JANUS/FAIR SHARE FEES AND UNREQUESTED LEAVES OF ABSENCE

AMSD Meeting – 11/2/2018
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1. The decision
2. Impact
3. Future Cases
JANUS

- Fair share fees are unconstitutional
- Cannot force a public employee to financially support someone else’s speech
JANUS

Immediate impact:

- PELRA’s fair share fee provision is unconstitutional
- Fair share fee provisions in CBAs are void – should be deleted
- Stop deducting fair share fees immediately
Does it impact employee pay/benefits?

Member of union vs. member of bargaining unit

What if more than 50% of bargaining unit is not paying fees?
Communications with employees:

PELRA: Employees have right to join and not join unions

Employer ULPs

Cannot interfere, restrain or coerce that decision

Cannot interfere with the formation, existence or administration of the union
Communications with employees:

- Union/employee ULPs:
  - Cannot restrain or coerce the decision to join or not join
  - “interference” is absent
Pending Minnesota cases:

1. SCSU professor
2. Current and retried teacher class action
UNREQUESTED LEAVE OF ABSENCE

Before change to the law:

1. Negotiate a ULA process
   or
2. Statutory ULA process applies
UNREQUESTED LEAVE OF ABSENCE

Change to the law:

- The statutory ULA process is repealed effective 7/1/2019
- The requirement to negotiate a ULA plan “is effective for [CBAs] effective July 1, 2019, and thereafter”
UNREQUESTED LEAVE OF ABSENCE

- Statute/historic determining factors for ULAs -
  1. License
  2. Seniority
UNREQUESTED LEAVE OF ABSENCE

- Do you already have a negotiated UCLA plan?
- Do you want to negotiate a new/revised plan?
UNREQUESTED LEAVE OF ABSENCE

- Ideal vs. practical

- “The School District may place staff on unrequested leave of absence as it deems appropriate.”
UNREQUESTED LEAVE OF ABSENCE

Other considerations –

- Teachers on performance improvement plans
- Seniority “trump cards”
- Prior experience requirements
- “Department” restrictions
- Low performing school restrictions
UNREQUESTED LEAVE OF ABSENCE

- MSBA model
- Strand realignment
- Appeal to Court of Appeals vs. grievance/arbitration
THANK YOU!