



California
School
Employees
Association

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Member of the AFL-CIO

The nation's largest
independent classified
employee association



June 27, 2018

Dr. Bill Scroggins, Superintendent
Mt. San Antonio Community College
1100 N. Grand Ave.
Walnut, CA 91789-1341

RE: *Janus* Decision and Your CSEA Bargaining Unit

Dear Superintendent Dr. Bill Scroggins:

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.

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.

Dr. Bill Scroggins, Superintendent
June 27, 2018
Page 2

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

Enclosure

Via electronic mail to bscroggins@mtsac.edu and U.S. regular mail

c: Sandra Bollier, Chapter President
Reginald Robertson, Regional Representative
Ivan Pastrano, Area G Director
Brittney Coleman, Labor Relations Representative
Shawana V. Grace, Field Director