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**JOHN DIAZ**

# Suit alleges coercion in teachers unions' using dues for politics

By **John Diaz** | April 3, 2015 | Updated: April 3, 2015 3:01pm

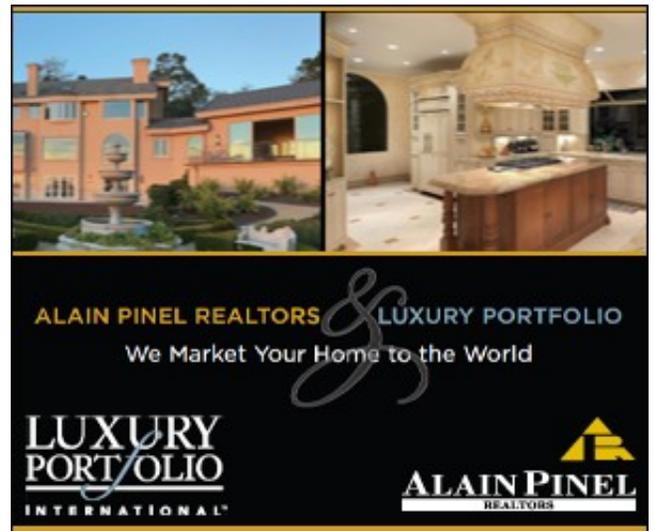
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Bhavini Bhakta, 33, is an award-winning teacher, a lifelong Democrat and a “100 percent believer in my union” — her local union, that is, in the Los Angeles suburb of Arcadia. She is, however, appalled at the way its statewide affiliate, the California Teachers Association, has consistently and successfully worked against reforms that would have improved life and learning in the classroom.

Bhakta saw her union dues working against her in spring 2013 when she went to Sacramento to testify in support of Senate Bill 441, which would have changed teacher evaluations in much of the state from a binary “satisfactory” or “unsatisfactory” rating to a four-tiered system that would provide more feedback and accountability. She was more than a little stunned and annoyed to hear a CTA lobbyist testify that teachers “don’t want this” and would find such evaluations “degrading.” The bill died when six senators failed

to vote.

“That’s where it hit me: There is a big, big change that needs to happen,” Bhakta said. “We have a very monetarily equipped organization that is fighting for the exact opposite of what I and many other teachers are fighting for.”



Worse yet, that lobbying effort came out of dues deducted from the paychecks of Bhakta and other teachers.

“Monetarily equipped” is an understatement. The CTA spent more than \$211 million in political endeavors between 2000 and 2009, which is more than the oil, tobacco and pharmaceutical industries combined. Its choke chain on the ruling Democrats in the State Capitol is indisputable, blocking reforms on everything from rigid seniority rules to the process for firing teachers who abuse our children.

Bhakta is one of four teacher plaintiffs in a lawsuit filed Friday in U.S. District Court in Los Angeles. It challenges the tactics of California teachers’ unions in effectively coercing members to help bankroll political campaigns and lobbying efforts with which they may vigorously disagree. The lawsuit is being funded by Students First, a Sacramento-based organization founded by reform advocate Michelle Rhee, the former Washington, D.C., schools chancellor.

This lawsuit is very different from other attempts to constrain the ability of unions to use dues for political purposes — the “paycheck protection” measures that are thinly veiled attempts to defund Democratic campaigns — because it is carefully crafted to address the hardball tactics that most any reasonable person would regard as unfair.

It’s not enough that the CTA and other unions force teachers to leave the union and lose all voting rights — from approval of contracts to election of leadership — if they exercise their legal right to opt out of allowing a portion of their dues to go for political purposes.

As the lawsuit spells out, teachers who refuse to allow their unions to spend their dues on candidates, ballot measures or lobbying activities are denied significant benefits otherwise available to members: from maternity and disability coverage to life insurance to legal representation (see chart below).

Keep in mind, these teachers may be conscientious objectors to the unions' political activities, but they are not freeloaders: They still are required, as a condition of employment, to cover the cost of the unions' collective bargaining activities on their behalf.

There is something terribly wrong when a union can deny a teacher's access to maternity benefits while providing up to \$35,000 to another teacher's *criminal* defense simply on the basis of whether the teacher contributes to the union's political and lobbying causes. It's unfair, undemocratic — and, as the lawsuit alleges, most likely unconstitutional on free-speech grounds.

CTA had not been served with the lawsuit Friday and thus could not comment, spokesman Mike Myslinski said. It seems to me that the union could reclaim the high ground — at least in the court of public opinion — by ensuring that all fee-paying teachers, union and nonunion alike, receive equal benefits.

For Bhakta, who remains a union member despite her objections to the CTA, the issue is not lost benefits, but lost opportunities to preserve and nurture quality in the classroom.

She was the first teacher to testify in the Vergara vs. California case, which tested state law that made seniority the primary factor in layoffs. Bhakta knew well the effect of such union dogma. She repeatedly received layoff notices in her first nine years of teaching, even after being honored as 2009 teacher of the year at Broadoaks Elementary School in Monrovia.

At trial's end last June, Judge Rolf Treu of Los Angeles said the evidence that the state's teacher-tenure laws disproportionately deprived low-income and minority students of their right to a quality education “shocks the conscience.” The state has appealed.

Now comes another lawsuit that may shock a system that is patently unfair to teachers who are coerced into contributing a slice of their paychecks for efforts that may be at odds with their classroom mission, their political beliefs and, in some cases, their own job security.

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## **Definition of coercion**

Unions make life difficult for teachers who do not want a portion of their dues going to political contributions. Among the egregious examples:

### **Maternity leave**

A teacher who takes a maternity leave of absence or goes on disability is guaranteed full pay only for the number of sick days she or he has available. Once sick pay is exhausted, teachers in most districts can continue to receive the difference between her or his full-time pay and the cost of a substitute for up to five months.

The union offers an insurance program that makes up the difference with a disability benefit to its members — but *not* to teachers who have opted out of political contributions.

### **Legal expenses**

Teachers are provided with legal representation in employment disputes and up to \$1 million in liability insurance for their legal defense in civil suits “arising out of education employment activities.” They also are eligible for up to \$35,000 in legal costs arising out of “employment-related criminal proceedings.”

The California Teachers Association provides this benefit without cost to its members — but *not* for teachers who have opted out of political contributions.

### **Life and disaster insurance**

Members of the CTA, National Education Association and American Federation of

Teachers all receive varying levels of a life-insurance benefit. The CTA also provides financial assistance to members who have experienced “significant losses due to disasters in California.”

The unions provide these benefits to their members — but *not* for teachers who have opted out of political contributions.

Source: Lawsuit against teacher unions filed in U.S. District Court last week.



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