
**Protecting Ourselves in a Right-to-Work State:
WMU-AAUP Proposed Agreement on Union Security**

FAQs

What is a union security agreement (USA)?

The so-called “right-to-work” (RTW) laws passed by the state legislature and signed by the governor in December 2012 will significantly affect the working lives of the faculty at WMU by seriously limiting the Chapter’s ability to collect dues. Membership dues fund the costs associated with providing representation to the faculty, collectively as well as individually, and the costs involved with negotiating on the faculty’s behalf.

Without a new USA, significant reduction in membership dues support is likely in the wake of RTW, and it would come at tremendous cost to the WMU-AAUP’s ability to provide services effectively. Additionally, faculty members who decline to pay dues under the new RTW provisions might still be entitled to the Chapter’s services and to all benefits negotiated by the Chapter on behalf of dues-paying faculty, further burdening what is likely to become an increasingly under-funded system and thus further reducing the services available to dues-paying members. The proposed USA would codify the cost-sharing provisions that are operational now at WMU but that will be prohibited once the RTW laws take effect on March 27, 2013.

Don’t we already have a USA in our existing contract?

Yes. USAs have long been standard to workplace agreements between collective bargaining units and employers, including at WMU. In the 2011-14 Agreement, our USA is articulated in Article 9, which states that “all bargaining unit faculty shall. . . tender annual payment to the Chapter of either the dues assessed on members, or the service fees assessed on nonmembers, or sign an authorized form for payroll deduction of dues or service fees, or make arrangements for payment of dues or service fees to the Chapter, or make written application to the Chapter for conscientious objector status.”

The draft version of the proposed new USA includes the following language:

Western Michigan University and the Western Michigan University Chapter of the American Association of University Professors (WMU-AAUP, hereinafter known as the “Chapter”) agree that the Chapter’s duties to persons employed in the bargaining unit require that each unit member share the costs associated with the negotiation of and administering of the collective bargaining unit.

Accordingly, bargaining-unit members shall be required to become members of the Chapter or agree to tender to the Chapter either a prescribed fair share agency fee or equivalent contribution to the Western Michigan University Scholarship Fund.

So why do we need a new one?

Once they go into effect in March, the new RTW laws prohibit union security agreements like the one articulated in Article 9 of our Agreement. That means when our current Agreement expires in September 2014, we – the WMU-AAUP and the university administration – will be prohibited by law from including a USA in our next contract and all future contracts (until and unless the RTW laws are reversed, although there is no guarantee that they will be). However, the new RTW laws do not go into effect until March 27, 2013. Therefore, we are proposing to negotiate a new USA on behalf of the faculty, to take effect before the new RTW laws go into effect on March 27, 2013.

Would this new USA become part of our current Agreement?

No. The proposed new USA, if the Chapter membership authorizes going forward with it, and if successfully negotiated, would be a separate agreement from our existing contract and would extend beyond its September 2014 expiration date, preferably through at least our next two contract cycles beyond 2014.

Why do we have to move so fast on this? Our contract doesn't expire until September 2014.

The new Michigan RTW laws will go into effect on March 27, 2013. They will not affect WMU-AAUP faculty until the September 2014 expiration of our existing contract, which until then protects us from all provisions of the new laws. The new RTW laws will apply only to contracts that take effect (or that are extended or renewed) after March 27, 2013. The new laws thus "grandfather in" the rights and privileges guaranteed in existing contracts (like ours) until they are next up for renewal.

However, when our current contract expires in September 2014, we will no longer be protected from the effects of the RTW laws. That is why we need to act before March 27, 2013, to try to get a USA in place that will cover the faculty for at least the next two contract cycles beyond 2014 (i.e., until at least 2020).

How do we know the administration will agree to it?

We don't know that they will. This is going to have to be negotiated, and it will need the full and vocal support of the faculty if the WMU-AAUP is to succeed. We do have some leverage in several areas, and we look forward to talking over our ideas on that topic with the faculty and to hearing yours, especially at a special February Chapter meeting (date and venue to be announced soon). The good news is that both the Chapter and the administration have an interest in labor stability on campus while larger organizations contest the new laws in state and federal courts.

What can we do to make this happen?

1. Talk to your colleagues. Share these FAQs with them. Share the draft USA. Help them to understand what is at stake here and to understand that their active and vocal support is going to be essential.
2. Give us feedback on what you've read here in these FAQs and in the draft USA proposal. Share your ideas with us. Encourage your colleagues to do the same. Contact Matthew at mmingus@wmuaaup.net or Lisa at lminnick@wmuaaup.net.
3. Plan on attending the special February Chapter meeting. The date and venue will be announced soon. Lobby your colleagues hard to get them to attend as well. A large turnout will send a strong message to the administration.
4. Keep in mind that while these new RTW laws are taking Michigan into uncharted waters and that we could be looking at very tough times ahead, we have no intention of giving up *anything*. Our goal is to protect our members in every way possible, including from an encroaching state legislature.
5. Know that your Chapter leadership is ready, willing, and able to go to the mat for the faculty of this university. But understand also that we can't do it without you! We need your ideas, your feedback, your support, and your energy to help us make this happen!