



## **Some FACTS about Unionization & United Teachers of Los Angeles (UTLA)**

At Alliance College-Ready Public Schools, we are proud of the thousands of students we've graduated from high school and sent to college, and proud that our schools consistently outperform traditional neighboring public schools and are nationally recognized as some of the best schools in the nation. We are especially proud that we have achieved these results serving low-income students of color.

We are also incredibly proud that we've recruited and developed among the best and most dedicated educators in the country, which has allowed us to become one of the most successful public school organizations in the nation.

We share Alliance teachers' commitment to providing a high quality education for all students. It is precisely because of that shared commitment that Alliance students have been so successful. We believe that our success has come from putting our students first. We remain steadfast in our commitment to always put the needs of students first and foremost.

It has come to our attention that some teachers at some Alliance schools have expressed interest in organizing a union with UTLA at their school. We acknowledge the rights of our teachers to undertake this effort. We also recognize that our teachers are under no obligation to participate.

*The Alliance Educators United organization, website and materials do not represent Alliance College-Ready Public Schools. Alliance Educators United is an organization of some teachers at some Alliance schools with backing from United Teachers of Los Angeles (UTLA).*

### **Facts about Teacher (employee) Rights, and the Limitations on their Rights, Under the Law:**

- **FACT:** Teachers have the right to decide for themselves, free from coercion, whether they want—or don't want—to be represented by a union. If you do not want to sign anything, you do not have to do so. Do not sign any petition or authorization card without having all the facts.
- **FACT:** Teachers have the right express their opinion about joining or NOT joining the union— free from retaliation, coercion. This right is equal to the right to join a union. Both are protected by law.
- **FACT:** The law does not guarantee teachers the right to a secret ballot election, so your signature may be the only opportunity you have to be heard on this issue<sup>1</sup>.

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<sup>1</sup> National Labor Relations Act, Section 9(c) and National Labor Relations Board Rules & Regulations Manual, Section 101.17, and Educational Employment Relations Act, Section 3544 (a)

- **FACT:** A union authorization card is a binding legal document. It is similar to a power of attorney or a blank check. A signed card can result in unionization without an election. Teachers need to get facts first before signing anything<sup>2</sup>.
- **FACT:** The law does not require “full disclosure” by union organizers of all the facts needed to have a balanced view<sup>3</sup>;
- **FACT:** Signing a card now could deprive teachers of an opportunity to make a choice later. Teachers must have at least 50%+1 of certificated teachers and counselors signing official union authorization card. In California this is done without an election. **If over 50% of teachers at a school sign the card, then collective bargaining goes into effect for all teachers at that school, regardless of whether or not they signed. In addition, all teachers will have to mandatorily pay dues. There is no opting out<sup>4</sup>.**
- **FACT:** Decertifying (getting rid of) a union is possible, but difficult.

#### **What Unionization Guarantees for Alliance Teachers:**

- **FACT:** Joining the union guarantees teacher collective bargaining. Nothing else<sup>5</sup>.
- **FACT:** Joining the union does not guarantee increased pay, benefits and any other working conditions. Every item must be negotiated. It may result in less; the same or more than you have now. If it is the same or less, then remember that you will have lost because of the obligation to pay dues<sup>6</sup>.
- **FACT:** There are rules which union members must follow which are found in the NEA’s constitution and UTLA’s by-laws. Union rules generally include the right to discipline members for violations (typically through fines). These union rules are a binding contract between the union and its members<sup>7</sup>.

#### **Some Facts about Collective Bargaining:**

- **FACT:** The union, not the teachers and other employees, decides what to propose in negotiation<sup>8</sup>.
- **FACT:** The union bargains with the school; the school may make its own proposals at the bargaining table. The parties must negotiate in good faith, but there is no time limit on how long it may take to reach agreement, and no requirement that an agreement actually be reached<sup>9</sup>;

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<sup>2</sup> National Labor Relations Act, Section 9(c) and National Labor Relations Board Rules & Regulations Manual, Section 101.17, and Educational Employment Relations Act, Section 3544 (a)

<sup>3</sup> There is no statutory provision prohibiting misrepresentations by a union or rendering a signed authorization card invalid because the employee signed in reliance upon misrepresentation.

<sup>4</sup> Educational Employment Relations Act, Section 3544 (a)

<sup>5</sup> National Labor Relations Act, Section (8)(d), and Educational Employment Relations Act, Section 3543.2(b) – (e)

<sup>6</sup> Educational Employment Relations Act, Section 3543.2(b) – (e)

<sup>7</sup> <http://www.utla.net/constitution>

<sup>8</sup> National Labor Relations Act, Section 9(a)

<sup>9</sup> National Labor Relations Act, Section (8)(d), and Educational Employment Relations Act, Section 3543.2(b) – (e)

- **FACT:** If and when a union contract goes into effect at a school, all teachers at that school are covered, whether or not they signed a card or voted for the union; there is no “opting out.”
- **FACT:** Union agreements work to reduce flexibility and differentiation for teacher support and work environments. Teachers’ flexibility and innovation in the classroom are part of what makes the Alliance successful. The union’s highly regulated approach is a one-size-fits-all strategy.
- **FACT:** The 2008-2011 UTLA contract agreement with LAUSD is 349 pages and governs almost every aspect of teacher behavior and school organization. To see UTLA contract agreement with LAUSD, go to [www.utla.net](http://www.utla.net).

### **Some Facts about UTLA:**

- **FACT:** Teachers represented by UTLA at LAUSD have seen no increase in pay for the last 8 years<sup>10</sup>. Last year, in 2014-15, Alliance teachers received an 8% pay raise without a union. Currently, UTLA remains stalled in contract negotiations with LAUSD.
- **FACT:** UTLA does not support performance-based compensation of any kind<sup>11</sup>. For the past three years, Alliance has provided individual performance bonuses for effective teaching that includes partial measure for student growth. In December 2014, 99% of Alliance teachers received a pay bonus based on performance.
- **FACT:** UTLA has not been able to prevent lay-offs at LAUSD over the past several years. The LAUSD Board just voted for another 670 teacher lay-offs<sup>12</sup>. Alliance has never implemented an organization-wide reduction in force.
- **FACT:** UTLA has not secured smaller class sizes at LAUSD. The LAUSD 2014-15 budget shows that average class size at middle and high schools is 34 to 42.5 students depending on demographics<sup>13</sup>. The Alliance 2014-15 school budgets are based on an average class size of 30 students.
- **FACT:** If Alliance teachers decide to join UTLA, all teachers will be required to pay UTLA dues. UTLA dues are \$57.42 each month, or \$689.04 annually. Dues are used for salaries of UTLA, CTA and national staff. Dues are also used to fund legislation and back political candidates<sup>14</sup>.
- **FACT:** UTLA and CTA have a consistent track-record of supporting policy, legislation and candidates opposed to charter schools:
  - For example, UTLA has been a staunch supporter – both with endorsements and significant campaign funding – to support LAUSD board members who “on principle” vote against the opening of any new charter schools, and have voted “on principle” to

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<sup>10</sup> <http://www.utla.net/media/ralliesdailynews>

<sup>11</sup> <http://www.utla.net/node/930>

<sup>12</sup> <http://laschoolreport.com/la-unified-board-and-tough-realities-deficit-layoffs-and-charters/>

<sup>13</sup> <http://achieve.lausd.net/cms/lib08/CA01000043/Centricity/Domain/123/FINAL%20BUDGET%206-13-14%20859AM.pdf>

<sup>14</sup> <http://www.utla.net/dues>

deny charter renewals, including existing Alliance schools<sup>15</sup>. Can you imagine your money being used to support such an effort?

- UTLA opposes Prop 39, which guarantees classroom space for charter school students. UTLA has consistently supported efforts to reduce, diminish or remove charter schools from co-locating on LAUSD campuses<sup>16</sup>.
- UTLA has vigorously opposed giving new district facilities to charter schools through LAUSD's Public School Choice process<sup>17</sup>. For example, UTLA opposed giving space to Alliance Tennenbaum Technology Family High School.
- In contract negotiations with LAUSD in fall 2014, UTLA demanded that LAUSD be granted the power to intervene in the selection and removal of charter school board members<sup>18</sup>. This is a direct contradiction to California charter school law, both in the intent and the letter of the law. Charter schools, like Alliance, were created to give them independence and autonomy from governing school districts (e.g. LAUSD). UTLA's proposal was to limit our autonomy and flexibility to operate.

**GET ALL THE FACTS. EDUCATE YOURSELF FULLY BEFORE SIGNING ANYTHING. ONCE UNIONIZATION OCCURS, IT IS VERY DIFFICULT TO REMOVE THE UNION.**

**FOR UPDATES ON THIS FACT SHEET, GO TO <https://plus.laalliance.org/>**

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<sup>15</sup> <http://laschoolreport.com/a-snapshot-look-at-kaysers-positions-on-major-laUSD-issues/>

<sup>16</sup> [http://www.utla.net/system/files/UTLA\\_Charterschool\\_policy.pdf](http://www.utla.net/system/files/UTLA_Charterschool_policy.pdf)

<sup>17</sup> [http://www.utla.net/system/files/PSC3\\_20101103.pdf](http://www.utla.net/system/files/PSC3_20101103.pdf)

<sup>18</sup> <http://www.utla.net/system/files/UTLADistrict%20ProposalPublicSchoolAccout.pdf>