

NSO Contact

National Staff Organization

April 2016

NEA calling for negotiations on Retirement Plan MOU

In a surprising and disappointing move, NEA is proposing that NSO, AFSE, and NEASO agree to suspend the June 25, 2007 Memorandum of Understanding (MOU) concerning the NEA Retirement Plan. However, at the same time, NEA is requesting the parties reopen negotiations on the details in the MOU.

In a March 22 memo to NSO, AFSE, and NEASO, Derrick Johnson, NEA's Director of Human Resources, writes, "Given the number of factors that are having a significant impact on the future viability of the Plan, . . . NEA is seeking to open negotiations in order to address the challenges that we face. As another option, NEA proposes that the parties agree to temporarily suspend the MOU and its requirements pending further discussion."

NSO President Chuck Agerstrand said, "I find this very concerning. I've asked Brian Sullivan, NSO's appointed Trustee to the NEA Pension Board, to contact affiliates affected by this news. NSO will work with the NEA and our union partners to review the issues and make every effort to address our members' concerns."

The MOU resolved a dispute over converting the Retirement Plan from a Single Employer status to a Multi-employer status. Participating affiliates were concerned that a Multi-Employer Plan would lead to serious underfunding and reduced benefits. In the eight years the MOU has been in effect, it has sustained funding at a healthy level. The agreement is coming to the end of its 14-year timeline to reach full funding.

Some troubling challenges have developed that are making it more difficult to reach full funding by December 31, 2021. Those challenges include lower than projected return on investments; longer life spans of Plan participants; a reduction in the ratio of active to retired participants; and lower than anticipated salary increases.

"The parties are hoping to make modifications to the MOU that will still provide for adequate funding levels for the foreseeable future, while still avoiding prohibitive contribution rates," Sullivan told affiliates.

Currently, 25 affiliates are covered under the NEA Retirement Plan.

Agerstrand said, "We will be carefully reviewing the plan documents and consulting with our affiliates affected by any changes before we enter into negotiations."

Unions win in Friedrich decision—for now

Teacher unions and other public employee labor groups can view the Supreme Court's 4-4 decision in the *Friedrichs v California Teachers Association* case a victory. In the case, 10 California teachers claimed their free speech and their right to freely associate were being violated when their union "compelled them to make financial contributions to union activities." The March 29 decision means that unions in 25 states and the District of Columbia can still collect "agency fees" from their non-members to support their collective bargaining work.



The split vote also leaves in place the original 1977 Supreme Court decision in *Aboud v. Detroit Board of Education* case which set the precedent for unions to collect "agency fees" from non-members and a lower California Court of Appeals decision allowed the same thing.

NEA's General Counsel said, "Aboud is the law of the land and the Court's decision leaves that unchanged."

For now.

The split decision was expected since Justice Scalia's death on Feb. 13 from left eight justices to decide cases before the Court. But the decision has not stopped the onslaught of right-wing groups trying to break up unions. The California teachers were represented by the Center for Individual Rights and they are preparing petitions for a re-hearing of the Friedrichs case after Scalia's vacancy is filled. Since Friedrichs challenges previous Supreme Court decisions, only the Supreme Court can overturn its own opinions—and it needs a full panel of Justices to do that.

The National Right to Work group is behind at least five cases in lower courts challenging various aspects of a union's obligations to its non-members.

The court's decision buys time for NSO to continue developing strategies for affiliates to deal with an eventual decision in the Friedrichs case.

How NSO is helping affiliates prepare for Friedrichs

NSO President Chuck Agerstrand said, “While the Friedrichs case has an immediate impact on our affiliates that still have the ability to collect agency fees, ultimately, all affiliates will be affected by whatever the Supreme Court decides. As a result, NSO is proceeding with its plans to help all affiliates meet this challenge.”

The Organizing Committee and the Insurance and Emerging Concerns Committee surveyed affiliate presidents to find out how management, governance and the staff unions are handling the issue. Thirty-six affiliate presidents responded to the survey.

Region 2 Director and Organizing Committee Chair Brad Darjean commented, “The survey results are guiding us in putting together a list of concerns and questions affiliates should consider if they are meeting with management and/or going to the bargaining table.”

The two committees are also considering putting the issue on the agenda for a pre-RA event in June; making it the focus of the CBC in November; and scheduling a session for the Winter Advocacy Retreat next January.

And the Insurance and Emerging Issues Committee is publishing a series of communications to deal with the subject. John Avouris, Chair of the Insurance and Emerging Concerns Committee, said, “The Friedrichs case affects all NSO members in one way or another. The Committee’s goal is to keep everyone informed and ready to act.”

[Read their first issue here.](#)

Darjean noted, “We’re looking at this as an opportunity to educate members and encourage them to form their own Organizing Committees to deal with this issue and any future organizing issues.”

NSO meets with NEA, management to discuss mutual interests

On March 14, NSO, NEA and NCSEA met to explore ways to establish relationships, develop mutual interests and open up the lines of communication among the groups. NSO was represented by President Chuck Agerstrand; Vice President for Defense Mike Boyer; Vice President for Program Lynn Adler; Region 2 Director Brad Darjean; Region 5 Director John Avouris; and Region 6 Director Dawn Basurto. Also present were AFSE President NAS Afi and NEASO President Susan Nogan.

Discussions covered such issues as maintaining the heart and strength of the organization; promoting a culture of unionism; assisting states with financial and membership issues; and dealing with labor/management challenges in affiliates

“This was a good beginning. We listed many opportunities for collaboration, but we have a long way to go to reach consensus on many issues,” Agerstrand said.

Member engagement survey rollout expected this fall

NSO will be launching a member survey in late August or early September to gauge the level of engagement and interest in NSO and its services. Details of the survey will be presented to RA delegates in June

“This effort is long overdue,” noted Region 7 Director Catherine Alexander who chairs the newly-formed Member Engagement Committee. “We’re looking to get a better sense of who are members are and how NSO can meet their needs.”

The plan is to distribute the survey regionally via Survey Monkey. Survey results will be compiled for Executive Committee review in October.

NSO hosts first regional advocacy training in the southeast

On Feb. 13, 30 participants from the southeast region met in Atlanta for NSO’s first scheduled regional training on advocacy. NSO Vice President Mike Boyer organized the training along with Region 3 Director Tammy Whitaker.

Boyer said, “I’m really pleased with the turnout. There were members from all levels of experience. The participants asked great questions and hopefully got a lot of great information to take back to their affiliates.”

The agenda included information on DFR and defense; NLRB rules and their application in our staff unions; ULPs under the NLRA; grievances and general contract enforcement; writing good contract language; and contract interpretation.



Boyer is planning on scheduling at least one more regional training this year for affiliates.

Oregon's Professional Staff Organization still waiting to go back to the table

Oregon's PSO has been without a contract for 21 months, and management has failed to agree to a bargaining date for the past three months.

In the meantime, the Executive Director has left and NEA has assigned Dick Terry as Interim Executive Director. In December, NSO imposed sanctions on the Oregon Education Association prompted by the termination of a staff member without just cause. (Read more about the situation at www.nationalstaff.org under "Affiliate News.")

NSO RA scheduled for June 10-11 in Orange County, CA

The NSO Representative Assembly is scheduled for June 10-11, 2016 in Orange County, CA. Delegates will be electing officers and even-numbered Region directors, along with approving a new budget.

You can now register for the RA. Go to www.nationalstaff.org for details.

The positions of NSO President, Vice-President for Defense, Vice President for Program, Secretary, Treasurer and Region 2, 4, and 6 Directors are open. They are all two-year terms. If you are interested in running for one of the open positions, go to www.nationalstaff.org/ for the Election Notice, a Candidate's Petition, Campaign Rules, and Election Regulations.



The NSO will be honoring President Agerstrand for his 30 year service to NSO with a Recognition Dinner on Friday, June 10, from 6 to 9 p.m. The cost to delegates is \$35 per person and will include a drink ticket, dinner and dancing. The Recognition Dinner replaces the Solidarity Reception. More details will be posted at www.nationalstaff.org when they are available.

NSO recommends ACA strategies for affiliates

NSO's Insurance and Emerging Concerns Committee has put together a list of Strategies and Recommendations to help affiliates deal with the Affordable Care Act's "Cadillac Act." The information will be of great use to affiliates at the bargaining table. Go to <http://www.nationalstaff.org/> to see the list.

NSO Briefs

*The launch of the first phase of NEA360 has been pushed back to the first half of 2017. Vendors have not had enough time to launch the platform because the software is not yet fully functional and user-friendly. NEA360 leaders considered switching vendors, but that would cause even more delays.

*New information regarding the Harvard Trade Union Program will be available in July from Region 1 Director, Cheryl Singleton. Dr. Craig Carter, an NSO member, graduated from the program in February.

*Linda Roberts, a member of IEASO, has been appointed to the Pension Benefits Committee.

Go to www.nationalstaff.org for news and updates from NSO.