

Union Bosses Fail to Cut School's Salary Offer

Right to Work Allies Eager to Build on Small North Dakota Victory

Thirty-four states now have laws on the books authorizing union officials to strip teachers and other public school employees of their freedom to decide how they will negotiate with a school board over pay, benefits, and working conditions.

Under these statewide teacher monopoly-bargaining laws, educators, including many who have chosen not to be union members, are forced to accept union officials as their "exclusive" negotiators in employment contract talks.

The bosses of the powerful National Education Association (NEA), far and away the biggest union in America, and other teacher unions sometimes claim that their legal privilege to negotiate working conditions for school employees who don't wish to join a union or pay dues is a "burden."

But government-imposed union monopoly actually lays a heavy burden on school employees with unusual talents.

Snubbing gifted, hardworking teachers, the NEA union hierarchy categorically opposes "any...system of compensation based on an evaluation of an education employee's performance." Official NEA policy also reflexively "opposes providing additional compensation" for hard-to-fill positions.

NEA locals across the country zealously follow these collectivist policies.

The latest publicized example is the NEA affiliate in Kenmare, N.D., a small town located 55 miles northwest of Minot and just a few miles south of the Canadian border.

Last summer, Kenmare Public Schools, after failing to fill a speech and language pathologist position at the salary set in the teacher union contract, decided to offer an additional \$15,000 in "incentive pay."

'KEA's Argument Is Premised' On an 'Erroneous Assumption'

The offer would almost certainly have enabled the school board to hire a qualified applicant. But it infuriated top bosses of the Kenmare Education Association (KEA/NEA) teacher union, who insist any incentive-pay deal would illegally infringe their monopoly-bargaining privileges.

In late 2005, union lawyers turned to the state Supreme Court as part of an



After defeating teacher union lawyers in court, Kenmare school authorities may offer applicants for a speech-language

pathologist position \$15,000 a year more than the amount dictated by the union contract.

ongoing crusade to block incentive pay.

"For one individual to be allowed to negotiate up to \$15,000 additional salary is wrong," snarled then-KEA President Donna Schmit to the *Kenmare News*.

But last month, the state Supreme Court unanimously rejected KEA lawyers' claims and ruled that the school district could, after reaching an impasse in its bargaining with union officials, offer more money to find a taker for a hard-to-fill position.

Justice Carol Ronning Kapsner's opinion tartly noted: "KEA's argument is premised on the erroneous assumption that contracts formed without KEA's consent are bad faith per se."

Although North Dakota's teacher union bosses have long asserted and exercised monopoly-bargaining power over teachers, Ms. Kapsner expressed doubt that state law actually grants Big Labor this privilege.

In 2001, when North Dakota Education Association (NDEA/NEA) union lobbyists tried to get language saying the individual teacher isn't allowed to enter into independent negotiations with a board inserted into the state education bargaining law, legislators, well aware of Right to Work opposition, refused to do so.

"In itself, the *KEA v. Kenmare School District #28* ruling merely carves out a small exception to union monopoly-bargaining power," said National Right to Work Committee Vice President

Matthew Leen. "It leaves the vast majority of North Dakota public school employees under Big Labor control."

Right to Work Leader Sees Major Opportunity

"However, by recognizing and acting on the key points made by Justice Kapsner, Right to Work advocates may be able to bust up the teacher union monopoly in Roughrider Country," Mr. Leen continued.

This month, the National Institute for Labor Relations Research, the "think tank" of the Right to Work cause, is asking the boards of all unionized school districts in North Dakota to provide copies of their teacher union contracts.

The Institute will next ask all school boards whose contracts recognize a teacher union as teachers' "exclusive" bargaining agent not to renew this designation when the current contract expires.

"That's just common sense," explained Mr. Leen. "North Dakota schoolchildren, taxpayers, and dedicated professional educators would all benefit if school hiring and pay decisions could be made through individual negotiations, rather than all dictated in advance by a teacher union contract."

"And in the wake of *KEA v. Kenmare School District #28*, North Dakota school boards evidently have the power to make this much-needed reform happen." 