



# FA Newsletter

Fall 2017

## Raising Our Game

Even though it seems like we just got through a round of contract negotiations, the current contract ends this summer, so a new round of negotiations will be launching sometime in the spring. Not only will our Negotiating team and Negotiations Resource Committee be hard at work gearing up to represent your interests, but they'll be doing it amidst a season of distractions and threats to the union, like the Janus v. AFSCME Council 31 case and the NY Constitutional Convention.

### Here Comes Janus

By Mike Grubb

On September 28, 2017, the U.S. Supreme Court agreed to hear a case challenging Fair Share fees, Janus v. AFSCME Council 31. The case was brought by an employee, Mark Janus, who objected to being required to pay agency fees to the American Federation of State, County, & Municipal Employees (or AFSCME). The last time a similar case was brought before the court, the sudden death of Justice Scalia meant the remaining justices were evenly split 4-4, so the lower-level court

In the face of these assaults on the ability of workers to stand up for their interests, the SBFA needs all our members to stand strong, be vocal, and communicate with the FA as a body *and* with each other as colleagues. If you work alongside faculty who haven't chosen to become FA members, communicate to them why you think it is important.

In this season of new negotiations amidst a range of threats, we need to raise our game, and you are all a part of vital that.

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decision stood—the law of the land allowing for Fair Share fees remained in place. Now, with the addition of Neil Gorsuch to the bench, many court watchers anticipate a 5-4 decision in favor of the plaintiff, Janus. If that happens, it would instantly make the collection of agency fees by unions an unconstitutional abridgement of freedom of speech.

The impact of this change would be huge, especially for the SBFA.

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#### FA Event

**Communiqués about Rep Council re: the Con Con.**

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## **Here Comes Janus (Cont'd from p.1)**

In anticipation of a possible unfavorable ruling, the SBFA will be taking steps to shore up its support among its own rank and file as well as reaching out to eligible non-member faculty who might be recruited. Keep in mind that one of the best ways to recruit in through person-to-person interactions among colleagues. If you have any questions about how to raise the subject of union membership with your colleagues, please contact your SBFA representative.

For further reading:

Smith, Matt. "With Janus Case, Labor Faces Another Court Challenge." *NYSUT*, 8 Sept. 2017, [www.nysut.org/news/2017/september/with-janus-case-labor-faces-another-court-challenge](http://www.nysut.org/news/2017/september/with-janus-case-labor-faces-another-court-challenge).

"Workers on Janus: A Political Effort to Further Rig the Rules Against Working People." *NEA*, 28 Sept. 2017, [www.nea.org/home/71771.htm](http://www.nea.org/home/71771.htm).

Howe, Amy. "Will the Third Time be the Charm for Challenge to Public-sector Union Fees?" *SCOTUSblog*, 7 June 2017, [www.scotusblog.com/2017/06/will-third-time-charm-challenge-public-sector-union-fees/](http://www.scotusblog.com/2017/06/will-third-time-charm-challenge-public-sector-union-fees/).

## **Why is the SBFA CON the CON CON?**

By Mike Grubb

For those not already in the know, the New York State Constitution provides for a vicennial opportunity for the voters to amend the state constitution (Art. XIX §2) via a constitutional convention (or "Con Con"). The last such convention that was initiated by the voters took place in 1938, and many of the amendments proposed then were enacted; although the Legislature did call for one in 1967, the proposed constitutional changes from it were roundly rejected by voters.<sup>1</sup> The next vote for whether to have such a convention will take place this November. If the majority of those who vote on the question say "yes," then a constitutional convention will be called in 2018-19.

Whereas both the left and the right see possible advantages to be gained through a convention, both sides also see potential pitfalls. Some on the left fear key protections may be taken away, fueled largely by out-of-state interest spending intent on undermining New York State as a bastion of union activism.<sup>2</sup> On the right, fiscal hawks aren't pleased about the anticipated drain on the state's coffers to pay for the convention, and conservatives more broadly fear that it may open the door to having local conservative policies upended by statewide votes influenced by "downstate liberals."

Unions, including NYSUT, the parent organization of the SBFA, have weighed the possibilities and largely decided that more would be put at risk than would likely be gained. Recent special elections in other states indicate that anticipating the outcome of such a Con Con process is perilous at best. For that reason, among others, **the SBFA recommends voting "No" on the question of a constitutional convention** during this 20-year cycle.

<sup>1</sup>"New York State Constitutional Conventions and Constitutional History." New York State Library. 29 Sept. 2017, [www.nysl.nysed.gov/scandocs/nyconstitution.htm](http://www.nysl.nysed.gov/scandocs/nyconstitution.htm).

<sup>2</sup>*No New York Convention*. New Yorkers Against Corruption, [nonewyorkconvention.org/](http://nonewyorkconvention.org/).

