



1705 Murchison Drive, Burlingame, CA 94010
P.O. Box 921, Burlingame, CA 94011-0921
phone [REDACTED]

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JUL 03 2018

PAUSD HUMAN RESOURCES

June 27, 2018

TO: District and County Superintendents

FROM: Joe Nufez, CTA Executive Director

RE: U.S. Supreme Court Decision on Fair Share (Agency) Fees

This notice updates information provided in my letter to you dated April 13, 2018, regarding potential changes that might result from the *Janus v. AFSCME Council 31* lawsuit. That case challenged the constitutionality of "fair share" (or "agency") fees and has been pending before the Supreme Court of the United States (SCOTUS). Accordingly, this notice is intended for public school employers that have been previously notified by local chapters of the California Teachers Association (CTA) to implement fair share fees. If the CTA chapter in your district has not implemented fair share fees, then please disregard this letter.

Although SCOTUS had found fair share fees to be constitutional for the past 41 years, SCOTUS reversed itself today in *Janus* and concluded that it is now unconstitutional to charge fair share fees to bargaining unit members who do not want to be union members.

Therefore, CTA and its local chapter request that you immediately cease all payroll deductions of fair share fees, for all fee payers in our bargaining unit. Due to the change in the law, CTA will no longer collect fair share fees. Understanding that payroll deadlines are set ahead of established pay dates, CTA will segregate any fee payer payroll deductions received after today that cover periods after the *Janus* decision. Such fees will be escrowed and returned to fee payers by CTA as soon as reasonably possible. CTA is again requesting current address information for the attached fee payers to comply with the decision and to minimize any inconvenience on fee payers. Current addresses will expedite any fee payer refunds that might be owed. Updates may be mailed to CTA at: 1705 Murchison Drive, Burlingame, CA 94010, or faxed to [REDACTED]. They can also be emailed to [REDACTED]. Please direct questions to CTA Membership Accounting at [REDACTED] or [REDACTED].

A current list of fee payers of record is included with this letter. Please stop collection of prospective fees from fee payers included with this letter. If no attachment is included, then your CTA chapter either did not implement fair share fees or it has no fee payers.

Please note that any requests from your employees regarding their union membership must be directed to the union.



AFL-CIO

California
School
Employees
Association

3350 Scott Blvd.
Building 18
Santa Clara, CA 95054

FAX: [REDACTED]

www.csea.com

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June 27, 2018

VIA EMAIL SCAN & U.S. MAIL
khendricks@pausd.com

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PAUSD HUMAN RESOURCES

Karen Hendricks, Superintendent
Palo Alto Unified
25 Churchill Ave.
Palo Alto, CA 94306-1005

RE: *Janus* Decision and Your CSEA Bargaining Unit

Dear Superintendent Hendricks:

As you may know, the Supreme Court decided the *Janus* case today, holding that public-sector employers may not require employees to pay dues or agency fees as a condition of employment. This means the District should immediately cease deducting money from the wages of those workers who elected to be service fee payers instead of union members.

Attached, please find a list of the fee payers in your District.

The Court did not invalidate prior membership dues deduction authorizations. Under the collective bargaining agreement and state law, the District therefore must continue honoring those authorizations.

While we prefer the district pro-rate the service fees in the current pay period and to only send us those incurred prior to the date of the Court decision, we understand that the district may not be able to "turn off the spigot" of service fees in the middle of a pay period. This may result in CSEA receiving more fees than we are entitled to. If you need to send us fees for the entire pay period, please alert our Finance Department of this fact when you remit such fees to CSEA. CSEA will send those fee payers a notice of their right to a refund if they make a refund request to our Legal Department.

CSEA will still be required after this decision to represent workers on contractual matters, even if they do not pay dues. However, many disciplinary cases are subject to procedures outside the labor agreement. CSEA has no duty to represent non-members in those discipline cases and will not do so. If a nonmember elects to join CSEA on or about the time they are the subject of a disciplinary action, they will be required to pay back dues, and make a long-term dues commitment.

CSEA will continue to vigorously represent classified employees and maintain a professional relationship with the District.

Our mission: To improve the lives of our members, students and community.

Karen Hendricks, Superintendent
June 27, 2018
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CSEA considers reasonable notice of dropping membership to be at least five (5) days. This time period allows CSEA to communicate with the member who may want to drop their membership, and make sure they are not being inappropriately influenced and that they fully understand the consequences of dropping membership. CSEA wants to ensure workers do not erroneously believe that as non-members, they are entitled to all rights and benefits of a dues paying member, which as described above is not true.

CSEA appreciates the District not processing a request to revoke dues unless the District knows that the CSEA Field Office has received such request at least five (5) days' prior. If a member drops in the middle of a pay period, but the district keeps deducting dues past the five (5)-day period, CSEA will honor requests from such employees for refunds back to the end of the five (5)-day period. Further, CSEA will indemnify and defend all districts which cooperate with our request for such five (5) days' notice. If providing such notice to CSEA is problematic for the District, please notify the assigned Labor Relations Representative.

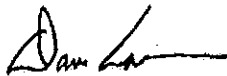
In its decision, the Supreme Court did not address the issue of refunds for service fees accrued for days worked prior to its decision, but we believe it very unlikely that unions or employers will be liable for such refunds. (Every prior lawsuit seeking such refunds for homecare workers after the Court invalidated their service fee requirements rejected refund claims as unfair because the unions reasonably relied on the prior caselaw. Districts in California enjoy immunity from First Amendment damages liability, so their defenses are even greater.)

Finally, please note that CSEA's application form has been changed in response to *Janus* to include a one-year dues commitment. Please make sure your District discards all previous application forms in your possession and starts using only the new ones (marked with a star in lower left corner).

If you have any questions, feel free to contact the Labor Relations Representative assigned to your District.

Sincerely,

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION



Dave Low
Executive Director

DL/ka

Enclosure: SFP List

- c: Mrigendra Steiner, Chapter President 301
- Patty Picard, Regional Representative 43
- Machelle Kessinger, Area Director C
- Janell Hampton, Labor Relations Representative
- Charles Goetchius, Field Director/ Chapter File # 301

PAEA	Employee Count	Total Collected	Agency Fees	
1/31/2018	887	\$ 93,065.15	unknown	- not separated
2/28/2018	884	\$ 92,290.85	unknown	- not separated
3/31/2018	883	\$ 92,655.20	unknown	- not separated
4/30/2018	884	\$ 92,648.15	unknown	- not separated
5/31/2018	885	\$ 92,756.75	unknown	- not separated
8/31/2018	845	\$ 90,618.45	\$ -	membership dues only; no agency fees collected
9/30/2018	856	\$ 91,702.55	\$ -	membership dues only; no agency fees collected
10/31/2018	855	\$ 91,551.65	\$ -	membership dues only; no agency fees collected
11/30/2018	859	\$ 91,781.55	\$ -	membership dues only; no agency fees collected
12/31/2018	857	\$ 91,559.15	\$ -	membership dues only; no agency fees collected
1/31/2019	859	\$ 91,034.95	\$ -	membership dues only; no agency fees collected
2/28/2019	865	\$ 91,330.90	\$ -	membership dues only; no agency fees collected
3/31/2019	868	\$ 92,332.28	\$ -	membership dues only; no agency fees collected
4/30/2019	876	\$ 92,621.72	\$ -	membership dues only; no agency fees collected

CSEA	Total CSEA Count	Fee Payer Count	Member Count	Total Fees	Agency Fees	Member Piece	
1/31/2018	760	208	552	32,415.79	6,600.32	25,815.47	
2/28/2018	757	202	555	32,325.86	6,329.96	25,995.90	
3/31/2018	765	202	563	32,668.42	6,377.65	26,290.77	
4/30/2018	759	198	561	32,439.67	6,175.96	26,263.71	
5/31/2018	755	192	563	32,312.96	5,965.59	26,347.37	
8/31/2018	498	0	498	24,477.12	\$ -	24,477.12	membership dues only; no agency fees collected
9/30/2018	556	0	556	26,047.55	\$ -	26,047.55	membership dues only; no agency fees collected
10/31/2018	552	0	552	26,202.63	\$ -	26,202.63	membership dues only; no agency fees collected
11/30/2018	547	0	547	25,995.82	\$ -	25,995.82	membership dues only; no agency fees collected
12/31/2018	545	0	545	25,799.24	\$ -	25,799.24	membership dues only; no agency fees collected
1/31/2019	545	0	545	25,885.52	\$ -	25,885.52	membership dues only; no agency fees collected
2/28/2019	553	0	553	26,317.09	\$ -	26,317.09	membership dues only; no agency fees collected
3/31/2019	560	0	560	26,555.11	\$ -	26,555.11	membership dues only; no agency fees collected
4/30/2019	564	0	564	26,389.94	\$ -	26,389.94	membership dues only; no agency fees collected