

For Immediate Release

Contact:

Teresa M. Hodge, UFF President, teresa.hodge@floridaea.org

Adela Z. Ghadimi, UFF Executive Director, adela.Ghadimi@floridaea.org

FAMU Faculty Union Sues State Over Union Busting Law

TALLAHASSEE, Fla. (Sept. 7, 2024) – The United Faculty of Florida (UFF), the union representing faculty and graduate assistants in Florida’s public colleges and universities, has joined with the UFF-FAMU chapter to [file a lawsuit](#) against the state of Florida for the union-busting efforts in 2023’s SB 256 and 2024’s SB 1746. The plaintiffs, UFF-FAMU, UFF, the Education Association of Saint Lucie, Saint Lucie teacher Eric Graff, and FAMU professor Dr. James Muchovej are pushing back against the arbitrary 60% threshold and the government mandated membership authorization form because they violate Florida workers’ constitutional right to collectively bargain, freely associate, and organize.

This complaint is an action for declaratory and injunctive relief against the Public Employees Relations Commission (PERC), the state agency charged with enforcing SB 256 and SB 1746. The lawsuit alleges that, under the Florida Constitution, PERC cannot require unions to demonstrate 60% membership to maintain their certifications and cannot compel individuals to sign PERC’s union membership form to be included in that membership count.

A breakdown of the issue:

In 2023, Governor Ron DeSantis and the Florida Legislature pushed through SB 256, which changed the way public employee unions gather dues and count their membership, with a specific exemption for police and firefighters’ unions. The bill made it so that members of public employees’ unions in Florida could no longer choose to have their union dues deducted from their paychecks directly – a decades long practice that continues in Florida for some unions the Governor supports. Further, that bill moved the membership threshold for a teachers’ union to maintain its certification from 50% to 60%.

In 2024, the Governor and Legislature once again restricted the rights of workers by signing into law SB 1746, which requires public-employee union members in Florida to fill out a government mandated authorization form from PERC to be counted as union members, even if they have already expressed interest in joining their union by signing up to pay voluntary dues and be active members.

At the center of this lawsuit is the arbitrary 60% membership threshold the laws require unions to demonstrate to maintain their certifications. FAMU's membership count was above 50% — a clear majority of the bargaining unit—but below the 60% threshold arbitrarily set by the statute. As a result, UFF-FAMU is now threatened with decertification, which would mean it would lose its legal authorization to be the bargaining unit for faculty at FAMU and that the FAMU faculty members would lose the protection of their collective bargaining agreement. UFF-FAMU faces this threat even though a clear majority of employees in that bargaining unit have paid dues.

What leaders are saying:

Dr. Samique March-Dallas, President, UFF-FAMU

"A majority of the UFF-FAMU faculty have chosen to support their union by joining UFF-FAMU and paying membership dues. It is appalling that they are being penalized by a legislature that is stuck in the mode of looking for solutions for non-existent problems. It is ridiculous that the legislature can arbitrarily decide on a density requirement in an effort to make it harder for employees to have a say in their working conditions. It is ridiculous that hard-working educators are being penalized for advocating for themselves and their students. It is ridiculous that the legislature unilaterally gets to decide that they know better than the majority of employees in the field every day. It is frustrating that the very employer that cannot adequately let us know the size of our bargaining unit holds the future of our union in their hands. We are determined to save our bargaining ability, our bargaining agreement and our rights to a say in workplace guidance. Our bargaining agreement puts in place guidance so that our educators can feel safe, valued, and rewarded. We do not want to imagine the atrocities possible without the guidelines from the CBA."

Teresa M. Hodge, President, United Faculty of Florida

"Workers in Florida have the constitutional right to join a union- something that politicians seem to forget when they are pushing a political agenda. Florida's colleges and universities have a long history of academic success, and it is in part because of the hardworking faculty and graduate assistants who work day in and day out to protect academic liberties. They have the right to fight for better lives, better working environments, and better pay – as enshrined in Florida's own constitution. Yet each day they show up for work, they are threatened with the loss of their Union, their CBA, and their rights. Incrementally, the Governor and State Board of Education are stripping away workers' rights, whether it's by not allowing them to be represented, by banning third-party arbitration, or by taking over schools and limiting tenure. All the while, the Governor's own appointees are running roughshod over our college and university systems - look no further than the books being thrown away at New College or the money being thrown away in the same fashion by the former head of UF. Faculty and graduate assistants in Florida are not political pawns to be used at the whim of an administration that only purports to care about them. Such words are meaningless given their targeted attacks against public education in this state."

Andrew Spar, President, Florida Education Association

“It’s not lost on us that Governor DeSantis loves to brag about how Florida’s higher education is making strides- how often has he touted rankings from U.S. News & World Report? But the Governor doesn’t like to put his money where his mouth is. Instead of supporting the rights of workers in our universities and colleges, he has made a spectacle of them— allowing books to be thrown away, allowing courses to be removed because he doesn’t agree with them, and allowing our faculty and graduate teaching assistants to suddenly lose their academic freedoms and credibility around the nation. Faculty and graduate teaching assistants in Florida deserve better.”

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The United Faculty of Florida represents over 25,000 faculty at all 12 public universities, 15 colleges and Saint Leo University, along with graduate assistants at four universities.