

Teacher Union Collective Bargaining Agreements 4 Years Post-Janus

SUMMARY

On June 27, 2018, the United States Supreme Court issued a landmark ruling in *Janus v. AFSCME*. The court ruled that public-sector employees no longer had to financially support a union, if they did not want to. Previously, unions could legally force workers, who chose not to join, to pay fair share fees, and most did. Four years after *Janus*, litigation has trickled down to the state level. Recently, Jane Ladley, a retired public school teacher, won an eight-year battle with the state's largest teachers' union, the Pennsylvania State Education Association (PSEA).ⁱ This battle culminated in a judge ruling Pennsylvania's fair share fee statute unconstitutional under *Janus*.

With the unconstitutionality of fair share fees now well-established, it is important to see if teachers' unions respect the court rulings. Thanks to Americans for Fair Treatment's Collective Bargaining Agreement (CBA) Database, the general public can instantly access teacher union contracts and other CBAs without filing public records requests.ⁱⁱ Based on an analysis of 471 available, unexpired contracts, 149 teachers' union contracts still contain fair share fee language.

RESULTS

Of those 471 contracts, 63 were negotiated before the *Janus* decision. When excluding pre-*Janus* contracts, 96 contracts (23.5 percent) hold fair share fee language. An additional 76 contracts contain an automatic trigger provision that would re-institute fair share fee collection if the Supreme Court reverses the *Janus* ruling. Outside of litigation, not much can be done to remove fair share fees from contracts.

Thankfully, House Bill 2042 would require employers to notify public employees that they do not have to pay any funds to a labor union they do not support.ⁱⁱⁱ Passing HB 2042 would ensure that teachers in those 96 districts are aware of their *Janus* rights.

Linked is a searchable table that summarizes important provisions of all 471 available contracts.

ⁱ The Fairness Center, "Teachers Win Eight-Year Battle with PSEA: Judge Says Pa. 'Fair Share' Law Unconstitutional," (May 2022), <https://www.fairnesscenter.org/teachers-win-eight-year-battle-with-psea-judge-says-pa-fair-share-law-unconstitutional/>

ⁱⁱ Americans for Fair Treatment, "Collective Bargaining Agreements," <https://americansforfairtreatment.org/resources-and-data/collective-bargaining-agreements/>

ⁱⁱⁱ Pennsylvania General Assembly, "Regular Session 2021-2022 House Bill 2042," <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2021&sind=0&body=H&type=B&bn=2042>