

**FEDERATION ISSUE #2—ARTICLE 11—DUES DEDUCTION: FAIR SHARE/AGENCY FEES**

The Federation has placed at issue Article 11 of the expired CBA and its provision regarding Fair Share/Agency Fees. At present, the Article 11 provision regarding Fair Share fees reads as follows:

- G. All employees covered by this Agreement who are not members of the Federation, commencing the first workday of the school year or thirty (30) days after their initial employment and continuing during the term of this agreement, and as long as they remain non-members of the Federation, shall pay to the Federation their fair share of the costs of the services rendered by the Federation that are chargeable to non-members under the Commonwealth status. The employer agrees to deduct a fair share fee monthly from such non-members. Authorization from non-members to deduct fair share fees shall not be required.

The District's proposal is that the above-referenced language be struck in total for the successor CBA, with the remaining paragraphs renumbered. Pursuant to the U.S. Supreme Court's decision in *Janus v. AFSCME*, 138 S.Ct. 2448 (U.S. 2018), fair share fees may no longer be compelled, and this language is legally unenforceable. In order to prevent confusion on the part of employees or other readers of the successor CBA as to whether the District is continuing to withhold fair share contributions from employees who elect not to join the Federation, the District would strike this paragraph in full.