

## More on Your Rights...

- **It is illegal for a charter school or a union to discriminate against an employee who chooses not to join a union or who resigns from it.** A nonmember employee must receive the same employment terms, conditions, seniority, wages, benefits, etc. provided by the collective bargaining agreement between the charter school and the union as does a union member. Nonmembers are not subject to union discipline or fines. But, nonmembers may be prevented from participating in internal union affairs or receiving union-provided benefits. For more on the rights of nonmembers, contact the Foundation.
- **Depending on your state, nonmember employees may have the right to choose whether to authorize payroll deduction of collective bargaining fees.** In some states, the charter school may automatically deduct union fees from an employee's wages without a deduction authorization. The procedures for authorizing or revoking payroll deduction vary across unions and states. For more information on this procedure and your rights, contact the Foundation.

This brochure is written expressly for charter school teachers and employees. If you are not an employee of a charter school, please contact the Foundation for information regarding your rights.



## About Us...

The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human and civil rights have been violated by abuses of compulsory (forced) unionism. These abuses include the misuse of forced union dues for political purposes; union coercion violating an employee's constitutional, statutory and civil rights; union violations of academic freedom; union violence against workers; and injustices of union organizing.

The Right to Work principle affirms the right of every American to work for a living without being forced to join or financially support a labor union.

This brochure is intended as general educational information, not as legal advice. Workplace rights vary from state to state. The facts and legal principles applicable to specific situations also vary. You should consult a competent lawyer for specific legal advice and not rely on this brochure in making legal decisions. Contact the Foundation if you have a legal matter requiring attention that you believe comes within the scope of its charitable legal aid program.

### **National Right to Work Legal Defense and Education Foundation, Inc.**



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## Charter School Teachers and Employees

### Know Your Workplace Rights!



As a charter school teacher or employee, you are entitled to certain constitutional and statutory rights in a unionized workplace. Unfortunately, these rights are not automatically provided. To enjoy many of the benefits of these protected rights, an employee may first have to assert his or her entitlement to them.

To better serve you, the National Right to Work Legal Defense Foundation has compiled a list of rights an individual possesses in the workplace. Our purpose is to enlighten employees of charter schools so that they can make decisions in an atmosphere free of threats, harassment, coercion or misrepresentation.

This brochure is designed primarily for employees of charter schools who are already in a bargaining unit represented by a union. If you are not currently represented by a union and are not interested in union representation, but a union is collecting authorization cards or signatures to represent charter school employees, you have the right to: 1) not sign a union authorization card; 2) revoke any authorization card you may have signed; and 3) sign and circulate a petition against union representation. If you are facing a union organizing drive at your workplace and want to know more about your rights, either contact the Foundation or submit a help request form at the "Free Legal Aid" section at [www.nrtw.org](http://www.nrtw.org).

# A Workplace Bill of Rights for Charter School Teachers and Employees

*The following discusses your workplace rights as a charter school teacher or employee in a unionized school. These rights, established by rulings of the U.S. Supreme Court and various statutes, are the law of the land, regardless of what you might otherwise have been told.*

- **All charter school teachers and employees have the right to choose whether or not to join a labor union at their workplace.** Employees may not be compelled to join a union.

Employees who choose to join a union are referred to as “members”; those who choose not to join are referred to as “nonmembers.”

- **Charter school teachers and employees who are union members have a right to resign their union membership.** A union may try to limit the time and method for resignation. Restrictions on the time of resignation may not be legal. However, requirements that resignation be in writing and sent to a specific union official may be legal. If you have questions about your right to resign or any possible restrictions on resignation, contact the Foundation. A sample resignation letter is available at [www.nrtw.org](http://www.nrtw.org).

The decision whether to be a union member or exercise your other rights is yours alone. This brochure is not intended to advocate any one position, but rather to explain your legal, statutory and constitutional rights in a “union” or “agency shop” situation.

- **Charter school teachers and employees who are not members of a union but are required to pay union fees as a condition of employment can only be required to pay their share of the union’s proven bargaining expenses.** Except in extraordinary cases, a union’s costs of bargaining do not equal the full dues amount. If you are a nonmember, you have a right to object in writing and obtain a reduction of your compulsory fee payments so that they do not include political and other nonbargaining expenses. If you have questions about your right to cut off the portion of your fees used for political and other nonbargaining activities, contact the Foundation. A sample objection letter is available at [www.nrtw.org](http://www.nrtw.org).
- **Nonmember employees may not be compelled to pay any fees for union services until the costs have been stated and explained.** Unions must provide employees with notice of the reduced fee, an explanation and independent accountant’s verification of the basis for the fee, and procedures under which nonmembers can challenge the reduced fee before a neutral party.
- **Nonmembers have the right to challenge the union’s calculation of the reduced bargaining fee.** If you dispute the union’s fee calculation, you have the right to challenge it before an impartial decision maker or, in some states, before a state labor board or commission. If you have questions about your right to make a challenge, contact the Foundation.

## Charter School Teachers and Employees of Faith

- Charter School teachers and employees whose sincere religious beliefs prevent them from joining or paying any money to a union have special rights.
- Employees with religious objections may have the right to redirect the entire union fee from the union to a nonunion, nonreligious charity.
- Employees are not required to be members of any specific church to exercise these rights.

For information on the proper way to exercise your religious rights in this context, either contact the Foundation or visit the FAQ section at [www.nrtw.org](http://www.nrtw.org).

**NOTE:** These special rights do not apply to voluntary union members.

*Labor boards and state and federal courts differ vastly on how to enforce, define and protect the constitutional and statutory rights of nonmembers. If you need free legal aid in any of the areas mentioned above, or have questions about your rights or how to exercise them, either contact the Foundation or submit a help request form at the “Free Legal Aid” section at [www.nrtw.org](http://www.nrtw.org).*