



Rights That Protect Organizers and Member Organizing Activities

Is GAE a traditional union?

Although we can refer to our organization as a union (some may prefer that description) we are not a union in the traditional sense as having collective bargaining rights. As one federal court put it, GAE is a “union-like organization.”

Does GAE support collective bargaining rights for public school employees?

Yes! The Association believes in collective bargaining rights for education employees. Why? Because there is no equal bargaining power in public schools between administration and staff. Without rights and protections, public school employees are unable to build the foundations of civic engagement at work through unionization and free communication. As a result, unequal bargaining power takes away employee voices not only in workplace governance, but in democracy itself.

Is bargaining possible without a union?

Absolutely! If you have ever bought a car or a house, then you have bargained (negotiated) a contract! In the school context ask yourself: do you like not having duty free lunch? Do you like having a class of 30+ students? Do you like not having planning time? Do you like not having support for disruptive students on your bus or in your classroom? How can you keep the school clean without adequate cleaning supplies? GAE offers training on how locals can organize collectively for the power to control your working conditions.

Will GAE protect me?

We have your back! The same federal court that described GAE as “union-like” recognized that the First Amendment protects the right of local association members to associate, speak, and petition freely...and the school district may not retaliate against you when you express views it opposes.

Tell me more about First Amendment protections?

To have First Amendment protections, public employee speech must be about a matter of public (not private) concern, e.g., health and safety issues, wage/salary

issues, class size issues – topics that must affect all school district employees and have a public interest. The strongest free speech protections are exercised off-duty and through your local association. GAE provides more in-depth training about your First Amendments.

GAE FIRST AMENDMENT VICTORIES

Federal Appeals Court Protects GAE Members from Job Retaliation for Organizing Bus Drivers! As president of the local bus driver's association, Liz Cook recruited bus drivers to join "union-like" GAE and spoke out on bus safety and management issues. When she was demoted, GAE filed suit for violation of Ms. Smith's free speech and rights of association with GAE. The Court's decision makes it clear that employees who are GAE members will be protected against job retaliation. *Dora Elizabeth Cook v. Gwinnett County Schools*, 414 F.3d 1313 (11th Cir. 2005).

Good news for GAE members and free speech rights for teachers! Federal Court grants permanent injunction against Walker County School Board policy that limited freedom of speech. GAE member and local president Jim Barrett sued the Walker County Board of Education to assert his right to speak publicly in opposition to the grading policies in the district. The district's public participation policy placed substantial impediments on a teacher's right to speak at school board meetings. Judge Murphy ruled these were unconstitutional impediments that allowed the superintendent to silence speech he disagreed with and, therefore, he permanently enjoined the school board from enforcing its own policy. *Jim Barrett v. Walker County Schools*, 872 F.3d 1209 (11th Cir. 2017)

Federal District Court Protects Local President From Job Retaliation For Advocating On Behalf Of Members. As president of the Atlanta Association of Educators, Ms. Lynda Wolf Smith had appeared before the Atlanta Board of Education many times advocating about education issues of public concern, e.g., lack of textbooks. When she was denied the right to rescind her resignation for retirement when others had been granted that right, GAE filed suit. The Court's ruling says that Ms. Smith showed sufficient disputed facts of retaliation due to her advocacy. The Court's decision makes it clear that employees who are association officers and GAE members will be protected against job retaliation. *Linda Wolfe Smith v. The Atlanta Independent School District*, 633 F.Supp.2d 1364 (N.D. Ga. 2009).