**Fighting Back Against Membership Drop Campaigns**

As soon as *Janus* was issued, right wing organizations launched aggressive email campaigns targeted towards our members in an effort to get them to drop membership and become free riders (see for example, https://www.mypaymysay.com/). The questions and answers below relate to the steps you can take to protect your members from such email system communications.

Work with the employer to block outside organizations from using its email system.

Public employers have the right to properly restrict the use of their email systems by outside organizations. In order to do so, a public employer must adopt and consistently enforce a policy limiting the scope, access, and type of emails permitted by third parties. If a public employer does not adopt and consistently enforce such a policy, any outside organization could potentially use a public employer’s workplace email system for email communications***.***

One way spam is able to make it through spam filters is if it has a high “senderscore.” This is kind of like a credit score for email addresses, IP addresses and domains and it is based on the reputation of each. When emails are marked as spam, the email address, IP address and domain’s senderscore is reduced and it makes it much more difficult to pass through spam filters in the future. Thus, requesting that all members mark these emails as spam will help in hurting the reputation of the sender and reduce the chance of others receiving future emails.

Also, work with the district to set up rules for their spam filters. Request that:

1. Specific known domains from entities trying to use the district’s email platform as a way to get affect the labor management relationship are marked as spam by the filter.
2. Batch emails coming from domains with the same subject line are caught by the filter as spam or cap the number of emails before it triggers an email as being spam. Make sure that if you are able to email into the employer’s server, that you make an exception for your union’s email address.
3. When possible use reputable 3rd party spam filters.

Bargain language in a collective bargaining agreement that addresses outside organizations’ use of public employer e-mail systems.

It is worth considering whether the union wants to try to bargain language concerning access by third parties to the employer’s e-mail system who are interested in interfering with the bargaining relationship. Such a bargaining proposal would most likely be considered a permissive subject under most state collective bargaining laws, which limits certain options in negotiations. However, in circumstances in which a union has a good working relationship with an employer and the employer has indicated a willingness to bargain language that would address the *Janus* decision, such a proposal may be warranted.

Make sure these organizations are not breaking any laws by sending these communications.

There are a variety of laws that govern this kind of activity. For example, commercial emails are regulated by the CAN-SPAM Act. The CAN-SPAM Act is a federal statute that applies to any person or business entity that initiates or sends a commercial e-mail message to a business or individual consumer (regardless of whether the message is unsolicited). Commercial e-mail messages must generally comply with the following requirements:

1. No false or misleading header information
2. No deceptive subject lines
3. Inclusion of an opt-out mechanism
4. Inclusion of the sender’s valid physical postal address
5. Identification of the message as an advertisement or solicitation

A union that wishes to challenge a right-wing organization’s email on the basis of the CAN-SPAM Act should consult with counsel to determine whether the statute applies to their particular situation.

Please inform AFT immediately about any of these kinds of communications at [www.ReportAUnionBuster.com](http://click.actionnetwork.org/mpss/c/DwE/ni0YAA/t.2is/ldIYwqtRRhSsMdBaX_ni7A/h6/sOndIgP0A8GkxPwHHPc43ZCuTJmrwOTW-2FLJbZ6SJKwrFQn0Xn9bA-2BVQMru9bclerGBmaAzphTyzBq-2FfQW4g2KenA5hXKpSIqgtKx2JrTzMlWkYVcmD-2FS3Zaw7Gw-2Fn1OOyngt78KEexNtvrNf22WkdJaxlnzSkuoi-2Bbr0KKtswCTfU9pDga4s61Au0WZuSFnQhK2W2gRJ0yE354kaIrxKWAH2OMJ-2BsEbdYa-2BG5QYByAO-2FgZgYB8o50VAFgGMJ4e7M) and contact AFT Legal if you want more information on these laws or believe there may have been a violation.

8-10-18