

UNION FAQs

What is a union?

- ❖ A union is a group of workers who join together and use their collective strength to have a voice in the workplace. The union interacts with the employer from a position of collective strength. Broadly speaking, **unions fight for better pay, better benefits, better work conditions, and generally fight to ensure fairness and respect.**

What would the goals of a public defender union be?

- ❖ **The goals of the union are whatever the members want them to be.** Membership would identify the most important bargaining points for management attention. This could include pay, caseloads, training, working conditions, technology upgrades, office policies, transparency, diversity – quite literally anything that we identify as a priority, obviously with the exception of illegal subjects of bargaining (i.e. “closed shop”).

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Are there other public defender unions?

- ❖ Yes. There are many state and local public defender offices that have unionized. Prominent examples include Colorado, Minnesota, Maryland, the Bronx Defenders, Philadelphia, Indianapolis, and Los Angeles County.

How would forming a public defender union work?

- ❖ BIDS’ full- and part-time workers are joining together to form a union. Once the workforce has reached majority support, the employer can voluntarily recognize the union or have a secret ballot vote. After that, management must then recognize the union and participate in good faith collective bargaining.

How would a public defender union work once formed?

- ❖ The union membership would choose representatives to bargain with BIDS management. Contracts or MOUs would bind management to include agreed-upon items in its legislative budget requests. The union would also have a direct or indirect role in legislative budget advocacy. Union agreements with BIDS could also bind management to spend discretionary funds in a certain manner, or implement certain workplace policies.

Who could join the Kansas public defender union?

- ❖ Everyone who is not a “supervisory employee” or a “confidential employee.” Supervisory employees are those who have authority to hire, fire, discipline, or use their independent management judgment. **Chief Public Defenders and Administrative leadership could not join.** Confidential employees are those who can access personnel filings or have information about administrative operations. **Human Resource professionals also could not join.**

What organization would the public defender union be affiliated with?

- ❖ The public defender union would be organized as an affiliate of the **United Auto Workers (UAW)** union. The UAW was chosen because of its track record of success, and especially because of its enormous influence in the Kansas legislature. In addition to a wealth of additional resources, such as researchers, actuaries, legal staff – and most importantly – the willingness to stand up and fight for workplace justice!

What is collective bargaining (or “meet and confer” under Kansas law)?

- ❖ The union negotiates on behalf of all non-management workers in the bargaining unit. The union periodically reaches new contracts or memorandums of understanding (MOUs) with the employer, and those contracts are binding agreements on wages, benefits and working conditions.

Isn’t our leadership and management already fighting for us?

- ❖ Regardless of how you would answer that question, it’s important for BIDS workers to have a formal voice and seat at the table. Input through staff meetings or listening sessions isn’t enough to guarantee improvements. Also, leadership can change. A different Governor could make political appointments to the BIDS Board of

Directors, who could then in turn hire an Executive Director that does not have our best interests or our clients' best interests at heart. **We can't wait for something to completely break** before we put ourselves in a position to help fix things.

What are some other benefits of a union for our system?

- ❖ The UAW wields enormous influence in the Kansas legislature. Having an affiliated union means that our system will have powerful advocacy for **more overall funding**. Employees will also likely stay longer, which will help **stem the constant loss of experienced workers**. Also, better pay and work conditions means that BIDS can better **fill vacancies** with talented graduates and candidates from other states.

Can public defenders legally strike?

- ❖ No. Public employees are generally prohibited from striking, and attorneys themselves have ethical obligations to their clients.

If we can't strike, what negotiating leverage do we have?

- ❖ We're confident that current management will be supportive and that serious disagreements will be rare. In an extreme situation with a disagreement we can't resolve, we could use lesser forms of collective action, such as public relations pressure, overtime refusal, or work blockades (refusing to perform certain parts of the labor process, such as those not directly related to client representation).

Aren't there union dues?

- ❖ Yes. Members of the union would pay 1.095% (1.9 hours equivalent) of their gross pay every month in union dues. There would be no dues paid unless and until there is a ratified contract/MOU with management. **Nationwide, union workers typically make at least 10-20% more than non-union workers**, which more than offsets this cost. Ask yourself this – Would we vote in favor of a contract we didn't feel was worth the dues??

What would my dues pay for?

- ❖ Dues would primarily pay for contract negotiations, lobbying, legal representation, education of our members/leadership, amongst other administrative and contract enforcement purposes. They would not, and could not, be used for political campaigns.

What happens if I don't want to join or pay dues?

- ❖ Kansas is a "right to work" state, meaning you aren't required to join a union and no one would harass or discriminate against you because of that choice. If you didn't join, you would still get the benefits of union-bargained gains. However, **our collective power is reduced when people don't join**, because leadership would know that any work actions wouldn't be as effective.

Isn't there already a Kansas public employees union?

- ❖ Yes, many executive branch employees can join the Kansas Organization of State Employees (KOSE), an AFT and AFSCME affiliate. However, Kansas public defenders cannot currently join. Also, that union includes prison guards and police agencies, so its bargaining positions and values are incompatible with ours.



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