

# MSCF Minute



An electronic publication of the Minnesota State College Faculty

## Duty of Fair Representation

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Volume 5, Issue 4  
September 13, 2018

Despite the recent elimination of fair share fees, there's a ray of light in the form of Exclusive Representation. Exclusive Representation allows MSCF to be the sole negotiator for all its faculty across the state, member or not. The benefit of this is your collective voice, the fundamental base upon which your union is built. This collective voice, stronger now than ever, allows faculty to speak up for what they need, for themselves and for the students. It's no secret that there are groups, powerful, widespread, wealthy groups who want to change that. These groups seek to remove exclusive rep status in an effort to divide our faculty and bring inner turmoil which takes the focus away from those all too important issues. There was even an invitation to challenge exclusive rep status written into the Supreme Court decision on *Janus vs AFSCME*.

Exclusive rep status allows us the right to represent all of the members and non-members, the entire bargaining unit, on contractual issues. This is also referred to as the Duty of Fair Representation (DFR). There are two schools of thought surrounding DFR. There are those who believe non-members should be excluded, punished, or charged a fee for service. If they're not paying for something, why should they

get the same benefits? This doesn't seem to be how I understand the word fair. There are things that non-members don't have access to such as the right to vote, liability insurance, the attorney referral program, and representation on other non-contractual issues like some discrimination or harassment complaints. Despite those member-only benefits, this viewpoint is completely understandable. Faculty work hard for what you have, so why should some get it for free?

The flipside to this view is every opportunity is a chance to engage. This view allows the organization to grow. Engaging those who choose not to be members is an opportunity for them to see the power of the union and its ability to affect change. This second school of thought turns non-members into potential members. In terms of exclusive representation, every individual counts. Dividing or excluding individuals due to their membership status inevitably leads to a challenge to the exclusive rep status and the organization as a whole. This won't be easy to do. There will be those potential members who flat out refuse, there will be those potential members who refuse to have a civil conversation about membership, there will be those who make this view difficult to maintain. Collectively, it is

important to hold this optimism close. It is important in this new "lawsuit landscape" that we protect the exclusive rep status and answer the call to fairly represent all individuals in the bargaining unit, to engage current and potential members around issues that matter, and continue fighting the good fight.

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