

Request for Committee Action

To: Ways & Means
Date: 11/2/2015
From: City Attorney's Office
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Presented by: Susan L. Segal
File type: Action
Subcategory: Staff Direction

Subject:

Amicus brief in Friedrichs v. California Teachers Association et al.

Description:

Authorizing the City to sign on to a Supreme Court amicus brief in favor of respondents in the above matter pending before the United States Supreme Court.

Previous Actions:

None.

Ward/Neighborhood/Address:

Not Applicable

Background/Analysis:

Issue: In Friedrichs, the lower court upheld California state law requiring teachers to pay a “fair share” fee even though they did not belong to a union. The United States Supreme has agreed to hear this case to decide: (1) Whether Abood v. Detroit Board of Education should be overruled and public-sector “agency shop” arrangements (also known as “fair share” fees under Minnesota law) invalidated under the First Amendment; and (2) whether it violates the First Amendment to require that public employees affirmatively object to subsidizing nonchargeable speech by public-sector unions, rather than requiring that employees affirmatively consent to subsidizing such speech.

The City has been asked to sign on to an amicus brief with other municipalities in favor of upholding Abood. The proposed brief would assert that upholding Abood would maintain a stable labor-management system, prevent a destabilizing impact on current labor agreements, require all who benefit from labor negotiations to share the costs, and maintain a stable body of law on First Amendment rights of government employees

Financial Review:

No financial impact.