

Professional Educators of Tennessee



Legal Questions: What can I do to make the Union Rep leave me alone?

It's a typical school day, and the usual pressures mount. Students are antsy, there are papers to grade, and the faculty meeting this afternoon is going to be a long one. You've got enough to do. And now there's a knock on the door. The school's association rep wants to talk to you for the hundredth time about joining the local association.

You may be asking, is enough enough? Don't you have the right be left alone?

Yes you do. Tennessee law provides protections to teachers who do not wish to join associations. In fact, it is your perfect right not to do so according to Tennessee Code Annotated 49-5-603:

Professional [education] employees have the right to self-organization, to form, join or be assisted by organizations, to negotiate through representatives of their own choosing, and to engage in other concerted activities for the purpose of professional negotiations or other mutual aid or protection; provided, that *professional employees also have the right to refrain from any or all such activities* (emphasis added).

In other words, just as you have the right to join associations, you also have the right not to. Once you clearly and emphatically say "no," you have the right to be left alone. In fact, it is against the law for representatives of local teacher's associations to "interfere with" teachers who choose to exercise their right to refrain from joining associations. (T.C.A. 49-5-609(b)(3)).

Once you have clearly stated your opposition to joining a local association, the school rep should refrain from harassing you any further. To continue doing so—especially during the school day—interferes with your duties as a teacher and may violate the law.

So what can you do? Here are some tips:

1. State clearly and politely that you are not interested in joining the organization and you do not want to be asked again.
2. Record the conversation in writing, including the date and time.
3. Keep a similar record of future attempts by the representative to get you to join the association and your continuing refusals. This will help to establish a pattern of harassment if it exists.
4. If the behavior persists (three times is probably enough to establish a pattern of harassment), call PET's Legal Department for help.

Remember, you are a professional educator. There is no requirement to join associations. It is your perfect right to be left alone. Exercise it.