

JANUS/FAIR SHARE FEES AND UNREQUESTED LEAVES OF ABSENCE

AMSD Meeting – 11/2/2018

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JANUS

1. The decision
 2. Impact
 3. Future Cases
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JANUS

- ▶ Fair share fees are unconstitutional
 - ▶ Cannot force a public employee to financially support someone else's speech
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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**

JANUS

- ▶ 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?
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JANUS

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**

JANUS

Communications with employees:

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

JANUS

Pending Minnesota cases:

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

Before change to the law:

1. Negotiate a ULA process
or
 2. Statutory ULA process applies
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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- ▶ The statutory ULA process is repealed effective 7/1/2019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
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UNREQUESTED LEAVE OF ABSENCE


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

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

Other considerations –

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

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

