

# Hollow Victory For NEA Union Bosses in Utah?

## *Even After Voucher Defeat, Their Monopoly Power Still in Jeopardy*

On the evening of November 6, National Education Association (NEA) teacher union bosses were publicly ebullient about the already obvious success of their fear-and-loathing campaign against Utah's fledgling school-voucher law.

Over the course of several weeks prior to Election Day, the union political machine spent millions of dollars in forced union dues and fees, exacted from teachers across the country, to bombard the Utah airwaves with ads predicting that vouchers would devastate public education.

Most voters undoubtedly did not take the union hierarchy's hysterical claims at face value, but nevertheless in the end a hefty 62%-to-38% majority cautiously opted for the status quo and blocked the voucher law from taking effect.

But as happy as this must have made NEA President Reg Weaver and other top NEA bosses, they must know, even though the major media have missed the story, that their monopoly power over teachers remains in deep jeopardy in the Beehive State.

### School 'Equal Access' Law Seemingly Prohibits Union Monopoly Bargaining

In early March, Gov. Jon Huntsman (R) signed into law a bill (S.B.56) expressly requiring public school districts and charter schools to allow education employee associations equal access to school mailboxes and e-mail systems and school employee orientation programs.



**Utah's school "equal access" law remains a big headache for NEA union kingpin Reg Weaver.**

Until this spring, Utah teacher union bosses and school boards who caved into their pressure routinely denied groups of teachers who oppose forced unionism access to such channels of communication.

At the same time, union officials have had almost unrestricted access to taxpayer-funded school facilities for distribution of Big Labor propaganda.

Before S.B.56 became law, National Right to Work Committee legislative staff urged Utah legislators to vote for it and Mr. Huntsman to sign it, and would have done so had the bill only granted equal access to school channels of communication.

However, according to Milton Chappell, a staff attorney for the National Right to Work Legal Defense Foundation who has decades of experience preparing and arguing public-employee labor-law cases in courts at all levels, the equal-access law actually goes much further.

"The revised Utah Code makes it unlawful for any public school district or charter school to recognize any teacher union as the 'exclusive' (monopoly) bargaining agent of all teachers employed by the district or charter school," noted Mr. Chappell.

"Currently, a number of Utah school districts grant the bosses of one teacher union monopoly power to negotiate over the pay, benefits and working conditions of all teachers -- including teachers who don't wish to join or have anything to do with the union.

"It's manifestly unlawful 'preferential treatment' under the revised Utah Code to negotiate with a particular teacher union, while refusing to negotiate with any nonunion teacher group, or any rival union, that asks to negotiate for its own members in the district. This will have to stop.


"But Utah school districts and charters retain the prerogative to bargain collectively with employees through representatives of the union that they, as individuals, have chosen to join," Mr. Chappell concluded.

### Direct Attacks on Union Monopolies Appear to Have Best Chance of Success

National Right to Work Committee President Mark Mix cautioned that fully enforcing Utah's "equal access" law will not be easy.

"Teachers who wish to get out from under a union monopoly will almost certainly have to go to court to vindicate their rights," he explained. "But Right to Work Foundation attorneys are ready to offer free legal assistance for any viable case.

"And unlike the ill-fated school voucher law, Utah's 'equal access' law is so simple and indisputably fair that NEA bosses must know they have no chance of overturning it by referendum.

"The Utah experience suggests direct attacks on union monopoly power, rather than end-runs like school vouchers, have the best chance of political success." 

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