

DECLARATION of EDUCATOR ASSOCIATION RIGHTS

Professional association or union membership is an important decision. You are entitled to make the decision about association membership for yourself with accurate information and without fear of reprisal by a union or employer.

The recent restoration of this right to all public educators in *Janus v. AFSCME* (2018) has led to some confusion, misinterpretation, and misinformation about what impact your membership decision can and cannot have.

This document provides general information and is not intended to offer legal advice about specific situations. If you believe your rights related to abstaining from union membership are being violated, please contact your professional association, a public interest law firm, or an attorney. If you believe your rights related to voluntary union membership are being violated, including discrimination against you by an employer, please contact your union attorney.

The Association of American Educators, as a national membership association, stands ready to take legal action on behalf of members to defend these rights and others for all educators.

This document was prepared by Sharon L. Nelson, Director of Legal Services, Association of American Educators, for AAE members and made public at aaeteachers.org/rights for all public educators. Ms. Nelson is a civil-rights attorney with twenty years of employee rights advocacy. Licensed in Nevada and California, Ms. Nelson has practiced extensively in all state and federal courts in those jurisdictions.

Due to the nature of this content, the document will be updated to reflect continuing developments in legislation and litigation and is not intended to offer legal advice for specific situations. If you believe you need specific legal advice, please contact an attorney.

As a 501(c)(6) professional association, the Association of American Educators does not seek to replace, challenge, or undermine a duly-certified union from operating within the law. Nothing in this document is intended to question or challenge a local union's status as the recognized bargaining agent or prevent a local union from operating, bargaining, grieving, recruiting members, or retaining members legally.

Your employer cannot discriminate against you based on your union membership status.

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The terms of the negotiated agreement apply to you regardless of your union membership status.

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You have the right to join a union.

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You cannot be required to join a union.

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Non-members cannot be required to pay union dues or fees.

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You have the right to join a professional association.

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You have employment rights regardless of your union membership status.

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You have the right to a representative at a disciplinary meeting.

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The *Janus* ruling applies to all public employees in unionized workplaces, not just agency-fee payers.

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The *Janus* ruling does not prohibit unions from offering local-only or contract-only membership categories.

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