

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Richard A. Carranza, San Francisco Unified School District
Laurel Kloomok, Executive Director, Children and Families Commission
Maria Su, Director, Department of Children, Youth and Their Families
Barbara Carlson, Office of Early Care and Education

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: February 1, 2016

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Farrell on January 26, 2016:

File No. 160070

Resolution urging the Mayor and appropriate City departments to mitigate any negative impacts of the *Friedrichs v. California Teachers Association* decision on the workers in organized labor.

If you have any additional comments or reports to be included with the file, please forward them to me at the Clerk of the Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

c:
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District
Esther Casco, San Francisco Unified School District

1 [Urging the Mayor and City Departments to Mitigate Any Adverse Impacts of *Friedrichs v.*
2 *California Teachers Association*]

3 **Resolution urging the Mayor and appropriate City departments to mitigate any negative**
4 **impacts of the *Friedrichs v. California Teachers Association* decision on the workers in**
5 **organized labor.**

6
7 WHEREAS, The United States Supreme Court is currently reviewing *Friedrichs v.*
8 *California Teachers Association* and will issue a decision between now and June of 2016; and

9 WHEREAS, In *Friedrichs v. California Teachers Association*, the Court will decide two
10 issues: Whether *Abood v. Detroit Board of Education* should be overruled and public-sector
11 “agency shop” arrangements invalidated under the First Amendment; and whether it violates
12 the First Amendment to require that public employees affirmatively object to subsidizing non-
13 chargeable speech by public-sector unions, rather than requiring that employees affirmatively
14 consent to subsidizing such speech; and

15 WHEREAS, Following the Court’s decision in *Abood v. Detroit Board of Education*, it
16 has been settled law for nearly forty years that although public employees who don’t join a
17 union cannot be required to pay for the union’s political activities, they can be charged an
18 “agency” or “fair share” fee to pay for other costs that the union incurs – such as for collective
19 bargaining, or legal representation; and

20 WHEREAS, United States Supreme Court Justice Elena Kagan stated in a previous
21 case that sought to overturn the *Abood v. Detroit Board of Education* decision that, “the *Abood*
22 rule is deeply entrenched, and is the foundation for not tens or hundreds, but thousands of
23 contracts between unions and governments across the Nation. Our precedent about
24 precedent, fairly understood and applied, makes it impossible for this Court to reverse that
25 decision;” and

1 WHEREAS, If the United States Supreme Court chooses to rule in favor of the plaintiff,
2 that ruling will significantly weaken teachers' unions and all other public-sector unions all
3 across the country and will have crippling effects on the rights and benefits for men and
4 women in organized labor; and

5 WHEREAS, Rebecca Friedrichs and her co-plaintiffs are represented by the Center for
6 Individual Rights, whose donors and supporters are ultra-conservative, anti-union foundations
7 and donor-advised funds, several of whom are funded by the billionaire Koch Brothers; and

8 WHEREAS, The Center for Individual Rights is infamous for its attacks on workers, and
9 has a history of making significant efforts to overturn the 1965 Voting Rights Act and many
10 states' affirmative action laws; and

11 WHEREAS, San Francisco and the United States have and continue to be
12 strengthened by the all of the contributions of organized labor; and

13 WHEREAS, Organized labor in San Francisco and across the United States has fought
14 for and secured worker's benefits, such as: better wages, benefits, working conditions, and
15 collective bargaining rights; and

16 WHEREAS, Organized labor in San Francisco and across the United States has been
17 at the forefront of defending education and other vital public services from severe budget
18 cutbacks and privatization; and

19 WHEREAS, San Francisco is known as a strong labor City and the values of organized
20 labor align with the values of San Francisco; now, therefore, be it

21 RESOLVED, That San Francisco has and will always support the men and women in
22 organized labor; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor and all
24 relevant City agencies to immediately begin work on identifying administrative, or
25

1 recommended policy proposals to mitigate and address any impacts of the *Friedrichs v.*
2 *California Teachers Association* ruling; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor and all
4 relevant City agencies to seek out and include the direct input of the men and women in
5 organized labor on any relevant administrative, or policy proposals that may be
6 recommended.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25