



# Janus Decision June 2018

# ***Janus v. AFSCME***

**Decided June 27, 2018**

Alice O'Brien  
Legal Counsel

**Court struck down Illinois fair share  
fee law and overruled *Abood v.  
Detroit Bd. of Ed.*, 431 U.S. 209 (1977).**

# Janus Majority (Alito, J., writing)

- Feepayers Have Fundamental Free Speech Rights
- Fair Share Fee Requirements Infringe those Rights
- Serve No Compelling State Interest that Could Not Be Advanced through Less Restrictive Means
  - Not Necessary for Labor Peace
  - Free Riding Concerns Are Not Substantial and Can Be Addressed through Other Means
- Thus Illinois' Fair Share Fee Law Falls and *Abood* is Overruled

**REBECCA FRIEDRICHS, ET AL.,**  
Petitioners

v.

**CALIFORNIA TEACHERS ASSOCIATION, ET AL.**

**ON WRIT OF CERTIORARI** to the United States Court of Appeals  
for the  
Ninth Circuit.

**THIS CAUSE** came on to be heard on the transcript of the record  
from the  
above court and was argued by counsel.

**ON CONSIDERATION WHEREOF**, it is ordered and adjudged by  
this Court that the judgment of the above court is affirmed by an  
equally divided Court.

March 29, 2016



# Litigation and Drop Campaigns Already Have Begun

- Eight of NEA's Affiliates Are the Target of Class Action Lawsuits Seeking to Recover Back Fees
  - CTA, MSEA, NJEA, NYSUT, OEA, EDMN, PSEA, WEA
  - Other Unions Also Have Been Targeted
- Two More Related Challenges Already Pending against CTA and PSEA
- Extensive Drop Campaign Activity by Freedom Foundation in Southern CA and WA
- National Drop Campaign Effort by Mackinac, which is being pushed out in wake of *Janus* decision

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## Freedom Foundation sues WEA, WFSE to end forced unionization

On March 16, the Freedom Foundation filed a pair of separate class action lawsuits — one on behalf of public school teachers and the other on behalf of state employees — against two of the most powerful unions in Washington state: the Washington Education Association and the Washington Federation...





# Immediate Next Steps

- Immediately Take Steps to Comply with the Decision
- CBA's and State and Local Laws Must Yield to Court's Ruling
  - Fee Collection Must Stop in All 20 States in Which Affiliates Collected Fair Share Fees
- Organize and Engage Members

# QUESTIONS





# Janus and the 2018-2020 NEA Strategic Plan and Budget

Princess Moss, Secretary-Treasurer

# Potential Membership/Budget Loss FY2018-19

- Membership loss based upon feedback received from State Affiliates
- Lose Janus and membership losses are similar to 5-Year aggregate loss rates (weighted) by 6 states that lost Agency Fee, Collective Bargaining or P/R Deduction (AL, AZ, MI, NC, TN, WI)

Description	2018-19
Active FTE Loss (8.55%)	(185,000)
Feepayer FTE Loss	(31,000)
Potential Budget Loss	<b>\$28,000,000</b>

- \$50 Million over the next two years

# Context for this Budget

## Focus

- Assistance to Affiliates
- Leadership Development
- Programs that benefit our Members

## Strategies

- Early Career Educators
- Racial Justice in Education
- Capacity of our Affiliates

# Cost Savings: Doing Work Differently with Less

\$10.5m

- Staffing

\$11.6m

- Technology and Travel

\$750k

- Print Publications

\$656k

- Meeting Reductions/Savings

\$8.6m

- Grants (Including By-Law Driven)

\$1m

- Contingency Fund



# Investments in State and Local Affiliates

**\$2,031,000**

- Locals Building Worksite Leadership Training
- Rapid Response Anti-Drop Campaigns
- Technical Assistance to 3-5 state and local affiliates to identify and train leaders in the NEA Leadership Competency Framework to build the growth and strength of the union
- Organizing communications training for member organizing and recruitment
- Expansion of NewEd digital engagement to reach zero to 5.



# Investments in Growth and Strength of the Union

**\$3,075,000**

- Early Career Educators
- Advance Racial Justice
- Provide Professional Supports
- Increase Educator Voice

# QUESTIONS



**Thank  
You**