

ALAMEDA UNIFIED SCHOOL DISTRICT
Alameda, California
Resolution

November 10, 2015

Resolution No. 2015-16.33

**RESOLUTION AUTHORIZING DISTRICT TO JOIN IN
AMICUS CURIAE BRIEF TO BE FILED WITH THE
U.S. SUPREME COURT IN THE MATTER OF
FRIEDRICHS v. CALIFORNIA TEACHERS ASSOCIATION**

WHEREAS, since 1976 the California Educational Employment Rights Act (“EERA”) has granted most District employees the right to designate an exclusive representative (known as a “union”) to bargain with the District over the terms and conditions of employment with the District; and

WHEREAS, under EERA an exclusive bargaining representative must represent the interests of all employees within the bargaining unit; and

WHEREAS, EERA does not require all employees to join a union but does provide for such employees to pay a “fair share services fee” to cover the union’s direct costs of representing nonmember employees; and

WHEREAS, the District’s current collective bargaining agreement and labor-management relationship are based in EERA’s current requirements; and

WHEREAS, the United States Supreme Court has granted a writ of *certiorari* in the matter of Friedrichs et al. v. Cal. Teachers Ass’n et al., Docket No. 14-915 (OT 2015) from a decision of the United States Court of Appeals for the Ninth Circuit, Case No. 13-57095 (November 18, 2014) (the “Friedrichs case”); and

WHEREAS, the petitioners in the Friedrichs case seek to eliminate fair share service fees for all government employee unions nationwide, including those covered by EERA; and

WHEREAS, it is the Board’s belief that the elimination of fair share service fees could have a destabilizing effect on District labor-management relations; and

WHEREAS, given the public policy implications of the Friedrichs case, the parties have given leave to non-parties to file *amicus curiae* (“friend of the court”) briefs intended to bring relevant matters not addressed by the parties to the Court’s attention; and

WHEREAS, one such *amicus curiae* brief is being prepared *pro bono* on behalf of a group of school districts by former United States Solicitor General Seth Waxman and is intended to inform the Court, among other things, of the potential for destabilization in labor-management relations identified by the Board; and

WHEREAS, the District has been invited to join the *amicus curiae* brief; and

WHEREAS, Board Policy 1160 states that “[w]hen a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.”

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Friedrichs case is likely to set a state or national precedent.
2. The Board authorizes the District to join the *amicus curiae* brief described above.

3. The Board directs the District's General Counsel to take all actions required to join the District in the *amicus curiae* brief described above.

PASSED AND ADOPTED by the following vote this 10th day of November 2015:

AYES:_____MEMBERS: _____

NOES:_____MEMBERS: _____

ABSENT:_____MEMBERS: _____

Barbara Kahn, President
Board of Education
Alameda Unified School District

ATTEST:

By:_____
Sean McPhetridge, Secretary
Board of Education
Alameda Unified School District