

# 'Organize Or Die' in Florida

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Three bills that are advancing in Florida's statehouse are pushing faculty union leaders to ramp up organizing efforts this semester to stave off the extinction of several chapters.

One of the bills would require a majority of faculty members to officially join unions -- and it would decertify the unions if they did not cross that threshold. At many campuses, a majority of faculty are not members, and signing up would require them to have 1 percent of their salaries deducted for union dues. "It's a race against time," said Tom Auxter, a professor of philosophy at the University of Florida and president of United Faculty of Florida, which represents faculty members at 22 public campuses and is affiliated with the Florida Education Association, the National Education Association, the American Federation of Teachers, and the AFL-CIO. If passed, the three bills would go into effect July 1. "We're firing up all the engines to get people signed up," he said. "The lesson for unions is organize or die." Individually, each bill poses its own risk to either the funding stream or the right of existence of public sector unions, including the 6,000-member UFF. Collectively, the bills represent an end-run around the state constitution, said John Biro, a professor of philosophy and president of the University of Florida chapter. "This cluster of bills is a clear attempt at union-busting," he said.

While similar efforts either have been [enacted](#) or are [advancing](#) in other states, the bills in Florida are notable in that they represent the most recent inroads against unionism in a right-to-work state. Right-to-work laws are most common in Southern states and leave it up to individuals to decide whether they want to join a union or support it with their dues, even after a majority vote in an election has designated the union as the collective bargaining agent. While such law has never been seen as a boon to collective bargaining, union leaders in Florida say that, paradoxically, it offers them hope that the recent legislative efforts may not ultimately survive a legal challenge.

Each of the three bills poses a different threat to unions, with two of them applying to public employees in general and the third exempting police and firefighters.

The [first](#), which was reported favorably by the Appropriations Committee to the House, would bar any public union from automatically deducting dues from members' paychecks. Specifically, the language of the bill would bar deductions for dues that fund an employee organization or its political activity. The measure also would require unions to get written authorization, each fiscal year, from members to use their money. Unions would, moreover, have to produce reports detailing their revenues and expenses over the preceding 24 months.

Auxter said the bill's power to strip unions of their ability to automatically deduct money from an employee's paycheck if he or she so chooses robs the unions of the same right that insurance companies or local gyms currently enjoy. "Is there something bad about unions that you wouldn't want their money commingled in their accounts?" Auxter asked. "It's just harassment that's added to our lives.... It's a nasty thing to do to a union."

Another [bill](#), which is in the House Government Operations Subcommittee and has a companion bill in the state Senate, would make it possible for individual members of any union to call for that unit's decertification. It, too, would require unions to distribute annual reports on their financial activities. Auxter said he worried that the language in the bill would make it possible for one member to prompt a decertification vote, which he described as both costly and time-consuming. "It's just one more way to exhaust our resources and waste our time, which is, after all, the goal," he said.

The [third](#), which has attracted perhaps the most interest in Florida, would essentially decertify unions that represent fewer than half of eligible employees. It is in the House Government Operations Subcommittee, but has no Senate companion. In its current form, it would apply to all public employees -- except those working in public safety.

"I've always seen public safety people -- cops, firefighters and such -- as something extraordinary, and I decided to reflect that in that bill," said Rep. Scott Plakon, a Republican, who drafted the bill, though he said that it also may not remain in its current form. A similar provision in Wisconsin elicited accusations that such an exemption was simply meant to protect the rights of a bloc of reliable Republican voters and to strip Democrats of one of their chief power bases.

Union membership varies widely across the 11 four-year public institutions and 11 community colleges represented by the UFF. While the union also represents faculty and staff at three private universities, the bills only apply to public employees.

Community colleges have the strongest union membership, said Auxter, with more than 50 percent of faculty at each institution signed up as members. Just three of the public universities are above that threshold. Florida International University and Florida Gulf Coast University are at or near 60 percent membership, said Auxter, while New College of Florida, in Sarasota, is near 80 percent. Membership has traditionally been the lowest -- about 15 percent -- at Florida State University, the University of Florida and the University of South Florida, said Auxter (the three also have unions for graduate assistants). Through department-by-department organizing, those numbers have nearly doubled and are approaching 30 percent. "The real challenge is making it by July 1 from 30-something to 50-something," he said, referring to the date on which the law would take effect, if passed.

Plakon said he had heard that his bill may have the effect that is now apparently taking place -- the ramping up of union membership. "I'm fine with that," Plakon told *Inside Higher Ed*. "I think the whole key is to make sure the bargaining agent reflects the will of the bargaining unit."

Bids to quash unions in Florida are not new. In [2003](#), Florida overhauled its higher education system to shift power from the State Board of Regents to boards of trustees at individual campuses. As part of the reorganization that was approved by then-Gov. Jeb Bush and the legislature, the existing faculty contract, which was between the UFF and institutions across the state, was rendered invalid because the professors were thought to be no longer employed by the Board of Regents. A lower court held that the state's action was illegal, and Florida's Supreme Court let that decision stand.

Auxter believes that precedent suggests that the current efforts also will not survive a legal challenge. The right-to-work law gives employees the right to join or not join a union, and the new bills would alter that. "That would change the Florida constitution," said Auxter.

Nonetheless, union leaders aren't taking chances, and are organizing new members. To convince faculty to join, they are pointing to such victories as the UFF's successful effort in November to [reinstate 21 tenured faculty members](#) at Florida State University.

Biro, of the University of Florida chapter, said there are many reasons that membership has been historically low at some institutions, including his own. One factor is that all faculty members benefit from the work of unions, regardless of whether they become members and pay the 1 percent of their salaries that go toward union dues. "It's not a trivial amount," said Biro. "It costs money to employ those attorneys and pay those arbitrators. It doesn't come free."

— [Dan Berrett](#)