector-based fashion since the passage of the 1926 Railway Labor Act, which only covered railroad workers. When the National Labor Relations Act (NLRA) was enacted in 1935, most private-sector employees gained the right to collectively bargain. However, public-sector workers, including teachers, were excluded.

Though the nation's first public-sector bargaining law was enacted in Wisconsin in 1959, it was President Kennedy's 1962 executive order granting federal employees the right to bargain that set the stage for the NEA and other public-sector unions to pursue collective bargaining for teachers and other educators, state by state. The result was a patchwork of widely varying laws—developed in different political climates—that still exists today. And we still have states that have not extended collective bargaining rights to their employees and several that prohibit bargaining.

Anti-union forces have worked to erode those rights in recent decades. Some states have gutted their public-sector collective bargaining laws and have severely restricted bargaining rights for educators and other public employees. In 2011, the Wisconsin legislature passed legislation that severely limited bargaining for most public-sector workers, including education employees. Those employees are now prohibited from bargaining any factor or condition of employment except base wages. The Wisconsin law also made it much more difficult for workers to choose to be represented by a union, because it requires unions to obtain 51 percent of the votes of all employees in the bargaining unit—including counting as “no” votes those who do not vote. Inspired by Wisconsin, other states have taken similar measures to either curtail or eliminate collective bargaining rights, including Arkansas, Florida, Idaho, Indiana, Iowa, and Michigan.

The NEA is working to reverse this trend in statehouses around the country, not only to benefit our members and their students, but also to strengthen the economy, help working families get ahead, and help to end racial and socioeconomic inequity.

Only 34 states, plus the District of Columbia, guarantee K-12 teachers some right to organize and collectively bargain. In the other six states (Georgia, Mississippi, North Carolina, South Carolina, Texas, and most recently, Arkansas), public-employee collective bargaining is expressly prohibited by law. In 2011, Tennessee replaced collective bargaining with a process called “Collaborative Conferencing.”¹ In the remaining nine states (Alabama, Arizona, Colorado, Kentucky, Louisiana, Utah, Virginia, West Virginia, and Wyoming), there is no statewide bargaining framework but local jurisdictions may grant recognition and bargaining rights if employers choose to do so.

¹“Collaborative conferencing” is distinct from collective bargaining. Employees no longer have the right to collective bargaining in Tennessee. Non-binding “conferencing” is now the only method through which professional educators may negotiate with their employers in Tennessee.

The situation for education support professionals (ESPs) is similar. Thirty-one states, along with the District of Columbia, provide for the right to organize and bargain. Seven states prohibit it. While 12 states have no explicit bargaining framework for ESPs, local jurisdictions can choose to grant recognition and bargaining rights.

Educators at public, higher education institutions are in an even more precarious position. Only 25 states guarantee bargaining rights for faculty at community colleges and four-year institutions. Nine states prohibit it. Three states, plus the District of Columbia, grant the right to bargain to some, but not all, higher education faculty. Finally, 13 states have no statewide bargaining framework nor any ban; as a result, individual institutions can choose to grant recognition and bargaining rights.

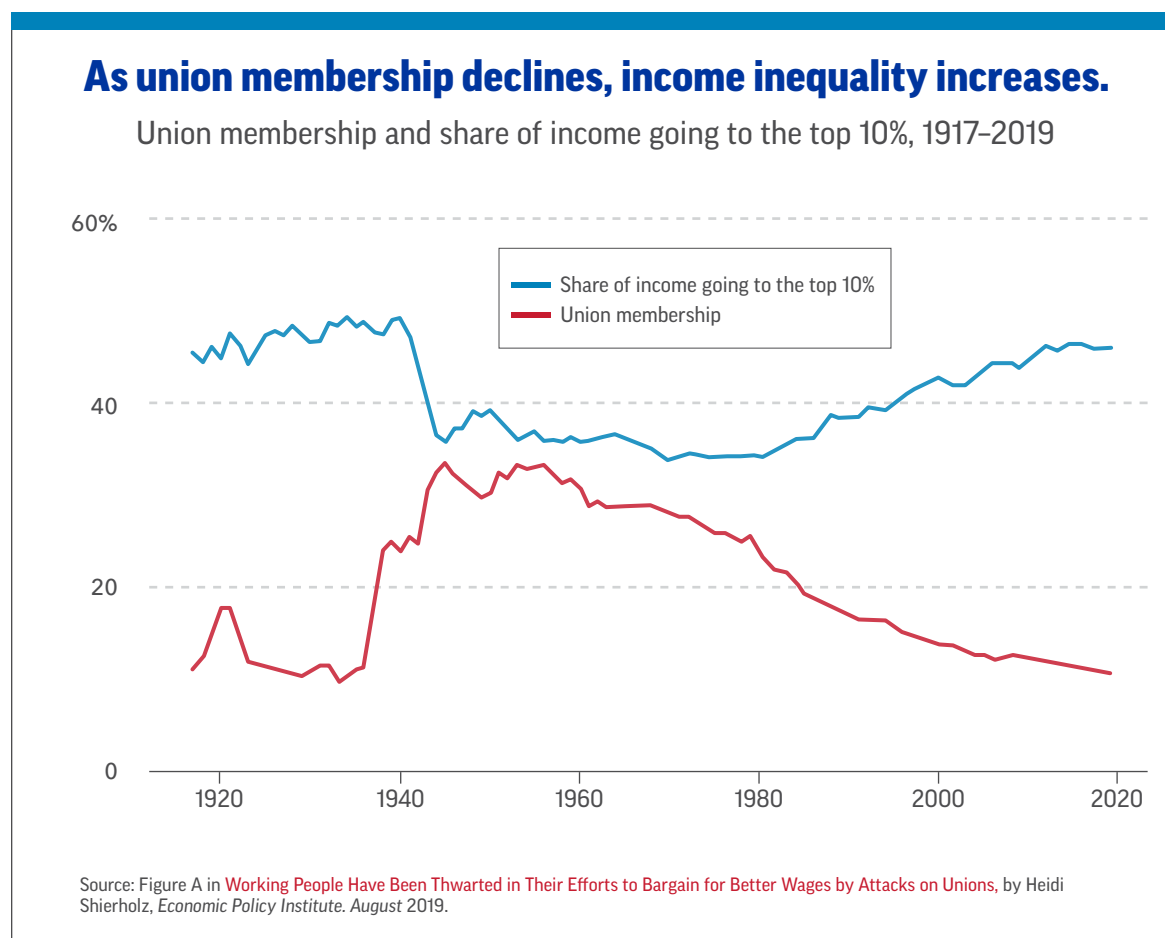
This means that hundreds of thousands of public, K-12 and higher education employees are denied the right to organize and bargain for better compensation, benefits, improved working conditions, and more effective student learning environments.

See the [Appendix](#) for U.S. maps showing the status of K-12 and higher education employee bargaining rights in each state.



2. THE BENEFITS OF UNIONIZATION

The Economic Policy Institute has long documented the positive effects of unionization on workers in general and union members in particular. Union members earn better pay, health insurance, and other benefits. Women and people of color especially gain from collective bargaining because it reduces wage inequities. Moreover, unions and their members tend to be more engaged in civic involvement and support progressive policies including increased education funding. All these elements reduce inequality and provide more opportunity for workers and their families.²



The Benefits of Collective Bargaining in Public Education

The benefits of unionization are crucial to those who choose to work in education. Through collective bargaining, NEA members negotiate for more than their own economic security. They also secure vital public resources to help communities and improve education by reducing class size, and increasing student learning time while reducing unnecessary testing.

²<https://www.epi.org/publication/unions-help-reduce-disparities-and-strengthen-our-democracy>

In good or bad economic times, a collaborative public education employer can better serve students and the community by negotiating in good faith with its union(s).

NEA affiliates are also working with a broad group of stakeholders, including parents and other community partners during the negotiations process. Together they are developing proposals to secure critical resources for students and ensure that all students have the support they need, no matter where they live.

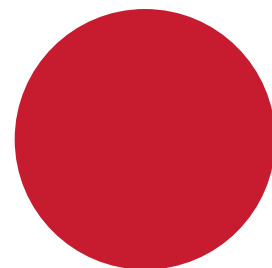
Bargaining improves student learning and teacher working conditions.

Teachers' working conditions are students' learning conditions. By addressing school and classroom issues, everyone gains. In negotiations, educators and their employers collaborate on student-centered issues such as setting limits on class size, identifying time for teachers and paraeducators to share effective classroom practices, addressing school health and safety issues, and ensuring teacher input into their own professional learning—all of which help students thrive.

The Learning Policy Institute's research supports the reality that better working conditions positively impact an educator's ability to teach in a particular school and to stay there.³

Many locals have successfully bargained student-centered issues such as:

- lowering class size limits;
- adding more specialized instructional support personnel (SISP) to address student needs; also known as non-classroom educators, these staff include social workers, occupational therapists, library media specialists, and many other positions; and
- increasing the amount of recess time or arts curriculum offered to students.



Bargaining can help attract and retain the highest quality employees.

Teacher shortages were an issue prior to the pandemic, with declining enrollments in teacher preparation programs. The Learning Policy Institute projects annual shortfalls of over 100,000 teachers as fewer people are entering the profession compounded by an increase in retirements/resignations due to low pay, high stress, and challenging working conditions.⁴ Since the pandemic began, the educator shortage problem is not limited to teachers. In the 2021-22 school year, finding trained bus drivers to safely transport students has become a crisis.⁵

The historic stresses of the pandemic (e.g., virtual/hybrid teaching and learning, technology challenges, personal safety concerns) have exacerbated shortages in many districts as never before, particularly for hard-to-staff subjects such as math, science, special education, and

³teachingplaybook.org

⁴<https://learningpolicyinstitute.org/product/teacher-turnover-report>

⁵<https://www.nytimes.com/2021/09/16/us/school-shortages-bus-drivers-workers.html>

bilingual education, along with bus drivers, and other ESP career families.^{6,7,8}

Retirements and resignations are up in some—but not all—districts compared to the 2019–20 school year. Limited data so far suggest that the COVID-19 pandemic was a key factor in one-third to one-half of teacher departures over the past year.

The Learning Policy Institute spells out five major elements that affect a teacher’s decision to enter and remain in the classroom, particularly at under-resourced schools: compensation, teacher preparation, hiring and other personnel systems, mentoring and induction support for new teachers, and working conditions.⁹ The Economic Policy Institute has also pointed to the negative influence that low compensation, poor working conditions, and lack of respect can play in exacerbating the teacher shortage—and that was before the pandemic.¹⁰

Unions, working with school districts and harnessing their members’ input, can positively impact many of these factors.

Regarding compensation: [Research](#) by Economic Policy Institute determined that in states where public-sector employees (teachers, police, firefighters, and other local government workers) have stronger collective bargaining rights and higher union membership, smaller gaps exist between these workers’ pay and the pay of private-sector employees with similar educational attainment and hours worked.

This is no surprise to teachers, given that our government at every level, has chronically underfunded education in general, depressing the wages of educators. The Economic Policy Institute has been tracking this issue for many years and has most recently revealed that teachers are paid, on average, nearly 20 percent less than other professionals with a comparable level of education.¹¹ Similarly, in states that have significantly restricted bargaining, EPI documented “significantly reduced average districts’ spending on teacher compensation, including both teacher salaries and teacher benefits.”¹²

⁶<https://www.edweek.org/leadership/no-bus-drivers-custodians-or-subs-whats-really-behind-schools-staffing-shortages/2021/09>

⁷An ESP career family is a group of ESP professions that share similar core job skills, responsibilities, education, and training. The nine NEA ESP career families are clerical services, custodial and maintenance services, food services, health and student services, paraeducators, security services, skilled trades, technical services, and transportation services.

⁸NEA Education Employment Update, NEA Research, September 2021.

⁹<https://learningpolicyinstitute.org/product/solving-teacher-shortage>

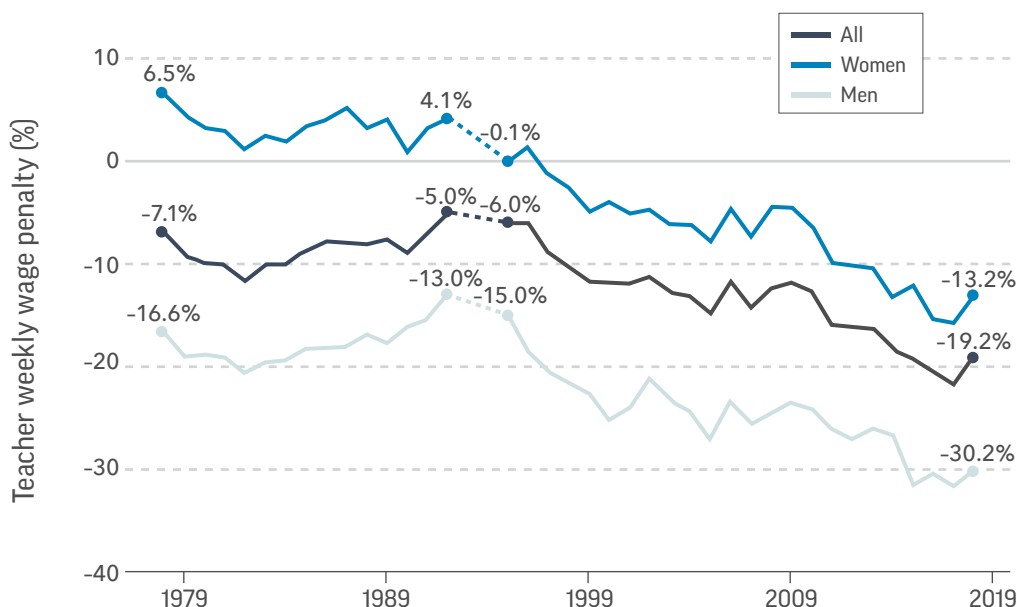
¹⁰<https://www.epi.org/publication/school-climate-challenges-affect-teachers-morale-more-so-in-high-poverty-schools-the-fourth-report-in-the-perfect-storm-in-the-teacher-labor-market-series/>

¹¹<https://www.epi.org/press/teachers-are-paid-almost-20-less-than-similar-workers-when-including-benefits-teachers-still-face-a-10-2-total-compensation-penalty/>

¹²<https://www.epi.org/publication/the-impact-of-changes-in-public-sector-bargaining-laws-on-districts-spending-on-teacher-compensation/>

Teachers earn 19.2% less than comparable college graduates.

Teacher weekly wage penalty (or premium) for all teachers and by gender, 1979–2019



Source: Economic Policy Institute.

New educators often find teaching to be challenging—and even veteran teachers need extra support if they are teaching unfamiliar subjects or curriculums. NEA locals have negotiated comprehensive mentoring or coaching systems so that first-time educators receive feedback and support about curriculum development, classroom management, parent communications, and other responsibilities. Unions and school districts have successfully bargained for programs in which they identify the roles and responsibilities of mentors and coaches, as well as the selection process, compensation, and other key elements.

NEA affiliates have long sought to improve educator working conditions, which are also student learning conditions. Affiliates have effectively bargained for provisions or policies such as reducing class size, providing planning/collaboration time and paid, duty-free breaks, and ensuring that students and educators are walking into healthy, safe buildings, are utilizing current textbooks and resources, and have consistent access to the internet.

During the pandemic, the need for the NEA to protect the health and safety of educators and members became even more crucial.

In early 2020, when the first wave of COVID-19 hit the United States and school buildings were closed across the nation, NEA locals responded by negotiating agreements to ensure continuity of learning for the remainder of the year. This included developing virtual learning capabilities and addressing a wide range of technology needs quickly.

Some locals negotiated with districts to engage education support professionals in providing food and emergency relief to students and families with additional pay. By late summer and fall of 2020, local associations were focused on forging agreements to address the safe return to in-person learning, and terms and conditions for remote or hybrid instruction.

In the spring and summer of 2021, negotiations continued over health and safety measures, student and educator supports, and the impact of reopening plans on educator jobs and workloads. In many places, school boards and local unions have negotiated multiple agreements to address evolving issues.

Bargaining supports the fight for social justice and racial equity.

Educators are driven by the higher purpose of helping to improve students' lives, especially for the growing number who battle poverty and attend under-resourced schools. Students of color are disproportionately saddled with those struggles.

Public-sector bargaining has evolved in recent years to have an even stronger community focus. Many NEA locals and their employers have opened the negotiation process to include community partners and parents, who develop proposals together to gain critical resources for students and schools. In many communities, educators, parents, and community allies have come together with the realization that unless they unite to address systemic racism head on, we can never live up to our belief that every student deserves to succeed no matter where they live or how much money their families have.

NEA affiliates are using negotiations to “[bargain for the common good](#)”—to organize local stakeholders around a set of issues that benefit not just our members in a building, but the wider community as a whole.

[Bargaining for the Common Good](#) (BCG) is an innovative approach to bargaining through which public-sector unions like the NEA use contract campaigns to organize local stakeholders around a set of demands that benefit not just the bargaining unit, but also students and the broader community. BCG is about expanding the continuum of bargaining and going on the offense in order to [fight for social and racial justice](#)—for our kids, for our schools, for the communities that we serve, and for the future.

As outlined by the [Bargaining for the Common Good Network](#), key elements of a BCG campaign include:

- expanding the scope of bargaining beyond wages and benefits;
- engaging community allies as partners in issue development and the bargaining campaign;
- centering racial justice in the union's demands;
- going on offense in the campaign by identifying, exposing, and challenging the unscrupulous players;
- strengthening internal organizing, membership, and member engagement; and
- assuring the campaign doesn't end once the union settles its contract.

3. KEY COMPONENTS OF A STRONG COLLECTIVE BARGAINING LAW

The fundamental purpose of a collective bargaining law is to guarantee the right of employees to organize and bargain collectively with their employer. At its essence, a bargaining law institutes a public policy that acknowledges and affirms a basic human right.¹³ A bargaining law establishes the framework, processes, and mechanisms for exercising this right in an orderly and constructive manner.

The NEA believes that a strong collective bargaining law includes the following key components:

Uses a broad definition of employee and employer

A robust collective bargaining law provides comprehensive coverage and should not include arbitrary and unneeded exclusions based on things such as services rendered, hours worked, or categories of employment. A bargaining law should allow all types of employee groups (e.g., part-time employees, adjunct faculty, and graduate assistants) the opportunity for union representation and the right to negotiate.

Guarantees rights and protections

Collective bargaining legislation must give an employee the right to join a union. Employees should be able to engage in concerted activities without fear of retaliation for doing so. Unions and employers should be legally obligated to bargain in good faith. A strong bargaining law clearly delineates rights provided under the law and protects employees and employee organizations from unfair labor practices that interfere, restrain, or coerce them in the exercise of those rights.

Ensures clear dues deduction practices

Legislation should guarantee employee rights to payroll deduction of membership dues. Legislation should also require employers to implement payroll dues deductions in accordance with the terms of the authorization agreement between the union and their members. The terms of a member authorization may include a maintenance of payment provision in which employees agree to pay their full annual dues even if they choose to resign from union membership.



¹³<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Broadly defines the scope of bargaining without arbitrary restrictions

A collective bargaining law gives employees a legitimate voice in the workplace by guaranteeing their ability to negotiate over wages, hours, and terms and conditions of employment with working conditions broadly defined. Moreover, a tough bargaining law should include language that protects the provisions of the law from other statutes that would weaken or circumvent a bargaining obligation.

Promotes open and transparent processes and access

Since a union has the unique legal responsibility to represent all employees within the bargaining unit, it is critical that the union have the right of entry to and be able to meet and communicate with all employees. Therefore, legislation should guarantee admittance to new employee orientations and employees' contact information on a regular, consistent basis. This information should include details such as name, work location, home address, and personal phone numbers and/or email. In addition, a collective bargaining law must promote open and transparent procedures by granting unions reasonable and continued access to their members at the workplace, and allowing open or public negotiations with no communication restrictions during the bargaining process.

Requires a terminal step to dispute-resolution procedures

A strong collective bargaining law includes binding interest arbitration for resolving negotiation impasses.

Binding interest arbitration is a fair and equitable method to resolve contract disputes involving employers and the union employee representatives. Under binding interest arbitration, both parties agree to a neutral third party whose decisions are final and binding on both sides. The employee representative should have the right to determine the dispute-resolution method. Nevertheless, public-sector employees should also have the right to strike.

Concerns about widespread strikes by public employees are unfounded. For instance, prior to the enactment of its bargaining law in 1984, Ohio averaged 60 public-sector strikes a year, even though strikes were expressly illegal under the state's Ferguson Act and striking workers were subject to termination. Even though Ohio's law now permits strikes by public-sector employees in certain circumstances, according to the State Employment Relations Board, Ohio has averaged only two public employee strikes a year over the last 20 years.¹⁴

¹⁴https://serb.ohio.gov/static/PDF/Annual_Report/Annual_Report_2021.pdf

An effective bargaining law must also require a grievance procedure culminating in binding grievance arbitration to enforce the terms of collective bargaining agreements. Otherwise, contractual disputes fall on either employers or the courts to decide; neither of these options is desirable. It is unreasonable to expect employers to be able to impartially settle disagreements with their unionized employees. Relying on the courts to decide grievances creates a lengthy and expensive dispute-resolution process.

Establishes a labor relations agency to administer and enforce the law

It is essential that a collective bargaining law includes the creation of an independent, neutral labor relations agency, board, or commission to determine matters of representation—free from practices or tactics that delay or interfere with organizing campaigns—and the election of an exclusive representative.

Among other primary responsibilities of a labor relations agency is the authority to:

- conduct representation elections and certify election results;
- confirm a show of interest when a union seeks to represent employees or when employees no longer want union representation;
- resolve a situation when a rival employee organization challenges an incumbent union for the right to represent a unit of employees;
- determine appropriate bargaining units;
- decide election challenges; and
- investigate and put an end to unfair labor practices.



On the Ground

The following examples demonstrate how NEA affiliates have united with parents, students, and community activists to fight for essential elements from smaller class sizes and mental health support systems to school safety, racial justice, fair wages, and more. Some wins have made a major media splash and reaped huge gains, while many others created subtle, yet significant, ripple effects. Some are big wins, while others represent important building blocks toward change. Yet they all illustrate the benefits of our members having won the legal right to bargain with employers as equal partners.

Columbus Education Association (OH)

The 4,000-member Columbus Education Association (CEA) in Ohio built an impressive student-centered campaign called “Schools Columbus Students Deserve” before they headed to the bargaining table in 2019.

The campaign was built on a platform of six major components:

- reduced class sizes and caseloads;
- adequate staffing of Specialized Instructional Support Personnel (SISP);
- dedicated space for art, music, and P.E.;
- expanded alternative programs for discipline;
- reduced turnover by compensating educators as professionals and funding schools; and
- save taxpayers’ money by ending handouts for wealthy corporations that don’t need them.

After extensive negotiations, CEA signed an agreement providing for the first reductions in the class size cap for grades K–3 in 25 years; 60 additional CEA SISP positions, such as school nurses, social workers, and social emotional learning practitioners; new contract language requiring educator input before an art or music room is repurposed; a commitment for each building with any combination of grades 7 through 12 to provide space and staffing for a trauma-informed, in-school discipline program as an alternative to out-of-school suspension; and raises for all educators in each year of the contract.

CEA and Columbus City Schools continue to bargain around challenging issues. Since March 2020, CEA and the school district agreed to a series of memorandums of understanding (MOUs) to address changing circumstances.

Most recently, the parties negotiated an MOU for the 2021–22 school year, emphasizing COVID-19 protocols, the use of public health data, and a renewed focus on health and safety by the existing labor-management committee structure.

The MOU includes language regarding the use of federal American Rescue Plan funds, stating that the funding “provides the district with a unique opportunity to meet the many critical needs of students facing increased challenges as a result of the COVID-19 pandemic.” Notably, the MOU codifies the hiring of 33 school counselors, 88 literacy specialists, and other SISP. As part of this agreement, the school district will provide professional development for CEA members on racial disparity, equity, diversity, and inclusion.



San Juan Teachers Association (CA)

Years ago, the San Juan Teachers Association (SJTA) and San Juan Unified School District bargained for language creating and promoting joint labor-management committees. These committees address a variety of issues, which proved invaluable during the pandemic.

The result? The union helped ensure the safety of returning staff and students, and elevated the voices of their school nurse members.

“It was really important that nurses were included on the district Health and Safety Committee,” said NEA member and school nurse Sarah Roycroft. “And that’s thanks to SJTA.”

Roycroft and her fellow nurses gave presentations at their school sites to help educators understand how CDC and state health department guidelines applied to their classrooms and schools. The nurses also spearheaded follow-up efforts when COVID cases were reported—and their union negotiated extra compensation for that work.

But even before the pandemic, SJTA and the school district used labor-management committees to solve complex problems. Notably, over 20 years ago, the union and district negotiated the parameters of comprehensive peer assistance (PA) and peer assistance and review (PAR) programs, which are still providing crucial supports to new and veteran teachers. The system is overseen by a union-management Governance Board. The guiding principles for the program are:

- ensure high quality teaching and learning for all students in the district;
- collaboration and partnership built upon trust and transparency between the district and the union; and
- support for veteran teachers by teacher leaders.

These strategies have helped retain teachers and improve their practice and serve as an exemplar of using the bargaining process to provide crucial professional supports to teachers.

United Teachers Los Angeles (CA)

In Los Angeles, educators and parents joined together in 2019 to demand more resources for the nearly 600,000 kids in L.A.’s public schools. Some class sizes were out of control – with 45 or more students per class. There was inadequate funding for special education, and 40 percent of schools had a nurse only one day a week.

After months of negotiations, educators went on strike for six days to secure meaningful changes—and thousands of community members showed up to support them. More than 10,000 parents, students, and community members joined the picket lines. On another day, close to 2,000 students and parents put on red shirts to show solidarity with the Red for Ed movement—creating a chain that stretched nearly a mile.

In the end, the union reached an agreement securing a 6-percent pay raise and many student-focused supports, including:

- a nurse in every school five days a week;
- lower class sizes, including an immediate reduction of seven students in secondary math and English classes;
- counselor-student ratios of 1:500;
- a commitment to reduce testing by 50 percent;
- a teacher-librarian in every secondary school five days a week;
- investment in community schools;
- a resolution calling on the state to establish a charter school cap and create a Governor's committee on charter schools; and
- hard caps on special education caseloads.

For the 2021-2022 school year, the United Teachers Los Angeles and the Los Angeles Unified School District reached an accord guaranteeing full in-person learning and return to school. The agreement included provisions for COVID screening and virtual learning for students forced to quarantine.

Prince George's County Educators' Association (MD)

When the Prince George's County Educators' Association (PGCEA) sat down at the bargaining table in 2019, it invited all 10,000 union members, plus local parents and students, to attend. "Open bargaining," as it's known, was a change for PGCEA, but President Theresa Dudley believed it made sense for her community.



Prince George's County educators, parents, and students display art they made for a massive school-funding demonstration.

The Maryland local, situated east of Washington, D.C., in a school district where more than 90 percent of students are Black and Hispanic, also made public its contract demands. They aimed for fair compensation—teachers here were earning an average of \$10,000 less than teachers in an adjacent district. The local also called for healthier learning environments, including smaller class sizes, less testing, and training for restorative practices—which is shown to lower suspension rates and disrupt the school-to-prison pipeline for students of color.

PGCEA held town-hall meetings in early 2019 and released its “Bargaining for the Common Good” (BCG) platform to the public. The community and educators organized a strong campaign using their collective voices. The BCG tactics included open bargaining, an art build, and a march of nearly 2,000 PGCEA members, parents, and students through the streets of the state capital. The community effort led to passing a budget bill that included an additional \$53 million in state education funds for Prince George’s County.

All of this led to a powerful negotiated agreement providing nearly \$124 million in pay raises, including \$39 million toward restoring raises the county skipped during the recession. Some members received a 22.5 percent pay raise over three years.

The union won additional improvements, including: an additional five days for special education teachers to complete IEPs (individual education programs) and other paperwork; a new task force to establish appropriate teacher-to-student ratios, plus reasonable caseloads for counselors, psychologists, and social workers; an evaluation system focused on professional growth; and the expansion of restorative practices to schools with interested faculty.

CONCLUSION

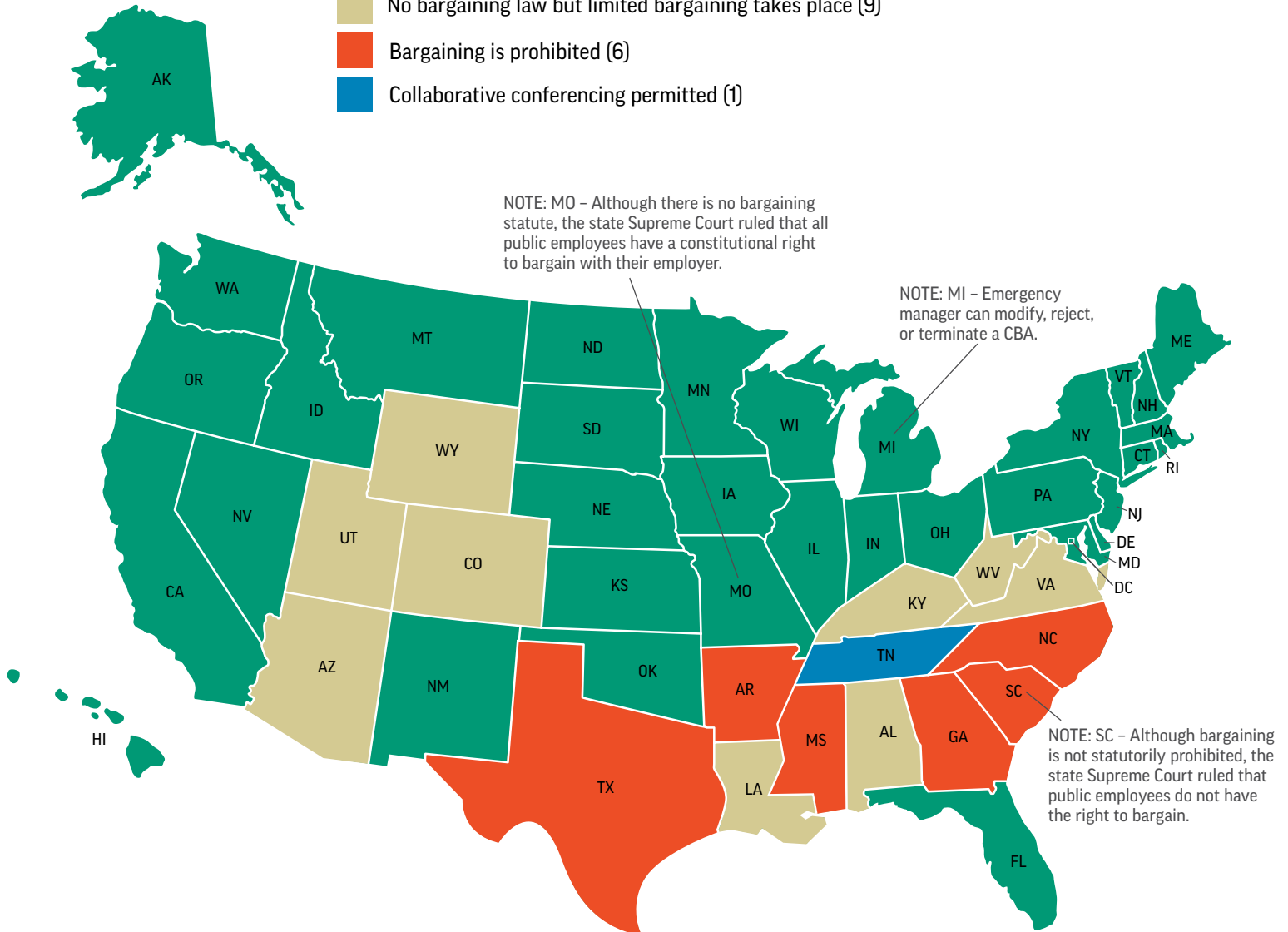
As these examples show, educator unions across the country not only lift up the economic lives of members but also have a direct, positive impact on public schools, the students they serve, and the community at large. Collective bargaining is good public policy for employees, employers, and communities, and all educators—no matter what state they live in—should have this right.



APPENDIX

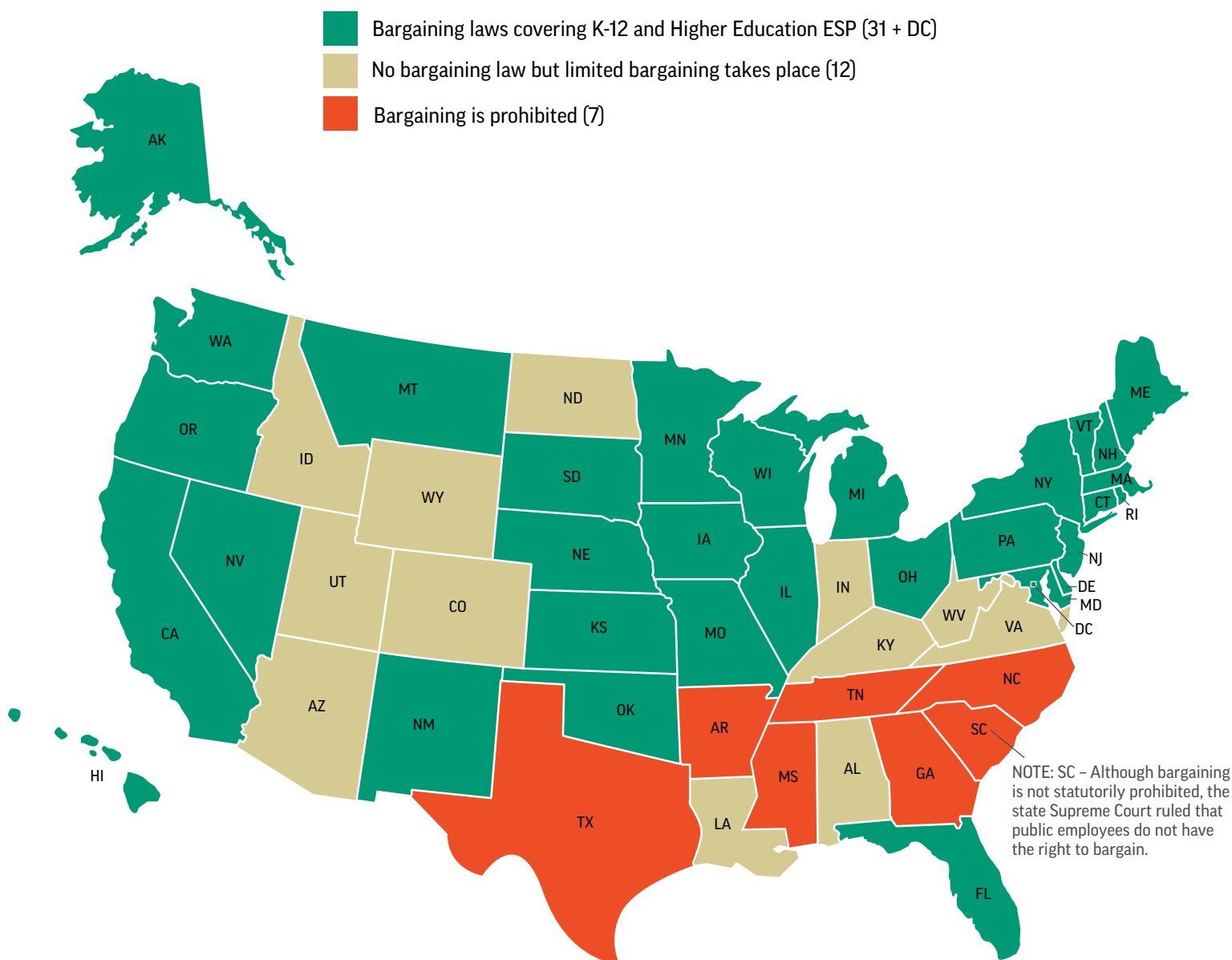
STATUS OF K-12 PUBLIC SCHOOL TEACHER BARGAINING

- Bargaining laws covering K-12 teachers (34 + DC)
- No bargaining law but limited bargaining takes place (9)
- Bargaining is prohibited (6)
- Collaborative conferencing permitted (1)



NEA COLLECTIVE BARGAINING AND MEMBER ADVOCACY (MAP CURRENT AS OF JULY 2021)

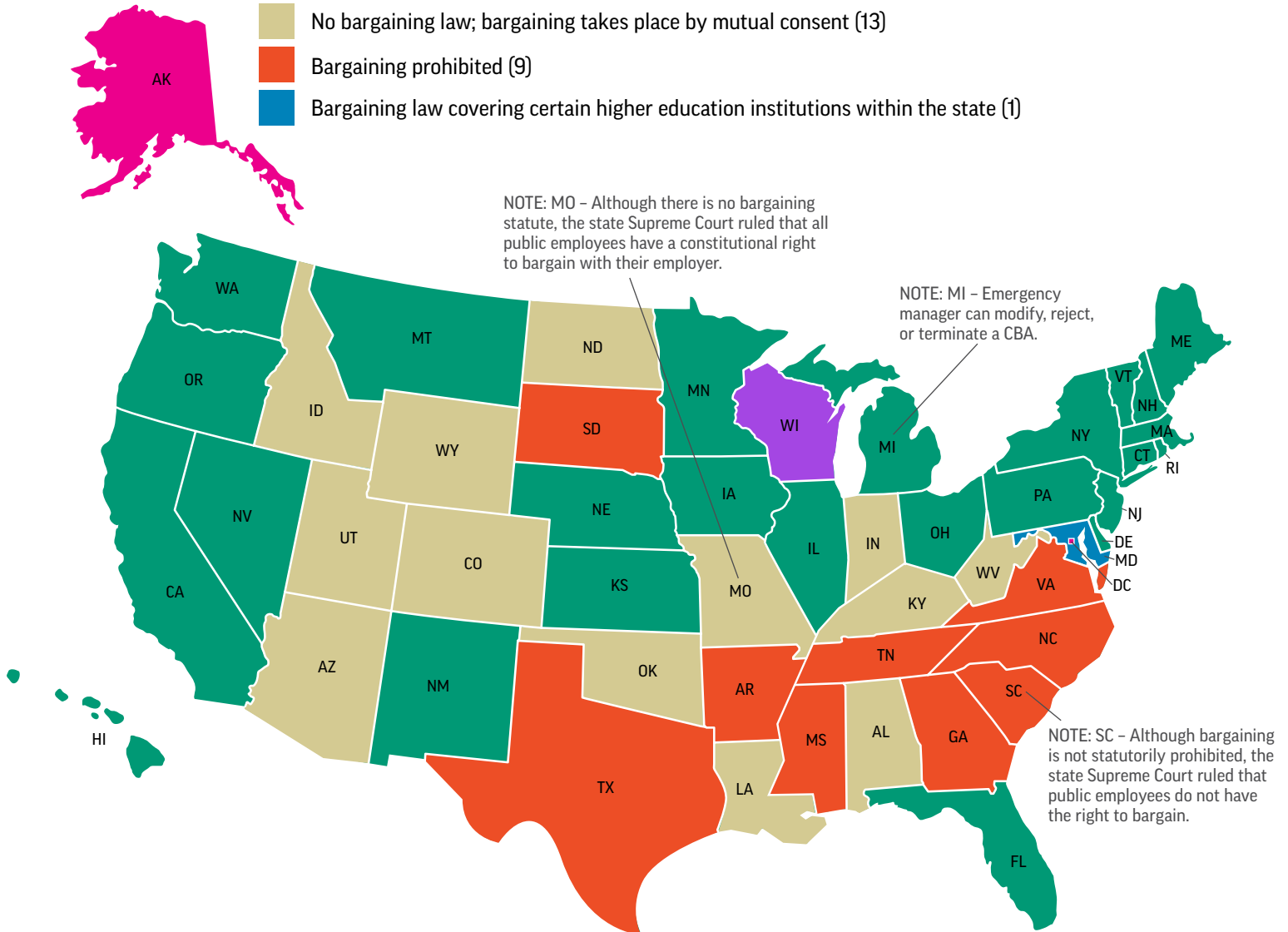
STATUS OF ESP BARGAINING LAWS FOR K-12 AND HIGHER EDUCATION ESP



NEA COLLECTIVE BARGAINING AND MEMBER ADVOCACY (MAP CURRENT AS OF JULY 2021)

STATUS OF COLLECTIVE BARGAINING FOR PUBLIC HIGHER EDUCATION FACULTY AT COMMUNITY COLLEGES AND FOUR-YEAR INSTITUTIONS

- Bargaining laws covering faculty at 4-year public education institutions and community colleges (25)
- Bargaining law covering community college faculty but not faculty at 4-year institutions (1)
- Bargaining law covering faculty at 4-year institutions but not community colleges (1 + DC)
- No bargaining law; bargaining takes place by mutual consent (13)
- Bargaining prohibited (9)
- Bargaining law covering certain higher education institutions within the state (1)



NEA COLLECTIVE BARGAINING AND MEMBER ADVOCACY (MAP CURRENT AS OF JULY 2021)



Collective Bargaining A Critical Tool to Improve School Staffing, Pay & Morale

By Mel Borja

Every student deserves a high-quality education in a safe and healthy school environment that supports all aspects of learning. Teachers have a great impact on student outcomes, and improving conditions for teachers improves conditions for students. Yet factors such as low pay, challenging working conditions, and inadequate support are driving teacher and staff turnover while harming Virginia students. A key component to achieve a safe, healthy, and supportive environment for staff and students is allowing teachers and school staff to collectively bargain. Following the 2020 reversal of the state's decades-long ban on local-level collective bargaining, each local school board in Virginia can now adopt a resolution that allows its teachers and school staff to engage in collective bargaining with its employees. By joining together to speak with a more powerful voice, collective bargaining can raise teacher and staff pay, increase retention, improve working conditions, and boost teacher morale. When teachers and school staff have a voice on the job, the overall impact is good for workers, students, and the community.

Past Time to Listen to Educators

Teachers and school staff have attempted for years to have their voices heard and for their and their students' needs to be met.



A sign at a January 2019 Red for Ed March in Virginia alludes to the extra time and funds teachers spend to provide a high-quality education.

Image credit:
Vertical Sandbox Productions

Inadequate pay, working conditions, and support drive teacher and staff turnover, harming Virginia students

National trends point to an urgent need for school districts to do all they can to improve conditions for their teacher workforce. Nearly 1 in 5 public schools reported having difficulty filling teacher vacancies a decade before the pandemic, and the problem only got worse in the intervening years.¹

Three primary factors are driving the long-standing issue of teacher shortages, as summarized by the Economic Policy Institute:

1. low pay relative to peers in other professions with similar credentials and experience,
2. inadequate or uneven professional support for teachers, and
3. challenging work environments.

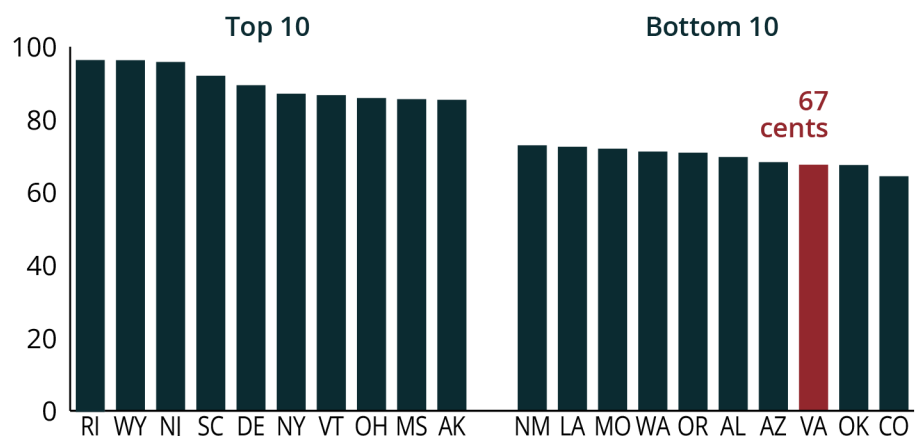
Virginia has not escaped these trends. With the third worst teacher pay penalty in the country in 2021, Virginia teachers are paid 32.7% less — just 67 cents for each dollar — compared to their peers with similar education levels in other professions. (Virginia notably escapes the distinction of second-

worst by only a fraction of a percent — the second-worst pay penalty is just 0.1% more severe.)² And average teacher pay in Virginia (\$58,506 in 2020-2021) is more than 10% below the national average (\$65,293 that same year), even before adjusting for state differences in typical pay for professionals in other fields.³ Looking more broadly, local government employees in Virginia, which includes teachers and other school staff, are typically paid 29.9% less than their private-sector peers with similar levels of education, age, and hours worked, one of the largest pay penalties in the country.⁴

Low pay is also a reported factor in the pre-pandemic and post-pandemic shortages of support staff in Virginia. For example, school divisions across the commonwealth — in Northern Virginia, Central Virginia, Southwest Virginia, and Hampton Roads — have faced an acute bus driver shortage that mirrors national trends.⁵ In the 2021-2022 school year, 15.2% of full-time and 13.0% of part-time school bus driver positions were vacant. This shortage forces schools

Large Teacher Pay Penalty in Virginia

Teachers in Virginia are paid just 67 cents for each dollar paid to their peers in other professions.



Source: Economic Policy Institute analysis of pooled 2016-2021 Current Population Survey ORG data



to compensate in ways that directly impact students, such as changing school hours and bus routes.

Though bus drivers are the largest shortage by job function, over 1 in 20 of all full-time school support staff positions (“non-instructional personnel” such as reading specialists, counselors, and facilities staff) went unfulfilled during the 2021-2022 school year in Virginia.⁶

Low pay makes it financially challenging for young people in Virginia to choose to go into or stay in teaching and other school staff roles. Research shows that financial incentives are particularly important for attracting teachers to hard-to-staff schools. Teacher pay is also important for retaining existing teachers, which is critical for education quality. Teachers gain critical experience and skills over the first few years of their teaching careers, which has been shown in multiple studies to make them more effective. Experienced teachers also play a critical role as mentors for new colleagues. Low pay can result in experienced teachers leaving for jobs that better allow them to support themselves and their families.

Growing evidence suggests that the pandemic has caused increased demoralization and burnout among many teachers. Teachers across the board experienced a tremendous drop in their self-reported “sense of success” with the onset of the COVID-19 pandemic.⁷ And a national survey of those who left teaching during the first year of the pandemic found that the most common reason teachers cited for leaving was stress.⁸

Over half of U.S. educators are planning to leave the profession earlier than initially planned, with Black and Latino teachers being particularly likely to be considering leaving, according to another nationwide survey conducted by the National Education Association in January 2022. The high share of Black teachers who report that they are planning to leave their jobs is particularly concerning because diverse learning environments benefit students overall, particularly Black students from low-income households.

Educators and advocates fill the streets near the Virginia State Capitol in January 2019



Image credit:
Vertical Sandbox Productions

Collective bargaining is an effective solution for teacher and staff pay and retention

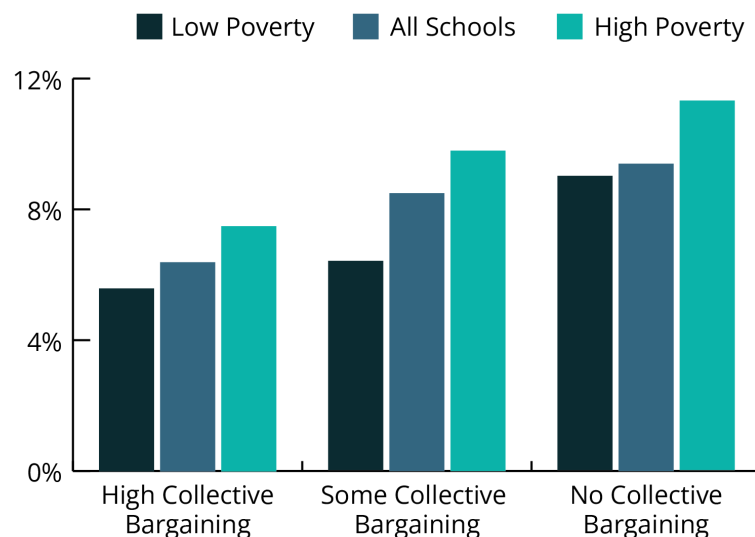
Improving Virginia's public education system requires a multi-pronged approach, one of which is local school districts passing collective bargaining ordinances to give school staff a voice on the job.

We know that union strength impacts teacher pay. Between 1996 and 2012, non-unionized public school teachers were typically paid just 82.1 cents for every dollar paid to their non-teacher peers. Public school teachers that were unionized had a smaller pay

penalty, receiving on average 86.8 cents for every dollar paid to their non-teacher peers, according to research published in the Bureau of Labor Statistics' Monthly Labor Review.⁹ The results also have implications for gender equity — while unionization lifted wages in the public sector by 4.7% overall, it lifted wages by 7.0% for female teachers.¹⁰ On the other hand, legislative measures enacted in five states in 2011 and 2012 that restricted public-sector collective bargaining rights significantly reduced average districts' spending on teacher compensation, including both teacher salaries and teacher benefits.¹¹

Stronger Collective Bargaining Results in Lower Teacher Transfer Rates for Both Low- and High-Poverty Schools

Percentage of teachers transferring to another school in 2000-01 by school poverty and state bargaining status



Source: Nelson, F. H., The Impact of Collective Bargaining on Teacher Transfer Rates in Urban High-Poverty Schools, Oct 2006



Schools with collective bargaining rights for teachers also have lower teacher turnover. A 2006 study from The American Federation of Teachers found that schools with collective bargaining have lower teacher transfer-out rates than schools without collective bargaining.¹²

67.3

Cents paid to **Virginia** teachers per dollar compared to non-teacher peers*

on average, 2016-2021

82.1

Cents paid to non-union teachers **nationally** per dollar compared to non-teacher peers*

on average, 1996-2012

86.8

Cents paid to union teachers **nationally** per dollar compared to non-teacher peers*

on average, 1996-2012

Collective bargaining improves working conditions and teacher morale, allows more voice on the job

The ability to collectively bargain can also improve working conditions for school staff, which helps boost teacher job satisfaction and morale, as well as student outcomes. Unions serve as mechanisms for teacher voice and allow teachers to negotiate for enhanced protections and working conditions, according to findings from a study of over 1,200 collective bargaining agreements. Additionally, when state-level reforms limit bargaining negotiations, unions are weakened and are unable to compensate for the substantial reduction in working conditions.¹³

Working conditions are substantially associated with teacher job satisfaction,¹⁴ which in turn is highly correlated with teacher morale.¹⁵ Teacher morale has always been an important factor to success in the classroom, but classroom teachers and other school staff are under an unprecedented level of strain. This strain is made worse by the recent uptick in staff shortages impacting school systems across the country.

Collective bargaining is one approach with great potential to reverse this trend. Former Chesterfield Education Association President Sonia Smith has echoed this idea, telling the Chesterfield Observer in 2021 that empowering teachers through collective bargaining “would allow every school division to actually be far more efficient in its operations. You would see increased morale.”¹⁶ And Richmond educator Darrell Turner — one of the many Richmond school staff members who successfully organized to win the first local-level collective bargaining ordinance for

*Non-teacher peers have equivalent levels of education and experience

Virginia educators and school staff — also affirmed that a collective bargaining resolution would lift morale and help retain and attract teachers when he testified to Richmond Public School Board members in 2021: “By passing a strong resolution, what you’re saying to educators is that we value you and we want your voice in how the school system is run.”

Collective bargaining is good for student achievement

By boosting teacher pay, improving working conditions, reducing turnover, and increasing voice on the job, collective bargaining benefits students and communities as a whole. Higher teacher pay attracts higher-quality teachers, which positively influences student outcomes.¹⁷ Low teacher retention, however, negatively impacts student achievement for all students in school, with the strongest impacts seen in the reading and math outcomes for low-performing and Black students.¹⁸ Additionally, researchers and advocates have long recognized that teachers’ working conditions are students’ learning conditions. Research shows that when teachers have more voice on the job — that is, they are able to influence curriculum, professional development, textbook selection, and teaching methods — there is a positive correlation with student test scores.¹⁹ Weakening of teacher unions and their collective bargaining power in other states has been correlated with decreased student achievement.²⁰

Examples such as ABC Unified School District in California show that when employers and educators are able to come to the table in a collaborative way, the result is good for students. Through a strong labor-management partnership, the AFT Local 2317 president and the district superintendent have worked to dramatically improve the district. They have accomplished this through peer coaching, community partnerships, and programs that support professional development for teachers in schools with high numbers of special education students and English learners. As a result, students in the district have demonstrated significant growth in student achievement, including their reading levels and overall test scores.²¹ When local-level collective bargaining was being debated in Virginia’s General Assembly session in 2020, then-president of

By boosting teacher pay, improving working conditions, reducing turnover, and increasing voice on the job, collective bargaining benefits students and communities as a whole.



the Virginia Education Association Jim Livingston said to The Washington Post, “Apart from salary, this bill would let teachers negotiate things like improved technology, up-to-date textbooks, [which] have a direct impact on student learning...This is something that teachers have clamored for for many years.”²²

Conclusion

Our public education system’s most valuable resource – its people – has long been forced to do increasingly more with increasingly less. And the COVID-19 pandemic has deepened the strain on teachers and school staff. Collective bargaining is a critical aspect of how to correct this dynamic, and it is now possible after the 2020 repeal of the ban on local-level collective bargaining in Virginia. Collective bargaining stands to boost wages and retention, improve working conditions and morale, and positively impact students by giving staff a voice on the job. It is time for all local school boards to support teachers and school staff by permitting them to collectively bargain.

**It is time that
all teachers
and school
staff in
Virginia are
permitted to
collectively
bargain.**

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Writing the Next Chapter

The NEA Center for Organizing and Affiliate Support

Executive Summary

This paper reviews our membership trends over the last 10 years, the current work of the Center, and the external and internal challenges and opportunities we face. It outlines **a plan for a more coordinated and strategic approach to strengthening and growing our state and local affiliates; along with a re-organization of the Center.**

THEORY ON THE CASE: Educator voice depends on union strength. Union strength is directly correlated to union density. We will align C4OAS programs, staff, and resources within a **Coordinated Organizing Plan to build union density. We will do this through a three-pronged focus on *member organizers, member organizing committees, and worksite leaders.***

- **Expand and develop the YRO Member Organizers program** to maximize affiliate capacity to recruit new hires and potential members across all affiliates
 - **Continue to drive innovation** in digital engagement, social media, telephonic, data and in membership systems processing
- **Prioritize majority status campaigns in bargaining states, led by member organizing committees,** to win exclusive recognition and first contracts in locals without them – thereby driving measurable increases in union density
- **Build affiliate sustainability in prohibited bargaining states:**
 - **through a focus on worksite leadership:** expanding the ranks of building reps helps build the bench – building future capacity. It puts trusted and respected worksite level leaders at the forefront of member engagement.
 - **by supporting affiliates in moving from payroll deduction of dues, to direct eDues,** to gain independence from hostile politicians.

Introduction

Fundamentally, the charge of the Center for Organizing and Affiliate Support (C4OAS) is to support the growth and strength of NEA's state and local affiliates. This work is grounded in NEA's vision, mission and [Strategic Plan and Budget](#). Most of the Center's work is enhancing organizational capacity.

[President Pringle's priorities for 2022-2023](#) include advancing our strategic vision, uniting our members, securing the environment and creating safe, just and equitable schools. C4OAS's work touches all of those priorities. In November, at our virtual Center-wide staff meeting, we reviewed the Strategic Plan and Budget and where all of C4OAS's activities and work fit in.

Since its founding, the Center has worked to build a culture of organizing across our affiliates. A culture of organizing prioritizes member recruitment, engagement and growth. As we begin the next chapter in the Center's development, this is an opportunity to reflect on what we have accomplished, what the union's challenges and opportunities are today, and how we can continue to advance our work and get to even greater scale.

There's no single definition of organizing. It means different things to different people and in different contexts.¹ **I gravitate to the definition that organizing means *empowering workers and changing lives*.** At the end of the day, it is about enabling members and potential members to exercise their voice and collective strength to make change.

Fred Ross Sr., an icon to many organizers, once said “*the duty of the organizer is to provide people with the opportunity to work for what they believe in*”². Our job is to create those opportunities. The members will build their union.

I have learned important lessons about organizing from a wide range of mentors and earlier efforts: the UFW, IAF, SNCC, ACORN, SEIU, the Highlander Center. We need a wide range of skills, strategies, and tools in the fight for justice.

There is no one right way to organize. But there are best practices; things we can learn. As organizers we must reflect and engage in constant discussion about what works and what doesn't, in order to improve our skill, our craft, our effectiveness and our success. That is the meaning of continuous improvement, of being a learning organization, and of good organizing practice. In everything we do we must ask: how are we empowering members – and changing lives?

There is widespread agreement inside the Center that we are driving good work in lots of different places; but that it can be challenging because it feels isolated, siloed, and uncoordinated.

¹ *Glossary of Terms*, [On the Meanings of Organizing](#).

² *Axioms for Organizers*, by Fred Ross Sr., www.FredRossSr.com.

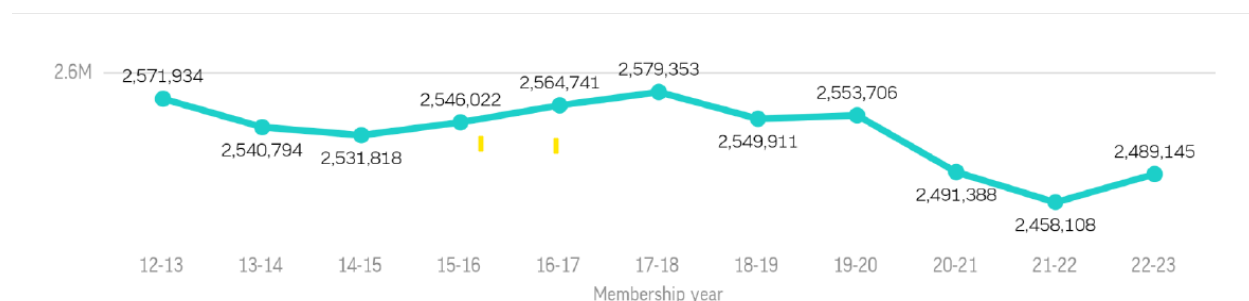
The environment in which we operate radically changed five years ago. The Janus decision creates a completely new world and a different set of challenges than we faced back when the majority of our affiliates had the security of agency fee protections. How we operated in earlier years is not the answer. *“Let us not return to what was normal, but reach toward what is next”*³.

To address these new challenges, and build upon the progress that has been made over the last ten years, this paper outlines a **plan for the Center that aligns the various C4OAS organizing programs and activities into a coordinated and strategic approach to strengthening and growing our state and local affiliates.**

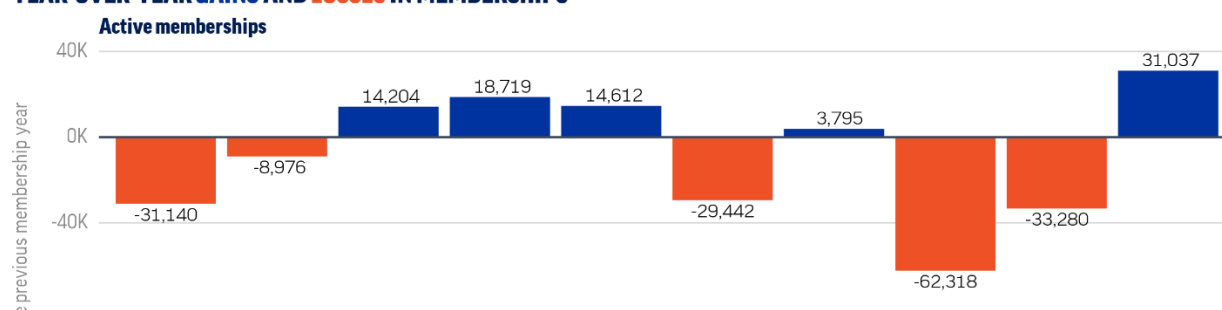
Tom Israel, Senior Director
NEA Center for Organizing & Affiliate Support

Membership Trends: the Last 10 Years

TRENDS IN ACTIVE MEMBERSHIPS



YEAR-OVER-YEAR GAINS AND LOSSES IN MEMBERSHIPS



The Great Recession that started in 2008-2009 led to a sizeable loss of public sector jobs and ultimately NEA active members. C4OAS began its work in 2012, helping affiliates stop the

³ New Day Lyric, Amanda Gorman, January 1, 2022.

bleeding of members and return to net growth. Then we faced the exigent threats from the U.S. Supreme Court in the twin cases challenging agency fee dues, *Friedrichs vs. CTA* and later *Janus v. AFSCME*. We survived the Janus decision far stronger than many feared, and our opponents had hoped for. The pandemic caused a greater drop in membership, as education employment numbers across the country decreased sharply (2.4% loss in year 1). This year we are beginning to see a recovery in our membership as we emerge from the worst years of the pandemic.

Throughout, C4OAS has understood that our most immediate challenge was to expand affiliates' practices of membership recruitment, which too many took for granted under the protection of agency fee laws and contracts.

We understood that recruitment needed to be planful, needed to occur throughout the year, and that development of best practices in the habits and mechanics of recruitment could significantly increase member density. This was especially important at a time when the vast majority of our affiliates were losing agency fee, turnover was increasing in our professions, and retention of members was suffering.

The loss of agency fee protections has transformed the relationship between the union and most of our members. We are a voluntary organization of 2,880,290 members (*total*). Each member now has to make an active decision to join, and they are free to leave. That new relationship underscores the union's need to engage, involve and listen to its members. To not do so is at the union's peril.

The effort to reverse membership loss drove C4OAS to develop recruitment projects through the seasonal organizing campaigns of Ed Summer, New Ed, Winter Worksite and Early Enrollment, which have evolved into the current Year-Round Organizing and Member Organizers program. After seven years, C4OAS has done what few thought we could do – build a nationally coordinated program with the voluntary buy-in across virtually all state affiliates. We have made significant progress in assisting affiliates to develop and execute recruitment campaigns throughout the calendar year.

The Member Organizers program is a core element of the overall strategy. No one is better positioned to recruit new members than a trusted and respected educator who already works at that worksite. The fact that we now have 48 state affiliates participating, and that participating locals are showing significantly greater membership growth than the rest of the union, is a testament to that success. And the capacity to recruit, train and support 1,200 member organizers a year is an awesome accomplishment.

At the same time, we have continued to support state and local affiliates in a myriad of other ways: including training, strike support, contract campaigns, scratch organizing campaigns, legislative campaign field support, issue organizing campaigns, member GOTV, constituency organizing, grant support, conferences, and even hurricane recovery.

STRATEGIC BUILDING BLOCKS OF C4OAS

1. **Align programs, staff and resources within a C4OAS Coordinated Organizing Plan**

Focus on increasing union density in order to increase the power of our affiliates and the voice of our members. We will advance this goal by:

- A) Maximizing member recruitment across all affiliates
 - B) Prioritizing majority status campaigns to win bargaining rights
 - C) Building worksite leadership networks and protecting threats to density from loss of payroll deduction of dues, in prohibited and weak bargaining states
 - D) Targeting ‘deep dive’ states for coordinated support
- A. **Maximize affiliate capacity to recruit new hires and potential members across all affiliates**
- i. expand and develop the Year-Round Organizing **member organizers program**
 - ii. **drive innovation** in digital engagement, social media, telephonic, data and in membership systems processing
- B. Focus on opportunities across **bargaining states** to run **majority status campaigns to win exclusive representation and first contracts**. *(in both permissive and mandatory bargaining states)*. Expansion of majority status bargaining rights directly correlates with increased member density and thereby increased member voice and power. Recognition campaigns expand the union.
- C. Focus **in prohibited and weak bargaining states** on building sustainable capacity:
- i. **Worksite leadership systems**: helping state affiliates expand and train building rep networks for locals and regions – building the bench
 - ii. **eDues transition**: for independence from threats from hostile politicians
- D. Develop a set of **targeting criteria** to identify ‘**deep dive**’ states where we align resources to qualitatively move the needle on growth, engagement and expansion.

Over the last ten years, a primary goal has been persuading affiliates that recruitment was not just done during the Back to School season and at new employee orientations, but rather should happen throughout the entire calendar year. The various C4OAS teams (GLUE, MSMV, Zones) developed organizing programs and tools to help build an organizing culture of member and potential member engagement among our affiliates.

A laser-like focus on recruitment is essential. We must continue to coach and support affiliates in running robust and larger member organizer programs, and building them in to their own program funding. We must continue to innovate and take advantage of new tools and

strategies. It is essential. We have to recruit 250,000 new members a year just to maintain current levels of union density.

We also know that union density and strength are correlated with exclusive representation and collective bargaining. States with near universal contracts have higher density than states with permissive bargaining laws, almost all of whom have higher density than states where collective bargaining is prohibited. The more widespread collective bargaining is, the higher our membership density. Among our certificated membership:

- we are at 61% density across all the mandatory bargaining states
 - 10 states are above 80%
- We are at 39% density across permissive bargaining states
- We are at 12% density across prohibited bargaining states

We have hundreds, if not thousands, of local affiliates in permissive and in mandatory bargaining states that do not have exclusive recognition and bargaining rights. Winning recognition and bargaining rights inevitably result in increased membership, density and strength.

Members and potential members are rarely more engaged than during campaigns for recognition and first contracts. These can be critical compression points for increasing membership, engagement, and strength.

Leaders are developed through action. Campaigns for recognition and first contracts are powerful crucibles for the identification, testing and validation of trusted and respected worksite leaders. Successful recognition campaigns are led by effective *member organizing committees*. And they build effective worksite leadership networks.

Our ability to assist locals without bargaining rights, to win exclusive recognition and first contracts can qualitatively expand and strengthen the union.

Our 500 largest locals (>900 members) represent 41% of our overall active membership. Systemically expanding collective bargaining in those locals can increase our membership and our density in both permissive and mandatory bargaining states.

Help more of our members win the right to bargain collectively, and they will advance their own self-interest, bargain for the common good, and fight for the safe, just and equitable schools our students deserve. Winning the right to bargain empowers workers and changes lives. Focusing on that, makes everything else possible.

States where collective bargaining is prohibited, by their very nature, call for a different strategy. The good news is that we are seeing record-breaking membership growth in states

like South Carolina, Georgia, Arkansas and Mississippi⁴. But prohibited bargaining states also have the highest membership turnover rates.

The need in prohibited bargaining states to improve retention demands a ‘high-touch’ approach to existing member engagement, from across the enterprise. Member-led professional development can be an important part of the value proposition in these states. For C4OAS, our ability to help states scale up more robust worksite leadership systems will build sustainable capacity. The goal is a distributive leadership model of teams of building reps in individual schools and worksites, with differentiated roles and responsibilities. Expanding the ranks of building reps/teams helps build the bench – building future capacity. And it puts trusted and respected worksite level leaders at the forefront of member engagement.

In addition, many of our states face existential threats from conservative politicians to kneecap them through loss of payroll deduction of dues. Building financial independence from hostile politicians is a critical priority for the future sustainability of affiliates in states with ultra-conservative Republican legislatures. Failure to do so risks their very survival.

⁴ SC, GA, AR & MS – Increases of 15%, 8%, 9% and 10% respectively over the end of last year (8/31/22).