



# STRIKE!

## QUESTIONS AND ANSWERS FOR EDUCATORS

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Is a teacher strike in your future? What should a conscientious teacher do? This is not simply an issue of professionalism; it is a moral and ethical dilemma.

Northwest Professional Educators (NWPE) believes that hardworking, quality educators deserve improvements in salaries and benefits. They also deserve to work in environments of mutual respect. No one should face recrimination and harassment for exercising their conscience.

For the record, NWPE does not support actions such as strikes and work stoppages that harm children and families, especially the most vulnerable, and impair relationships within the schools and community. In our view, these problems call for creativity and collegiality—not acts that break trust.

Despite divergent views on the benefits of strikes, all educators deserve to know the facts and consequences of participating or not participating in a strike. A number of attorneys have contributed to this document.

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- **Are teacher strikes illegal?**

Idaho law does not comment on the legality or illegality of teacher strikes.

- **I don't want to strike. I want to work at my school. What should I do?**

### NONUNION STAFF

Contact your administrator and tell him/her of your concerns and wishes. Your administrator may advise you not to show up to work in order to prevent future problems with your colleagues. There are also situations where, if the administrator knows he/she has a group of teachers who want to work, it makes a difference in deciding whether they keep the doors open or not.

### UNION MEMBERS

Let your administrator know your wishes—prior to a union vote if possible. Cast your vote. A small minority of members often makes decisions.

As a union member, you are bound by the union's constitution and bylaws including disciplinary action, which might include fines. The safest course is to make sure the union has a resignation letter from you before you cross any picket line. Nonmembers are not subject to a union's constitution and bylaws and cannot be fined or otherwise disciplined by the union for working during a strike.

If you have not yet crossed the picket line and wish to avoid all fines, do not cross the picket line until after the union receives your resignation. Once the union is on notice that you have resigned, it cannot lawfully impose any form of discipline on you for anything you do after you resign. That does not mean that someone might not try to bring internal union charges against you for post-resignation conduct; it does mean that the union's attempts to fine you will be unsuccessful. Under Idaho's Right to Work law, a union member is free to resign from union membership and withdraw his/her authorization for dues deductions at any time. (Idaho Code § 44-2004)

- **Can or should the local union enforce a walkout on a regular workday without first taking a vote of members?**

It depends on the contract language but it may be an unfair labor practice and illegal. Forcing members to engage in a walkout could also constitute a breach of the union's duties to members.

- **I am not a union member. Should I be allowed to vote on whether our teachers strike?**

If you are not a union member, then you do not get to participate in the union vote unless the union allows it.

- **Am I obligated to attend union rallies or walk a picket line during a strike? Can I work in my classroom or attend a professional development opportunity instead?**

### **NONUNION STAFF**

You should work in your classroom or attend a professional development opportunity if you are scheduled to do so. Ask the appropriate administrator what opportunities will be available for those who choose not to participate in union strike activities.

### **UNION MEMBERS**

As a union member, you are bound by the union's constitution and bylaws including disciplinary action, which might include fines. The safest course is to make sure the union has a resignation letter from you before you cross any picket line. You probably do not have to resign to avoid union fines for working, but resignation would make it certain that you could not lawfully be fined. (A sample letter is available at [www.nwpe.org/PDF\\_Files/Union\\_Resignation\\_Letter.pdf](http://www.nwpe.org/PDF_Files/Union_Resignation_Letter.pdf).)

- **If the district closes the schools during a strike, can I go ahead and work it as originally scheduled and not work on the "make up" days scheduled by the district? Can the district force me to work the "make up" days instead of the regularly scheduled workday?**

It is not recommended to work on days the District has deemed as nonworking days. Doing so and then refusing to work on the make up day could result in discipline for insubordination.

- **Can my pay be docked if my school is open during a strike and I do not report to work?**

Yes, it is possible but it is up to the district involved.

- **What should I do to protect myself from harassment and violence if I choose not to participate in a strike?**

Keep as low a profile as possible and attempt to maintain existing cordial relations with your fellow workers. Should you work instead of participating in the walkout, keep in touch with other employees who are working during the action; give each other support and share information. If you work during a strike, you might consider getting an unlisted telephone number, keep a diary of all strike-related threats and incidents of harassment and violence (who, where, what, when, names of witnesses, etc.), and take photographs of your private property, such as home and car, so that you can document any damage should you become a victim of union violence. If you begin receiving harassing phone calls, you should consider installing Caller-ID and reporting all such calls to the police. You may legally tape record telephone calls and one party to another party conversations.

- **What is the obligation of my school administration to ensure physical safety, professional security, and a non-hostile work environment for teachers who elect not to participate in a work stoppage?**

Districts are obligated to provide a safe working environment for employees and students. Failure to protect against harassment of teachers who refuse to participate in a strike could expose both the perpetrators and the district to civil rights charges.

- **What should I do if working during a strike results in harassment afterwards?**

If possible, tell the harasser that the behavior is unwelcome. You should report all threats and incidents of harassment and violence to your employer and, if threats of or actual violence are involved, the local police. Members of Northwest Professional Educators should contact NWPE at [info@nwpe.org](mailto:info@nwpe.org) or 800-380-6973. If you are the victim of threatened or actual union violence, you may also notify the National Right to Work Legal Defense Foundation (800-336-3600) for free legal advice.

- **If I resign from the union, where can I get professional liability protection?**

Northwest Professional Educators, an affiliate of the Association of American Educators, is a nonunion professional organization for educators. NWPE serves educators throughout Idaho, Washington and Oregon. Members receive \$2 million professional liability insurance with guaranteed legal fees for job protection issues, legal services, professional development, newsletters, and a voice on education issues. Dues for new members are \$12 a month, a fraction of union dues. Please see our website at [www.nwpe.org](http://www.nwpe.org) or contact NWPE for more information.

NWPE is not a union but does support the collective bargaining rights of educators including the right to form "local only" teacher unions that are not financially or philosophically obligated to a state or national union. NWPE can provide such local bargaining units with nonbargaining support services. NWPE welcomes nonunion and union education employees (certified, classified, and administrative). Educators can join anytime at [www.nwpe.org/join.htm](http://www.nwpe.org/join.htm). Benefits begin the day the application is received and extend for one year from the date joined.

NWPE does not donate or use members' dues to advance political candidates, political parties, or political issues that are not related to education. NWPE does not get involved in partisan politics but does work with the state government and education stakeholder groups on education issues affecting teachers, students and parents.

## CONCLUSION

### Commentary on Compensation

Northwest Professional Educators views students as our highest priority. We discourage strikes and work stoppages, because they interrupt students' rights to an uninterrupted education focused on their needs. NWPE encourages all teachers to put students first if faced with a strike.

NWPE believes teachers deserve fair, appropriate compensation for their quality work. It is important, however, to analyze the best means of achieving appropriate compensation and the best work environment. Strikes and unionism have not resulted in teacher pay keeping pace. Educator and niece of Martin Luther King, Jr., Alveda King, notes:

"Teacher pay has barely moved up for a generation. From 1970 to 1995, when adjusted for inflation, the mean teacher salary actually declined by a little more than 1 percent. And it was in the early 70s that the unions infiltrated the teaching trade. Yet, overall education spending has boomed."

King adds:

"Had the NEA and AFT simply kept our share of the education pie where it was in 1970, then today, the average teacher salary would exceed \$65,000."

She continues,

"Much of the 'union dues' teachers pay doesn't have anything to do with negotiating contracts or other services."

David Kirkpatrick, current editor of SchoolReformers.com and former president of the Pennsylvania NEA affiliate, Pennsylvania State Education Association, states:

Teachers' "total salaries and benefits have been declining as a percentage of the full costs of public schooling. While it is often stated that teachers' share of those costs is in the 70-80% range, that claim is incorrect. The higher range includes administrators, secretaries, custodians, etc. The teachers' actual share has declined from nearly 60% in the 1960s to about 40% today as a national average."

Some say the definition of insanity is doing the same thing over and over again and expecting different results. Fresh new ideas and approaches should be considered. Ideas such as "local only" teacher unions, faculty senates, etc., which link teachers to administration are some promising alternatives being utilized around the country. To see more about faculty senates, see <http://www.clovisindependent.com/news/story/6873341p-7810122c.html>.

Northwest Professional Educators is here to help educators fulfill their mission by advancing professionalism focused on students as our highest priority. Please call or email NWPE with any concerns or questions. We invite all educators to join NWPE for professionalism and protection. Membership applications are available at [www.nwpe.org/join.htm](http://www.nwpe.org/join.htm).