



Representing Wayne State Faculty and Academic Staff

NEWSBRIEFS

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"Public Goods" Are Not Free

"Public Goods. Goods which, because they cannot be withheld from one individual without withholding them from all, must be supplied communally. For example, it would not be possible to exclude any one individual from consuming national defense, or street lighting, or general police protection."

Penguin Dictionary of Economics

We should add another "public good" to that list: the collective bargaining agreement protecting faculty and academic staff at Wayne State University.

Like national defense or general police protection, our negotiated contract covers everyone, establishing the right to due process, equal treatment, fair salaries, and academic freedom. This "public good" cannot be withheld from one individual without compromising its protection of all faculty and academic staff.

Public goods require public support. If someone were to argue that, having no need to call the police or fire department over the past year, he/she should therefore be able to choose not to pay for these public services, we would reject this argument as selfish and shortsighted.

Yet this is exactly what some administrators argue on behalf of the non-members who take the benefits and the protection of union representation for granted, without paying their share of the cost of this "public good."

Fair Share Fee for a Public Good

For AAUP-AFT members, one of the highest bargaining priorities is the addition of a Fair Share

provision to our contract that would require all those who benefit from union representation to pay their share of the cost. For those who have already volunteered to join the union, dues are less than 1% of total salary, but the cost would be far lower if the non-members we represent paid their share of the cost. As it is, union members are carrying the burden for their non-member colleagues.

That isn't fair. "Public goods" are not free, and their real cost should be distributed equitably. That is the goal of the union's proposal for a Fair Share fee.

We expect that there will be considerable debate in the months ahead concerning our Fair Share proposal. We hope to frame this debate by answering some common questions:

Why doesn't the union just refuse to represent non-members?

By Michigan law and by our own principles, the AAUP-AFT is obligated to represent all faculty and academic staff. We don't want to leave anyone unprotected, and we are legally bound to represent everyone, members and non-members alike.

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So the union is legally obligated to represent everyone, but non-members can choose not to pay for it?

Yes. The union is forced to provide its services for free.

So why do people join at all?

Many faculty and academic staff join anyway because they understand how they benefit from union protection. They recognize that public goods are not free and the union is the last, best line of defense for due process, equity, and the protection of academic freedom.

Can't the Academic Senate protect us?

The Academic Senate is a valuable forum for collegial debate and shared governance, and many of the union's active members and elected leaders have also been elected to Senate leadership. They will be the first to tell you that, in most cases, the Senate's role is primarily advisory. Anyone with a few years' experience at WSU also knows that in the past some administrators ignored the Senate when it suited them. Moreover, the Senate plays no role in determining fair salaries and benefits. Ultimately, it is the legally binding language in the AAUP-AFT collective bargaining agreement that establishes and protects the Senate's role in shared governance.

Would individuals pay the Fair Share fee even if they don't call on the union for representation?

Even those who have no reason to call for the union's *direct* representation at any one moment are still being represented in the formal negotiations, the informal discussions, the committee meetings, the grievance hearings, and the arbitration cases that codify and protect due process and fair treatment at WSU. "Policing the contract" is a lot like "general police protection:" if it is effective and impartial, it is also invisible, since violations of the contract are discouraged and fair practices are reinforced.

Do other union members at Wayne State pay a Fair Share fee?

Yes. Of the eight unions on campus representing full-time employees, seven have negotiated such a provision with the university administration. All of the bargaining unit employees in these other unions pay the equivalent of a Fair Share fee to cover the cost of union representation. Only faculty and academic staff are given the "choice" of getting something for nothing.

As white-collar professionals, don't academic staff and faculty have less need for union representation?

Unfortunately, our professional status doesn't protect us from the unprofessional conduct that occurs in any large bureaucracy. Except for superstar professors with national reputations, most of us lack the individual leverage to protect ourselves everytime administrators get it wrong, or, as sometimes happens, they willfully discriminate. This is especially true for non-tenured, non-ESS personnel who work on term contracts that can be non-renewed for any reason. Many white-collar workers have discovered they need collective organization to protect professional standards –teachers, nurses, airline pilots, actors, journalists, screenwriters, and, most recently, a growing number of doctors and engineers working in large corporate or healthcare bureaucracies.

Why do some people not join the union?

Some new hires assume, incorrectly, they are already members because they are automatically covered by the contract, while others who intend to join (either when they are hired, or when they return to the bargaining unit from administrative positions) simply forget.

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Still others are happy to get something for nothing, while some are anti-union and refuse to acknowledge the role of collective bargaining in protecting due process and fair compensation. Others, however, are motivated not by selfish calculation, but by the fear that joining the union will jeopardize their chances of tenure or ESS in departments where administrators or senior colleagues are openly or covertly anti-union. This is especially true in the School of Medicine and several departments in the College of Science: some new hires who join the union have called us back in a panic when they learn that administrators in these areas discriminate against union members. Such discrimination is illegal, but the victims almost always avoid bringing charges since they fear this will only jeopardize tenure or ESS all the more. They feel compelled either to resign from the union or pay dues covertly.

Is it legal to require a Fair Share fee?

Yes. The Michigan legislature amended the Public Employment Relations Act in 1973 to make Fair Share fees a legal option in public sector collective bargaining. The legislature's specific intent was to insure, as the law states, that "employees in the bargaining unit... share fairly in the financial support of their exclusive bargaining representative." The U.S. Supreme Court subsequently upheld the constitutionality of these Fair Share provisions (see "Quotes" on back page).

Does this mean someone could be forced to become a union member?

No. We urge all faculty and academic staff to become full members and pay full dues, allowing them to cast their ballots in union elections and to vote in contract ratifications. But if they choose not to join, they would only be required to pay a Fair Share fee that covers the cost of union representation.

Would I be financing the union's political agenda?

No. By law, a Fair Share fee can only cover expenditures related to collective bargaining and representation, including educational materials and lobbying directed towards these ends. Direct support for candidates cannot come out of the Fair Share fee, nor can it come out of members' dues, for that matter. The union raises funds for these political purposes out of voluntary contributions.

Is it democratic?

Yes. Thirty years ago, faculty and academic staff voted overwhelmingly for union representation at Wayne State University. The Fair Share fee simply protects the union against the subsequent negative trends that threaten to nullify that vote. Some of these trends are structural and legal: for example, the dramatic growth in the School of Medicine, where a ruling of the state labor board has prohibited us from bargaining over the "practice plans" that represent the largest source of income for most medical faculty. Other trends are political and policy driven: for example, the anti-union animus of Wayne's previous president, David Adamany. The shift away from full-time faculty and academic staff towards contingent, part-time, and sub-contracted employment has also increased turnover and reduced institutional loyalties at Wayne – a problem for all concerned with the university's future.

Will dues remain the same?

No. With non-members paying their share of the cost of representation, union members would no longer be forced to carry the whole burden – one reason members have put a high priority on negotiating a Fair Share fee in past bargaining surveys. Dues would be lowered significantly below the current level of less than 1% of uncapped salary (that is, salary below \$96,000 for 12-month employees and \$80,000 for 9-month employees).

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Quotes

U.S. Supreme Court (Abood v. Detroit Board of Education, 1977), linking the justification for union-shop (Fair Share) fees to the union's duty to represent all employees:

"A union-shop arrangement has been thought to distribute fairly the cost of these (representational) activities among those who benefit, and it counteracts the incentive that employees might otherwise have to become free riders – to refuse to contribute to the union while obtaining benefits of union representation that necessarily accrue to all employees."

Martin Luther King, speaking against the so-called "Right-to-Work" laws in many southern states that prohibit Fair Share fees:

"In our glorious fight for civil rights, we must guard against being fooled by false slogans, [such] as right-to-work. It provides no rights and no work. Its purpose is to destroy labor unions and the freedom of collective bargaining. We demand this fraud be stopped."

Doug Fraser, former UAW President and currently University Professor, CULMA:

"There is no principle that I am aware of that says that people who the union must represent as a matter of law should escape their responsibility to pay their fair share of the financial burden involved in protecting their wages and working conditions. All newly hired faculty and academic staff gain by the union's representation, and those who don't join should at least be expected to pay their share of the costs."

President Harry S. Truman, speaking against "right-to-work" proposals to prohibit Fair Share fees in southern states and elsewhere:

"You will find some people saying that they are for the so-called right-to-work law, but they also believe in unions. This is absurd – it's like saying you are for motherhood but against children."

Wayne State University Chapter

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